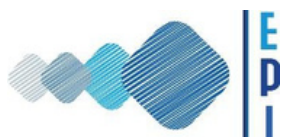
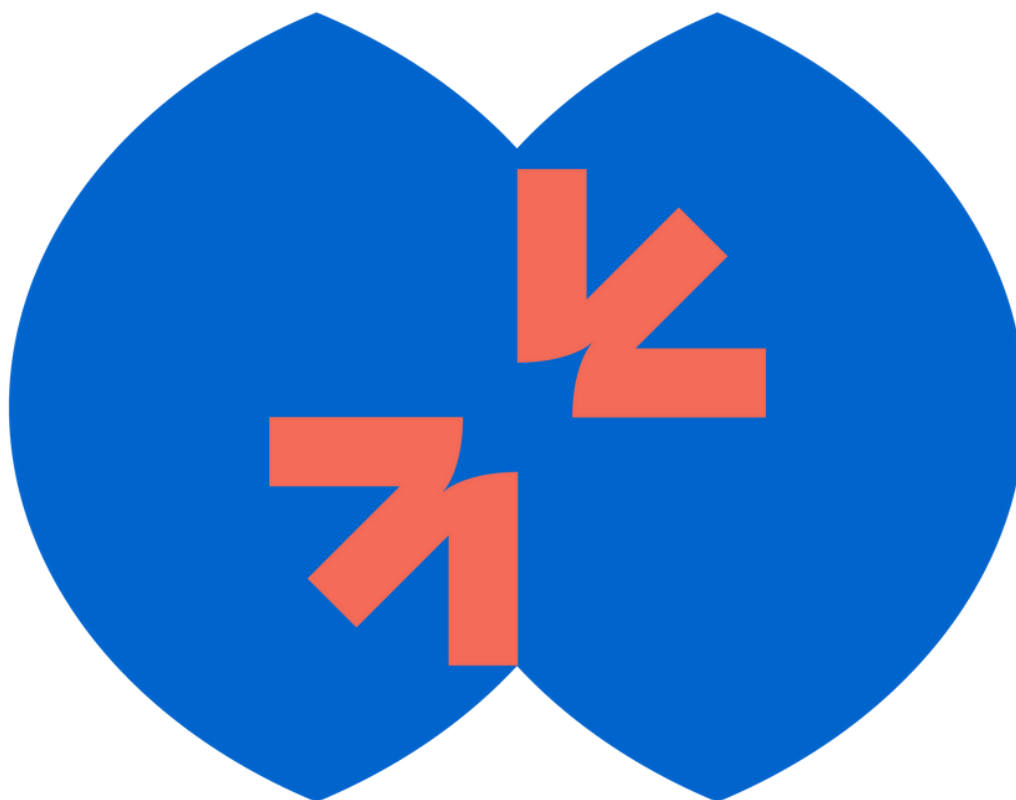


Behind the Curtain: Examining the Adoption and Content of Serbia's Reform Agenda

Policy Brief

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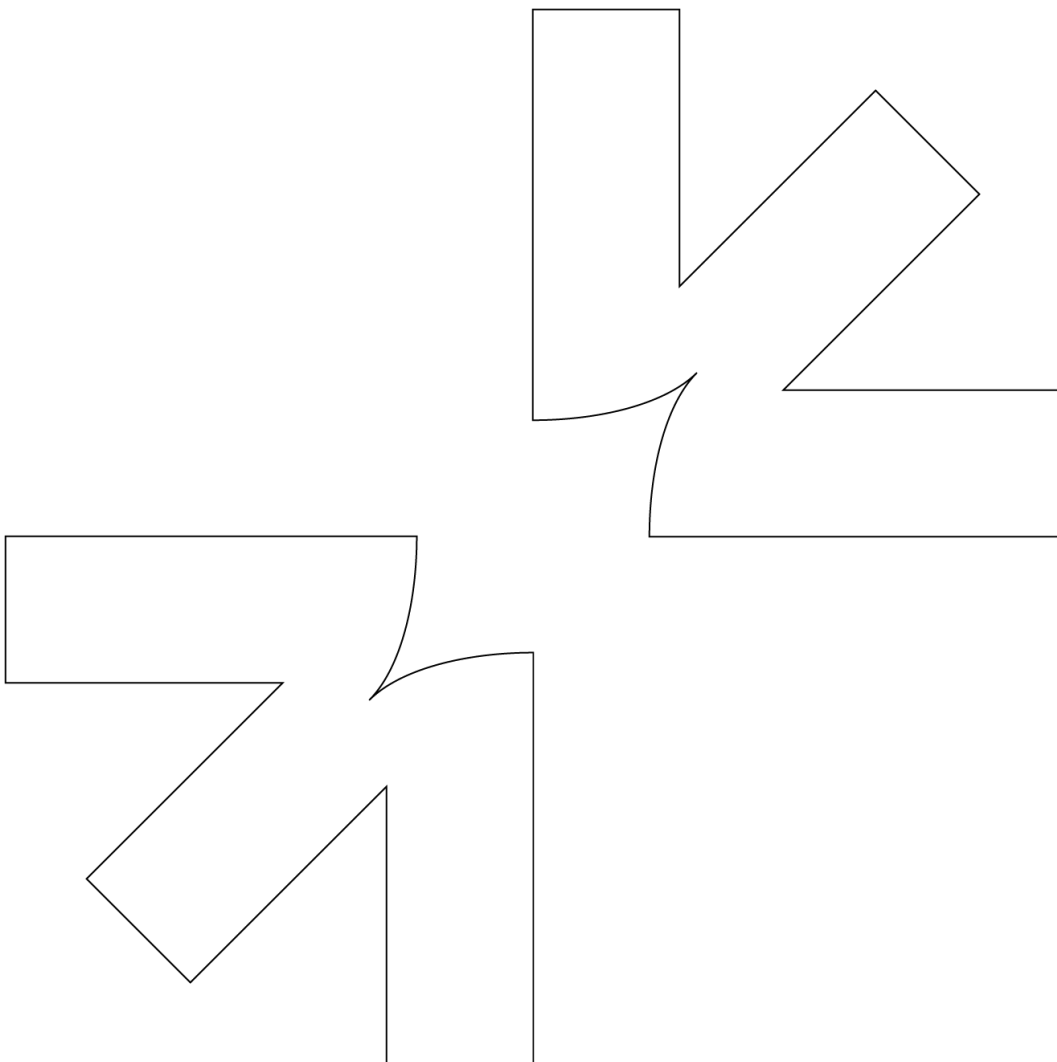




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Introduction

The Reform Agenda of the Republic of Serbia¹ is a strategic framework adopted on 3 October 2024, aiming to align Serbia's policies with European Union standards through targeted reforms. Developed in response to the European Commission's New Growth Plan (NGP) for the Western Balkans², the Agenda outlines a comprehensive approach to addressing key institutional, economic, and social challenges. This initiative provides Serbia with an opportunity to demonstrate the extent of its commitment and its capacity to undertake substantial reforms as part of a broader effort to align with EU requirements.

Adopted nearly a year after unveiling the New Growth Plan, the Agenda reflects a collaborative effort involving 37 Serbian institutions working with the European Commission. The process resulted in the identification of four key reform areas and 98 specific measures, aiming to address structural weaknesses and foster economic growth.³ While the number of institutions involved suggests significant coordination on the surface, it raises important questions not only about the depth of their engagement but also about the meaningful inclusion of diverse non-governmental stakeholders. Evaluating these dimensions is crucial for understanding the Agenda's ability to make a real impact and its potential for effective implementation.

The central pillar of the Reform Agenda is the rule of law, as it is for all countries in the Western Balkans seeking EU membership. Beyond being a core policy area in all national reform agendas, adherence to fundamental democratic principles and the rule of law is also defined as a prerequisite for accessing financial benefits, as stipulated in Article 5 of the Regulation on Establishing the Reform and Growth Facility for the Western Balkans (RGF).⁴ The same article further establishes an additional requirement for Belgrade and Pristina: constructive engagement in dialogue with the aim of normalising relations. For Serbia, this means navigating two key priorities—strengthening the rule of law domestically while also contributing to regional stability through dialogue with Pristina. The extent to

¹ Government of Serbia, “Reform Agenda of the Republic of Serbia”, 3 October 2024, Available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/adopted_reform_agenda_narrative_-_republic_of_serbia.pdf.

² European Commission, “Growth Plan for the Western Balkans”, Available at: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/growth-plan-western-balkans_en.

³ Ministarstvo za evropske integracije, „Usvojena reformska agenda Srbije”, 3 October 2024, Available at: <https://www.mei.gov.rs/srl/vesti/3115/detaljnije/w/0/usvojena-reformska-agenda-srbije/>.

⁴ Regulation (EU) 2024/1449 of the European Parliament and the Council on establishing the Reform and Growth Facility for the Western Balkans, OJ L, 2024/1449, 24.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1449/oj>



which Serbia successfully manages both will directly influence not only its ability to gain financial benefits from the RGF but also its broader EU accession trajectory.

This paper will critically examine the development and adoption process of the Reform Agenda, focusing on its inclusiveness, analysing its content, and assessing the mechanisms designed for its implementation and monitoring. Particular attention will be given to the role of civil society in ensuring accountability and transparency. By addressing these aspects, the paper comprehensively analyses the Reform Agenda's significance within Serbia's EU integration efforts. Ultimately, it concludes that while the Reform Agenda represents a notable milestone in Serbia's path to EU membership, its development and adoption were characterised by insufficient inclusiveness and transparency. The success of its implementation will depend on the government's capacity to address these shortcomings and foster meaningful engagement with all stakeholders.

The process of development and adoption of the Reform Agenda

The development of Serbia's Reform Agenda involved several key milestones reflecting the iterative and complex nature of the process. On 22 February 2024, the Government of Serbia adopted a Conclusion on accepting the Report on the progress of discussions with the European Commission regarding the Growth Plan.⁵ This decision marked the formal start of the Reform Agenda's preparation, designating the Ministry of European Integration (MEI) to coordinate activities related to the preparation of the Reform Agenda. This responsibility extended beyond drafting, as the Ministry was also designated to oversee implementation, monitor progress on reform measures, and report on the fulfilment of relevant indicators. A coordination structure was established to support this effort, consisting of policy area coordinators responsible for preparing sections of the agenda within their respective domains. This structure ensured a systematic approach to addressing reforms across diverse policy areas.

Despite these structured efforts, the preparation process was characterised by limited transparency. The number of draft versions exchanged between the Government and the European Commission remains undisclosed, and the process itself resembled a negotiation conducted behind closed doors with minimal public insight.⁶ Yet, the political weight of the Reform Agenda was evident in the level of government involvement. High-level government officials played prominent roles in the process. The Minister of Finance, who is also the Deputy Prime Minister and

⁵ Interview with an official of the Ministry of European Integration, 5 November 2024. The mentioned conclusion is not publicly available as such conclusions are not required to be published in the Official Gazette according to the Law on Government.

⁶ Interview with a representative of civil society, 28 November 2024.



the Minister of European Integration were appointed as the main coordinators for Serbia's engagement with the European Commission. While their leadership underscored the strategic importance of the process, the secretive nature of communication between the European Commission and the Government hindered transparency in practice.

Political Dynamics Surrounding the Preparation of the Reform Agenda

The preparation of Serbia's Reform Agenda unfolded in a politically charged context shaped by both domestic and EU dynamics. The urgency of the process was largely driven by the nature of the RGF, designed as a financial instrument spanning 2024 to 2027. To ensure that the first reforms could be implemented and funds disbursed within 2024, it was essential for the national Reform Agendas to be adopted as soon as possible. However, rather than facilitating a swift process, the nearing end of the European Commission's mandate introduced institutional slowdowns. Adding complexity to the process was the fact that the RGF was a new type of mechanism within EU enlargement policy. This meant that the limited experience and absence of established practices for drafting and adopting the Reform Agenda left Serbian institutions and the Commission navigating uncharted territory. This absence of procedural clarity effectively turned the process into a trial-and-error exercise, with limited institutional capacity to anticipate and address challenges. The tight timeframe for drafting the Reform Agenda further compounded these difficulties, making it even more critical for the consultation process to be carefully structured and efficiently designed to maximise input without unnecessary delays.

Domestically, the Reform Agenda and European integration occupied a peripheral place in Serbia's political discourse during this period. Instead, public and political attention was largely directed toward local elections, the escalating deterioration of human rights in northern Kosovo, and contentious debates over the development of the Rio Tinto lithium mine project. These issues sidelined the discussion on the Reform Agenda in public debate. However, this lack of public focus did not necessarily preclude a more inclusive consultation process. Even amid competing political priorities, a proactive approach by the MEI could have facilitated both wide and meaningful civil society participation.

Involvement of Key National Institutions in the Preparation and Adoption of the Reform Agenda

The preparation of Serbia's Reform Agenda involved various national institutions, yet their roles and contributions were obscured by the confidential nature of the process. Line ministries were integrated into the established coordination structures, with policy area coordinators tasked with drafting specific sections of



the agenda. However, due to the secrecy surrounding the process, limited information is available regarding the precise contributions of individual ministries. This lack of transparency limits the possibility of assessing the extent to which ministries could meaningfully influence the reform priorities instead of merely fulfilling administrative roles.

Parliamentary involvement in the process was minimal and largely symbolic. The European Integration Committee held a single meeting on 18 July 2024 to discuss the Reform Agenda.⁷ This session was closed to the public, citing confidentiality concerns. While civil society organisations (CSOs) were invited to participate via the National Convention on the European Union (NCEU), the broader public was excluded from the consultation process. As a result, individual citizens and non-invited civil society actors were effectively sidelined by Parliament, limiting the inclusiveness of the process.

Consultations with Non-State Actors and Their Input

The consultation process with non-state actors during the preparation of Serbia's Reform Agenda was nominally designed to incorporate external input but ultimately provided limited opportunities for meaningful engagement. The process formally began on 7 March 2024, when the MEI presented its plans for drafting the Reform Agenda.⁸ On 17 April, the meetings of NCEU working groups dedicated to Chapters 2 and 19 offered an opportunity for the MEI to share additional details about the reform areas under discussion.⁹ However, these meetings largely involved reiterating existing information rather than soliciting substantive feedback. Similarly, an event organised by the EU Delegation in Belgrade saw civil society organisations demanding a greater role in the process, though these calls were not meaningfully addressed.¹⁰ In addition to these national-level consultations, a regional event was held on 12 March in Tirana, bringing together government officials and CSOs from Serbia, North Macedonia, and Albania. However, the event remained primarily structured around government representatives, who limited the discussions to rudimentary overviews of their respective national reform agendas, leaving little room for broader engagement.¹¹ Ultimately, although the process involved several stakeholder events, none provided a broad or substantive consultation platform. Instead, they served a

⁷ National Convention on the European Union, “Comments of the Members of the National Convention on the European Union on the draft Reform Agenda of the Republic of Serbia”, Available at: <https://eukonvent.org/wp-content/uploads/2024/11/RA-WG-Comments-and-MEI-responses.pdf>.

⁸ Ibid., p. 5.

⁹ Ibid., p. 6.

¹⁰ Ibid., p. 6.

¹¹ Ibid., p. 5.



largely formalistic role, allowing the MEI to share pre-determined information with little scope to influence the Reform Agenda's content.

A key factor that further underscored the procedural nature of the consultations was the severely restricted access to information available to CSOs, reinforcing the one-way flow of communication from the MEI. For example, a summary of the measures included in the Reform Agenda was shared only seven days prior to the aforementioned closed-door consultation event in Parliament, leaving insufficient time for thorough reviews and feedback.¹² Moreover, invitations were extended exclusively to NCEU working group coordinators, and the MEI explicitly prohibited the document's dissemination beyond this select group. This restrictive approach drastically reduced the number of organisations that had access to the document, let alone the opportunity to provide meaningful input. Even among the few CSOs that managed to submit comments, many of their suggestions were rejected without sufficient explanations or justifications.¹³ This approach further eroded the perceived inclusiveness and transparency of the process.

Openness and Transparency of the Process

The preparation and adoption of Serbia's Reform Agenda were marked by significant shortcomings in openness and transparency, undermining the inclusiveness of the process. CSOs were restricted to commenting on a largely finalised document rather than being engaged in shaping the measures during earlier stages. At the time of consultation, it was unclear to what extent the proposed measures could be revised, significantly limiting the potential impact of stakeholder feedback. This constrained role rendered the consultations more procedural than substantive.

Despite the final Reform Agenda's claims that the process was participatory, the reality diverged sharply from these assertions. According to the principle of inclusive partnerships outlined in the Regulation on Establishing the RGF, relevant stakeholders should be "duly consulted and provided with timely access to information to play a meaningful role."¹⁴ However, limited access to documents and the absence of broader public consultations suggest that this principle was not fully upheld during the drafting of Serbia's Reform Agenda.

¹² Interview with a representative of civil society, 28 November 2024.

¹³ A complete list of comments and the Government's responses can be found in: National Convention on the European Union, "Comments of the Members of the National Convention on the European Union on the draft Reform Agenda of the Republic of Serbia", Available at: <https://eukonvent.org/wp-content/uploads/2024/11/RA-WG-Comments-and-MEI-responses.pdf>.

¹⁴ Regulation (EU) 2024/1449 of the European Parliament and the Council on establishing the Reform and Growth Facility for the Western Balkans, OJ L, 2024/1449, 24.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1449/oj>



Responsibility for the limited participatory nature of the process primarily lies with the Government of Serbia, which opted for a closed and centralised approach to drafting the Reform Agenda. However, the European Commission also bears some accountability for not insisting on greater inclusivity and transparency. The Commission endorsed the document, acknowledging that the “non-state actors have been informed about the main aspects of the Reform Agenda.”¹⁵ However, it is evident that mere “informing” falls short of the meaningful consultation process envisaged by the Regulation. By endorsing the final document despite its evident lack of adequate consultations, the Commission effectively validated a process that did not adhere to its own standards for stakeholder engagement. This reliance on minimal formal consultation steps underscores a missed opportunity to promote more robust and participatory reform efforts.

Perception of the Growth Plan and the Reform and Growth Facility

The Growth Plan and its associated Reform and Growth Facility (RGF) have elicited mixed reactions among key actors in Serbia, reflecting differing priorities and perspectives on the reform process. The government, opposition, and civil society each framed the initiative within their respective narratives, highlighting contrasting viewpoints on its significance and implementation.

The perception and narrative surrounding the Reform Agenda varied significantly between the government and the opposition, reflecting their broader political interests and priorities. The Government presented the Reform Agenda as a significant achievement, portraying it as a critical step toward accelerating the country’s EU integration process. Government officials emphasised the Agenda’s potential to unlock financial support and advance Serbia’s alignment with EU standards. In addition, the government highlighted parallel initiatives, such as Serbia’s efforts to join the Single Euro Payments Area (SEPA), a priority articulated by the Head of State.¹⁶ Although SEPA-related activities fall under the first pillar of the NGP rather than the Reform Agenda itself, they were frequently discussed in the same context, creating an impression of a cohesive strategy. In contrast, the opposition exhibited minimal engagement with the NGP and RGF, remaining largely passive observers throughout the process. Preoccupied with pressing domestic concerns, including local elections and protests surrounding the

¹⁵ European Commission, “Commission Implementing Decision approving the Reform Agendas and the multiannual work programme under the Reform and Growth Facility for the Western Balkans”, Serbia, SWD(2024) 241 final, 23 October 2024, Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/43922ef8-fb98-4d49-b757-2c579bb17d70_en?filename=SWD_2024_241_1_EN_autre_document_travail_service_part1_v3.pdf.

¹⁶ Predsednik Republike Srbije, „Predsednik Vučić prisustvovao susretu Zapadni Balkan i EU i sastanku o Planu rasta za Zapadni Balkan u Skoplju”, 22 January 2024, Available at: <https://www.predsednik.rs/lat/pres-centar/vesti/predsednik-vucic-prisustvovao-susretu-zapadni-balkan-i-eu-i-sastanku-o-planu-rasta-za-zapadni-balkan-u-skoplju>.



controversial Jadar lithium mining project, the opposition parties refrained from presenting a structured critique or alternative vision for the Reform Agenda. Their limited engagement underscored the marginal role that EU integration played in their immediate political agenda, further reinforcing the government's ability to control the narrative surrounding this process.

Civil society actors were more vocal in their critiques, focusing on the Reform Agenda's process and content. Many CSOs criticised the lack of inclusivity during the drafting process, noting that the Government failed to engage many stakeholders. They also argued that the Agenda was insufficiently ambitious, with several activities merely reflecting already assumed obligations rather than introducing genuinely transformative reforms. In particular, CSOs pointed out that some reform steps in the Fundamental Rights and Rule of Law domain addressed only a fraction of the much broader and more complex priorities required in this area. Specific critiques also included excessively long deadlines for certain measures and a minimalistic approach to defining reform activities. Additionally, CSOs emphasised missed opportunities to better link reforms with the financial support provided through the RGF, which further undermined the Agenda's potential impact. These issues might have weakened the trust of CSOs in the Government's genuine commitment to engage as a constructive partner in Serbia's EU integration process.

Analysis of Reform Agenda policy areas and reforms

Policy Area 1: Business Environment and Private Sector Development

The development of the business environment and private sector is placed as the first policy area in Serbia's Reform Agenda, consisting of 26 reform steps with significant cross-cutting effects. The business environment sub-area contains two groups of reforms, one focusing on public investment management and the other on state-owned enterprise governance. Considering the first group of reforms, activities are mainly limited to improving the policy and legal framework in order to optimise the management of public investment projects in the country. On the other hand, the second group of reforms includes more concrete measures aimed at improving the management of state-owned enterprises in terms of annual planning, internal audit, appointment of management bodies and directors, etc. In particular, considering the longstanding practice of appointing public enterprise



directors as acting managers, this commitment, albeit somewhat vaguely defined,¹⁷ is expected to contribute to eliminating such malpractices. Moreover, the Commission assessed that implementing these reforms would enhance transparency in public investment management and strengthen the governance of state-owned enterprises, thereby contributing to “a more transparent and cost-effective budgeting and reduce unnecessary fiscal risks.”¹⁸ Indeed, implementing these reform steps represents a move toward more responsible management of public resources, potentially yielding positive fiscal outcomes and acting as an anti-corruption measure.

Regarding private sector development, this sub-area encompasses four segments, including some of the most significant reforms outlined in the Reform Agenda. Namely, within the section on state aid, Serbia has committed to align all remaining state aid schemes under the Stabilisation and Association Agreement with the EU acquis by December 2027. While a more ambitious deadline would be preferable, prioritising state aid rules harmonisation—an essential component of one of the most challenging negotiation chapters (Chapter 8: Competition Policy)—sends a positive signal of Serbia’s determination to speed up reforms. In this context, particular attention should also be drawn to the reform steps aimed at increasing the transparency of public procurements contracted under intergovernmental agreements and the complete elimination of special legislation used to bypass the Public Procurement Law. However, with June 2027 established as the deadline for implementing the second measure, this implies that all current projects operating under special laws, such as the EXPO 2027 international exhibition or Belgrade Waterfront, will remain governed by these provisions for another two and a half years, thus opening space for the continuation of corruptive practices. While these represent ambitious reform steps, their full positive impact may only become evident after 2027.

The third sub-area dedicated to business sector competitiveness focuses exclusively on the agricultural sector with eight reform steps. These steps are expected to bring Serbia closer to EU standards in agriculture, food safety, veterinary, and phytosanitary policy, thus leading to the opening of remaining chapters within Cluster 5—Resources, Agriculture, and Cohesion. Beyond full legislative alignment with the EU acquis, planned investments in rural

¹⁷ One of the six steps through which implementation of reforms within the business environment development sub-area will be measured: “100% of SOE’s, applying the Law on SOE Governance, management bodies and directors meet the same requirements in the procedure of appointment.”

¹⁸ European Commission, “Commission Implementing Decision approving the Reform Agendas and the multiannual work programme under the Reform and Growth Facility for the Western Balkans”, Serbia, SWD(2024) 241 final, 23 October 2024, Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/43922ef8-fb98-4d49-b757-2c579bb17d70_en?filename=SWD_2024_241_1_EN_autre_document_travail_service_part1_v3.pdf.



infrastructure through 10 individual projects focused on water supply and road infrastructure have the potential to enhance the competitiveness of Serbia's farming sector and consequently increase exports of its agricultural products. In that regard, the Commission evaluated that the envisaged steps promise to boost the efficiency of Serbia's agricultural sector and prepare it for participation in the EU's Common Agricultural Policy.¹⁹ However, national experts have argued that the proposed amounts per project (up to EUR 300,000) are insufficient. At the same time, the focus needs to be expanded to other forms of infrastructure development that would ensure the environmental sustainability of agricultural production and improve the social aspects of life in rural areas.²⁰ That said, while the implementation of the proposed reform steps will undoubtedly have a positive impact both on the competitiveness of Serbia's agricultural sector and its EU accession process, there remains a sense that the measures could have been formulated with greater ambition and comprehensiveness.

Policy Area 2: Digital and Green Transformation

The Green and Digital Transition is a critical component of Serbia's Reform Agenda, encompassing 12 targeted reforms—seven dedicated to the green transition and five to digitalisation. The Green Transition area primarily focuses on transforming the energy sector, a critical step toward sustainability and reducing Serbia's dependency on Russian gas supplies, which is of significant geopolitical importance. However, this concentration on energy undermines the Agenda's comprehensiveness vis-à-vis the Green Agenda requirements. In contrast, the digitalisation efforts are notably diverse, addressing various sectors, from public administration digitalisation to enhancing digital infrastructure. This broad approach not only aligns with the needs of a modern society but also highlights the interconnection between digitalisation and the green transition, as advancements in digital infrastructure can enhance energy efficiency and support the transition to renewable energy sources.

The Energy Sector Transformation sub-area carries both geopolitical and economic significance. Enabling energy diversification and reducing dependency on Russian gas diminishes Russia's leverage over Serbia while strengthening its energy security. Furthermore, this sub-area addresses key obligations under Chapter 15 of the EU accession process, recognised as one of the most challenging and resource-intensive chapters. For instance, plans to install 1.5 GW of renewable energy capacity, including solar and wind, represent a commendable step toward a

¹⁹ Ibid., p. 13.

²⁰ National Convention on the European Union, "Comments of the Members of the National Convention on the European Union on the draft Reform Agenda of the Republic of Serbia", p. 124, Available at: <https://eukonvent.org/wp-content/uploads/2024/11/RA-WG-Comments-and-MEI-responses.pdf>.



diversified energy mix. However, the emphasis on decarbonisation largely overlooks other pillars of the Green Agenda, such as the circular economy and biodiversity. One proposed reform, “Gradual tariff adjustments to cost recovery levels accompanied with measures to address energy poverty if and when needed,” aims to align energy tariffs with cost recovery. However, measures to combat energy poverty should be a mandatory component of the reform framework, not conditional or discretionary, addressed with a coherent public policy document with clearly defined measures and activities to reduce energy poverty. Leaving their implementation open to interpretation risks enabling non-transparent and potentially corrupt practices. Overall, it seems that by equalising ‘green transition’ with ‘energy sector transformation,’ the Reform Agenda appears to have missed the opportunity to establish stronger links between the energy sector, environmental protection, and social policies, particularly those addressing energy poverty.

The second sub-area of focus, Digitalisation, aims to prepare Serbia for integration into the European Digital Single Market (DSM). This requires establishing regulatory and institutional conditions for accelerated development, ensuring equal opportunities for all participants. Reforms in this sub-area address digital connectivity, skills improvement, wider availability of digital public services, enhanced cyber resilience, and the development of artificial intelligence and transport services digitalisation. However, some timelines for reforms are not optimally set. For example, while the Information Security Law was prepared in 2023, its adoption has been postponed until the end of 2025. Accelerating this to the end of 2024 would align better with Serbia’s digital resilience goals. Similarly, establishing ‘digital corners’ for adult education, currently planned for 2026, should be brought forward to 2025 to address the urgent need for digital literacy. In conclusion, while the Digitalisation sub-area introduces comprehensive and promising reforms, accelerating progress in areas like cyber resilience and digital literacy could not only enhance compliance with EU standards but also position Serbia as a more competitive and inclusive digital economy in the region.

Policy Area 3: Human Capital

The Human Capital sub-area comprises two interconnected components: the Labour Market and Education and Skills. It encompasses four reforms—two in each domain. These reforms are tied together and designed to address structural challenges in employment while simultaneously aligning Serbia’s educational and training systems with the demands of a modern economy.

The Labour Market sub-area focuses on two key reforms: improving labour market conditions and implementing training and skill development programmes. The reform to improve labour market conditions prioritises the adoption of the Law on



Traineeship, aiming to facilitate the transition of young people from education to employment by providing a clear framework for gaining practical experience. Additionally, the Youth Guarantee Programme seeks to engage NEETs (young people not in employment, education, or training), ensuring subsidised offers and tailored outreach measures to promote equitable access and outcomes in employment. However, limited funding and reliance on public procurement processes constrain the effectiveness and reach of these initiatives. Only 12.8% of registered unemployed individuals access active labour market policies, highlighting the need for increased budget allocation and streamlined procedures.²¹ Another challenge is addressing gender, ethnic, and regional disparities in Serbia's youth population. While female and Roma participation targets are commendable, success depends on robust mechanisms to monitor and adjust outreach efforts to marginalised groups. Furthermore, the timeline for adopting the Law on Traineeship, set for December 2027, appears overly prolonged, given the urgency of aligning Serbia's labour market with EU standards and modern workforce demands. Accelerating this timeline could enhance the reform's impact.

The Education and Skills sub-area addresses key challenges through reforms to improve teaching quality and align education outcomes with labour market demands. While some critical elements have been implemented, significant gaps remain. Addressing infrastructure shortages in preschool education is essential, but regional disparities and limited local governance capacity require more targeted support. The reform to reduce the skills mismatch and improve school-to-work transitions rightly prioritises dual vocational education and training (VET). However, the lack of mechanisms to ensure consistent quality and meaningful on-the-job learning experiences limits its potential. Coordination with the private sector, a crucial component of these reforms, requires a more structured and proactive approach to ensure standards are met and sustained across industries. While the ambitious targets for enrolment and transition rates demonstrate a strong commitment to improving outcomes, the absence of robust support systems for at-risk students perpetuates inequalities. More inclusive strategies and better resources for teacher training, infrastructure, and student retention are needed to meet these goals.

²¹ Government of Serbia, "Reform Agenda of the Republic of Serbia", 3 October 2024, p. 85, Available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/adopted_reform_agenda_narrative_-_republic_of_serbia.pdf.



Policy Area 4: Fundamentals

The Fundamentals area consists of six sub-areas covering the most critical topics related to democracy, the rule of law, and fundamental rights in Serbia. The eroded trust in the integrity of the electoral process, characterised by opposition parties' boycotts and the European Parliament's calls for an international investigation into electoral irregularities,²² represents one of the primary democratic flaws in Serbia. In that regard, both composite reform steps in the sub-area of democracy are designed to improve electoral conditions by implementing recommendations from the OSCE/ODIHR and Council of Europe bodies. In practice, this will mainly be realised through a meaningful audit of the voter register, improvement of the Electoral Commission's capacities, as well as legislative changes. In addition, although placed within the fundamental rights sub-area, reform steps dedicated to enhancing freedom of expression could also contribute to a more equitable electoral environment. However, although a step in the right direction, free and fair elections require a fully balanced media representation of all political actors and the prevention of any form of voter intimidation and pressure, which will primarily depend on the ruling party's determination to ensure its realisation.

In addition to improving the electoral framework as a necessary precondition for democracy, Serbia's Reform Agenda envisages steps to improve performance in Chapter 23, which will determine the dynamics of its overall accession process. In that regard, Serbia committed to increasing the number of elected judges and public prosecutors, as well as filling all vacant positions within the judiciary designated for combating organised crime and corruption. In practical terms, resolving corruption cases, including those involving high-level corruption, must be made more efficient and effective by June 2026. However, CSOs warn that this reform step, formulated without qualitative or quantitative evaluation criteria, might be formally considered completed despite a lack of substantive progress.²³ Furthermore, leading Serbian CSOs in the rule of law domain have accurately pointed out that investigating all cases of suspected high-level corruption is far more important than focusing solely on increasing the number of detected cases or convictions.²⁴ On the other hand, reducing the duration of first-instance proceedings before the Administrative Court by 55% by June 2027 is a concrete and measurable reform step. Its traditionally high inefficiency has burdened citizens' access to administrative justice for decades. At the same time, recent negative

²² European Parliament, "European Parliament resolution of 8 February 2024 on the situation in Serbia following the elections", 2024/2521 (RSP), Available at:

https://www.europarl.europa.eu/doceo/document/TA-9-2024-0075_EN.pdf.

²³ PrEUgovor, "PrEUgovor Commentary on the Reform Agenda of Serbia in the 'Fundamentals' Area: Insufficient Measures and Postponed Deadlines for Selected Burning Issues", 18 October 2024, Available at: <https://www.preugovor.org/Articles/1884/Insufficient-Measures-and-Postponed-Deadlines-for.shtml>.

²⁴ Ibid.



trends have further worsened the situation;²⁵ measures aimed at faster case processing represent a reform of utmost importance for Serbian citizens. Still, Serbia's progress in the accession process will largely be shaped by the implementation of the anti-corruption and interrelated judiciary reforms, which seem less comprehensive and ambitious than they could have been. Regardless, the true evaluation of judicial independence will hinge on the judges' and prosecutors' readiness to confront high-level corruption cases and ensure that the public is not deprived of answers whenever there are grounds for suspicion.

Regarding the second most important negotiation chapter dealing with justice, freedom, and security (Chapter 24), the Reform Agenda envisages a notable number of reform steps which, to a large extent, aim to address the Commission's recommendations in this field. First and foremost, these are legal guarantees of the police's autonomy from the Ministry of the Interior during pre-investigation and investigation phases—a recommendation that has appeared repeatedly in the Commission's reports over the years.²⁶ While it is commendable that such a step is included in the Reform Agenda, ensuring the active involvement of CSOs in the legislative process is essential to establish all legal safeguards for the operational independence of the police, thus eliminating any space for misuse. Secondly, after adopting the Programme for Combating Human Trafficking for the period 2024–2029,²⁷ Serbia is now committed to enacting the Law on Suppression and Prevention of Human Trafficking in order to “systemically and uniformly regulate this area (...) and ensure timely and effective identification, support, and protection of victims of trafficking.”²⁸ In light of this, another reform step foresees an increase in the number of human trafficking victims granted especially vulnerable witness status while also increasing the overall number of investigations, indictments, and final convictions in organised crime cases. However, this commitment is formulated in such a way that it remains unclear to what extent it applies to human trafficking cases and how much to other organised crime offences. Altogether, while these reform steps may be subject to criticism in terms of their formulation, they do

²⁵ European Commission, “2024 Rule of Law Report Country Chapter on the rule of law situation in Serbia”, 24 July 2024, p. 6–7, Available at: https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e_en?filename=62_1_58091_coun_chap_serbia_sb.pdf.

²⁶ European Commission, “Serbia 2024 Report”, 30 October 2024, p. 7, Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf.

²⁷ The previous one expired in 2022. Adoption of the new one recommended by the European Commission in Serbia 2023 Report, p. 53. Available at: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_695_Serbia.pdf.

²⁸ Government of Serbia, “Reform Agenda of the Republic of Serbia”, 3 October 2024, p. 101, Available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/adopted_reform_agenda_narrative_-_republic_of_serbia.pdf.



indeed reflect some of the Commission's key recommendations and thus guide Serbia towards meeting the interim benchmarks for Chapter 24.

Equally important for Chapter 24, Serbia also committed to further aligning with the EU visa policy, thereby tackling the long-standing issue of visa-free arrivals for nationals, which presents a high risk of irregular migration to the EU. Accordingly, Serbia's Government has already fulfilled its obligations under the Reform Agenda by abolishing the visa-free regime for four countries.²⁹ Still, although this obligation was fulfilled within the set timeframe and to the extent that even exceeds the initial commitment, it remains unclear why the Reform Agenda did not explicitly include a roadmap for full, progressive alignment with the EU visa regime by the end of 2027. In practice, this would ultimately entail imposing visas on citizens of the remaining 12 countries that are on the EU list of visa-required countries, including Turkey, Russia, and China. While reaching full harmonisation with the EU's visa policy could be politically delicate, it would, in fact, serve as a clear indication of Serbia's commitment to abandon its strategic partnerships with non-EU powers, thereby placing EU membership as its ultimate foreign policy priority.

Reform Agenda's implementation structures

The implementation of Serbia's Reform Agenda will predominately rely on existing structures. Accordingly, the Government has decided to re-establish the coordination body for the EU accession process, assigning its council the responsibility of monitoring the implementation of the Reform Agenda.³⁰ The Council is headed by the Minister for European Integration, who, alongside her existing role as Chief Negotiator, will also act as the National Coordinator for the Reform Agenda. As stipulated in Article 5 of the Serbia–EU Facility Agreement, the National Coordinator acts as the country's interlocutor with the Commission for the overall implementation of the Reform and Growth Facility.³¹ Among other things, the National Coordinator ensures the overall coordination, timely implementation, reporting, and monitoring of the assistance, coordinates a regular high-level policy dialogue with the Commission, etc.³²

²⁹ Stated by Mr Miroslav Gačević, Acting Assistant Minister at Serbia's Minister of European Integration, at the panel discussion "From Hungary to Poland: New Institutional Cycle, Renewed Ambitions", jointly organised by the European Policy Centre (CEP) and the Delegation of the European Union in Serbia on 13th of December 2024. Available at: <https://www.youtube.com/watch?v=3f29J23NOFg>, 54:29.

³⁰ *Одлука о оснивању Координационог тела за процес приступања Републике Србије Европској унији*, „Службени гласник РС“, број 92 од 22. новембра 2024, Available at: https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/odluka_-_koordinaciono_telo.pdf.

³¹ "Facility Agreement between the European Union and the Republic of Serbia on Specific Arrangements for the Implementation of Union Support to the Republic of Serbia under the Reform and Growth Facility", "Official Gazette of the Republic of Serbia – International Treaties", no. 9/2024, Available at: http://demo.paragraf.rs/demo/combined/Old/t/t2024_12/MU_009_2024_011.htm.

³² Ibid.



Alongside the National Coordinator, each reform area will have designated coordinators, typically the current heads of the respective negotiating groups. In that regard, the Serbian Government has pledged to maintain personnel continuity, though a Decree and respective Decision formally nominating the National Coordinator and the coordinators for the policy areas have yet to be adopted. Additionally, each public authority responsible for implementing reform steps will designate an appropriate unit led by a designated leader who will manage the implementation of specific steps. Every quarter, responsible authorities will report to the relevant coordinator on their activities and potential challenges encountered in implementing reform steps, based on which coordinators will prepare separate semi-annual reports for each policy area. These semi-annual reports will serve as the basis for compiling the comprehensive report on the Reform Agenda's implementation, which will be submitted to the Commission twice a year, along with payment requests based on them.³³

Delivering on the Reform Agenda: The road ahead

Despite several meetings that Government officials held with representatives of CSOs gathered within the National Convention on the EU, the general impression is that the drafting process of Serbia's Reform Agenda was neither as inclusive nor as transparent as it could have been. The MEI provided limited access to the document only in July 2024 to a narrow group of NCEU working group coordinators. As a result, the broader civil society and the public first saw the Reform Agenda only after the Government adopted it in October. While NCEU members were given the opportunity to provide additional written feedback on the draft Reform Agenda, their inputs were not reflected in the final document, indicating that the consultation process was largely symbolic. This led to a document where many reform measures lack sufficient clarity, specificity, and, in some cases, greater ambition, which appears more critical in the present geopolitical moment than at any time in the last ten years. Although Serbia's political leadership presented themselves to both the domestic and international public as determined to finally move the EU accession process forward and fulfil all membership criteria by the end of 2026,³⁴ the Reform Agenda itself falls short of reflecting these political ambitions. In any case, the currently set deadlines do not preclude the competent institutions from implementing certain reform steps ahead of schedule, with a

³³ In addition to comprehensive semi-annual reports, Serbia is obliged to submit the annual report no later than 1 March of each year, as well as the final report covering the entire implementation period of the Reform Agenda. (Facility Agreement, article 25, paragraph 7).

³⁴ Newsmax Balkans, "Vucic: Serbia's Goal is to Meet All EU Membership Criteria by the End of 2026", 19 November 2024, Available at: <https://newsmaxbalkans.com/english/vesti/4107/vucic-serbias-goal-is-to-meet-all-eu-membership-criteria-by-the-end-of-2026/vest>.



source from the MEI highlighting that this would be formalised in the Government's own Action Plan for the Reform Agenda's implementation to reflect the stated political ambition. However, due to the Prime Minister's resignation on 28 January,³⁵ which could potentially result in another snap election, Serbia's Government will likely operate under a technical mandate for a few months. This will preclude it from proposing laws or enacting bylaws, many of which are necessary for the Reform Agenda's implementation.

Despite the entirely valid criticisms regarding the formulation of certain reforms and their implementation deadlines, the Reform Agenda nevertheless commits the Serbian Government to carry out some very important steps, the fulfilment of which should now be carefully monitored. Even if the lack of substantial inclusivity in the Reform Agenda's adoption process might be justified by objective constraints such as short deadlines and the complexity of coordination with the Commission, the implementation phase should not display the same shortcomings. This means that the Government must take a proactive approach and provide timely updates to the public on the progress of the Reform Agenda's implementation while also ensuring maximum transparency and accountability regarding the implementation of commitments, as well as the use of funds received from the Reform and Growth Facility. Even with the Government in a technical mandate, public administration can continue its work on fulfilling reform steps and drafting required legislation, with final approval to follow under the new Government and possibly the newly constituted Parliament. Furthermore, the role of the NCEU as a consultative mechanism in the process remains crucial. It should not only conduct independent monitoring of the Reform Agenda's implementation but also provide analytical and expert support to the responsible institutions.

³⁵ BBC, "Serbian PM quits after months of mass protests", 28 January 2025, Available at: <https://www.bbc.com/news/articles/c1m5x1j3p2yo>.

