

THE PROCESS OF ACCESSION NEGOTIATIONS BETWEEN SERBIA AND THE EUROPEAN UNION

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Abstract: This paper considers the relations between the Republic of Serbia and the European Union through the process of admission to membership through several different prisms. The author especially deals with the chronology of negotiations, legal aspects of negotiations, as well as the analysis of this process from the point of view of a member of the negotiating team of the Republic of Serbia. The negotiation process is presented as highly dependent on complex relations in the European Union, as well as conditioned by numerous procedures that complicate the accession process. Special attention is drawn to the events that shook the European Union itself, such as Brexit, the migrant crisis, COVID, the energy crisis, and so on. The conclusion of the paper is that the process of EU enlargement has fallen into crisis and that the European Union itself lacks a clear enlargement strategy as well as a European Union reform plan. The Republic of Serbia, with its internal problems, is trying to satisfy the new way of joining the European Union, accompanied by clusters. The paper forecasts the future course of accession negotiations and analyzes various relations between the Republic of Serbia and the European Union. It indicates the high level of economic cooperation with the European Union, which is often not accompanied by good and sincere political cooperation. The author concludes that the process of the Republic of Serbia's accession to the European Union is still at the top of Serbia's foreign policy priorities, but that it is necessary to eliminate political problems as soon as possible, and that the European Union needs to find strength for a new reform course that will improve this international integration at a high level.

Keywords: Republic of Serbia and European Union relations, negotiation process, political relations, economic relations.

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INTRODUCTION

The relations between the Republic of Serbia and the European Union have been quite difficult and oscillating over time. Even while the SFRY existed, formal relations with the then European Communities were present. It can be said that it was a rarity for countries that had a socialist system and a mostly planned economy. That concept did not fit in with the ideas of liberal capitalism on which Communities then rested. As a confirmation of such attitudes, the fact that the SFRY had a permanent delegation to the European Community as early as 1968 can be mentioned, as well as that the economic agreements on cooperation between the EC and the SFRY were signed shortly afterwards. The most important of these is the Agreement on Economic Cooperation, which was signed in 1980. This agreement also introduced certain forms of political cooperation in the relations between the mentioned entities (Vukadinović, 1996). Unfortunately, shortly after that, the conflicts in the former SFRY occurred, and relations quickly went from good to very bad. During the mentioned conflicts, the European Community grew into the European Union and it only just introduced foreign policy into its competences, but it did not yet develop effective mechanisms for its realization (Milisavljević et al., 2016). Thus, the young European Union could not help in resolving the conflict in the former SFRY, but, on the contrary, the member states of the European Union acted to dismantle this large and important state. Shortly afterwards, the European Union imposed economic sanctions on the FRY, until it did the same against other newly formed states. In that way, it seems that the European Union has sided with one side in the conflict, which has disrupted relations for a long time. Relations began to recover after the signing of the Dayton Peace Agreement, so that "(...) the total volume of trade in 1997 reached three billion dollars, of which Yugoslav exports amounted to about 1.1 billion, and imports to close to 2 billion." (Lopandić, 1999). Sadly, shortly afterwards followed the NATO aggression on the FRY, during which the European Union clearly sided with the Albanians from Kosovo and during which NATO countries committed a large number of war crimes, including permanent environmental pollution using depleted uranium. For the stated reasons, Serbia's relations with the European Union were very difficult, but after 2000, relations improved and the European Union was gradually becoming more open to bring Serbia closer to membership in this organization. The most important segment is, in addition to political improvements, the improvement of economic relations, which is very important for Serbia at the moment. In the late 1990s, the European Union prepared a special

strategy for the countries of the Western Balkans. Thus began the process of stabilization and rapprochement of the Western Balkan countries, both with each other and with the European Union. The FR Yugoslavia was admitted to the Stability Pact for Southeast Europe in October 2000. The process of moving towards the European Union was formalized at the Zagreb Summit in November 2000 (European Council, 1993, June 21-22).¹

A PERIOD OF CONCRETE PROGRESS IN EU ACCESSION

After a series of political meetings between the European Union and Serbia, progress occurred when the Commission decided in April 2005 that Serbia was ready to start negotiations on concluding the Stabilization and Association Agreement. On the other hand, Serbia's clear intention to embark on the journey towards full membership in the European Union was shown when the National Assembly of the Republic of Serbia adopted a Resolution on joining the European Union on October 14, 2004. In addition, in June 2005, the Serbian government adopted the National Strategy for Serbia's Accession to the European Union. At the end of 2006, the Free Trade Agreement in Southeast Europe (CEFTA) was signed, and on September 18, 2007, the Visa Facilitation Agreement and the Readmission Agreement between the European Community and the Republic of Serbia were signed. As a formal confirmation that Serbia is on the path to full membership in the European Union, the Stabilization and Association Agreement was initialed first, and then signed on April 29, 2008. However, due to the problems related to the illegal recognition of Kosovo and Metohija by most of the member states of the European Union, the Agreement was frozen and did not even enter into force. In the meantime, Serbia unilaterally applied the trade part of the Agreement, which was unfrozen in the fall of 2009, and the process of ratification of the Agreement was initiated until its final entry into force. The Stabilization and Association Agreement finally entered into

¹ The Copenhagen criteria are formal membership criteria that should be met by any country that intends to become a member of the European Union. They were defined by the Copenhagen Summit in 1993 as political, economic, and administrative/institutional: 1) stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy capable of coping with competition and market pressures in the European Union; and 3) the ability to take on the obligations of membership, including commitment to the goals of political, economic and monetary union.

force on 1 September 2013, when the European Union finally completed the ratification process of this act. Of the member states, Lithuania was the last to ratify the SAA (Sporazum o stabilizaciji i pridruživanju, 2008, April 29). That the entry into force of the Lisbon Treaty affected the process of further expansion of the European Union can also be seen through the fact that Serbia submitted an official application for membership in this organization on December 22, 2009. One of the positive developments is the removal of visa requirements for our citizens and their inclusion on the white Schengen list, which has allowed for greater freedom of movement from Serbia through the territories of European Union member states. All these facts lead towards the conclusion that our country is approaching membership in this organization, but also make it clear that much more needs to be done in the field of economic stabilization, as well as in terms of legal reforms and law enforcement on the territory of Serbia. The process of joining the European Union can be prolonged and will depend on the attitude of our country towards the problems we have in relation to Kosovo and Metohija. Regardless of that, the procedures for accession negotiations really take quite a long time in order to remove all obstacles to our country's entry into membership of the European Union. In November 2010, the European Commissioner for Enlargement, Stefan Fuele, presented the Prime Minister of Serbia with a Questionnaire from the European Commission to prepare an opinion on Serbia's application for EU membership, which is one of the conditions for EU candidate status. On January 31, 2011, he submitted the Answers to the Questionnaire of the European Commission sent to the RS in order to prepare an opinion on Serbia's application for EU membership to the European Commissioner for Enlargement. After long negotiations between the representatives of our state and Kosovo and Metohija, mediated by the European Union, positive progress has been made, so Serbia officially received the status of a candidate country for membership in the European Union on March 1, 2012. It remains to achieve a result in the coming period regarding the exact date of the start of negotiations, which would consider the various chapters that need to be harmonized upon Serbia's accession to the European Union. In April 2013, finding that Serbia had met a key priority of taking steps towards a visible and sustainable improvement in relations with Kosovo as set out in its 2011 opinion on Serbia's application for membership, the Commission recommended that the Council open negotiations on accession. The European Council decided to open accession negotiations with Serbia on June 28, 2013. It accepted the Council's recommendation that the Commission submit without delay a proposal for a negotiating framework in line with the December 2006 European Council

conclusions and established practice, which includes a new approach to the chapters on the judiciary and fundamental rights and justice, freedom and security (European Commission, 2013). In January 2014, the first intergovernmental conference between Serbia and the EU was held in Brussels, marking the beginning of accession negotiations at the political level. At the same time, the negotiating frameworks of both sides were presented with clear principles for future negotiations. It is about the need to fulfill the already known "Copenhagen criteria", but also a series of special tasks that the Republic of Serbia should fulfill in the coming period. The list of chapters on which negotiations will be conducted in the following period was also adopted: free movement of goods; free movement of workers; right of business residence and freedom to provide services; free movement of capital; public procurement; company law; intellectual property law; competition policy; financial services; information society and media; agriculture and rural development; food safety; veterinary and phytosanitary policy; fisheries; transport policy; energy; taxation; economic and monetary policy; statistics; social policy and employment; enterprise and industrial policy; trans-European networks; regional policy and coordination of structural instruments; justice and fundamental rights; justice, freedom and security; science and research; education and culture; environment and climate change; consumer and health protection; customs union; foreign economic relations; foreign, security and defense policy; financial control; financial and budgetary provisions; institutions, and other questions. Since the process of negotiations with the European Union is very complex, it requires a certain amount of organization from the Republic of Serbia. Thus, the necessary bodies have been formed to participate in the negotiation process. The basis of such an internal organization is the Coordination Body, which was established back in 2008. Through this body, the National Integration Program 2008-2012 was drafted, followed by the National Program for the Adoption of the *Acquis Communautaire* 2013-2016. After that, at the end of July 2014, the revised National Program for the Adoption of the *Acquis* was adopted and extended until 2018 because it is estimated that by then the negotiations could reach their final stage. The Coordination Body is headed by the Prime Minister, who manages this body, which also includes: the First Deputy Prime Minister and the Minister of Foreign Affairs; the Deputy Prime Minister and the Minister of Construction, Transport, and Infrastructure; the Deputy Prime Minister and the Minister of Trade, Tourism, and Telecommunications; the Deputy Prime Minister and the Minister of Public Administration and Local Self-Government; the Minister in charge of European Integration; the Minister

in charge of Finance; the Minister in charge of Justice; and the Minister in charge of Agriculture and Environmental Protection. The Director of the Office for European Integration and the Head of the Negotiating Team for conducting negotiations on the accession of the Republic of Serbia to the European Union also participate in the work of the Coordination Body. Another 35 negotiating groups will be formed to participate in the negotiations and perform tasks related to the implementation of the *Acquis* of the European Union.

SOME PERSONAL OBSERVATIONS AS A MEMBER OF THE NEGOTIATING TEAM

The Negotiating Team of the Republic of Serbia for accession to membership negotiations was founded in 2015 and, with some minor changes, functioned as such until the middle of 2021 (The Government of the Republic of Serbia, 2015). After that, a complete reconstruction of the Negotiating Team was carried out, and it was reduced to one administrative-political body that had to respond to new requirements in the accession process, which were adjusted to the introduced cluster accession strategy. The previous convocation of the Negotiating Team, of which I was a member, meant a very successful combination of a professional, scientific, and political body. That this was a successful team is also shown by the fact that in the mentioned period from 2015 to 2021, the greatest progress was made in the process of European integration of the Republic of Serbia. It can be said more precisely that this convocation of the Negotiating Team functioned best while it was headed by Tanja Mišćević, who resigned in 2019 due to the transfer to a new position (Beogradska otvorena škola, 2013).² From personal experience, I can confirm that the work of the negotiating team was very dynamic and meaningful, but that we also had great technical difficulties due to cooperation with other

² On September 3, 2013, the Government of the Republic of Serbia appointed Prof. Dr. Tanja Mišćević as the head of the Negotiating Team for conducting negotiations on the accession of the Republic of Serbia to the European Union. By the Decision of August 15, 2015, the Government of the Republic of Serbia appointed 24 members of the Negotiating Team for conducting negotiations on the accession of the Republic of Serbia to the EU. On September 21, 2019, Tanja Mišćević resigned from the position of the head of the Negotiating Team for conducting negotiations on the accession of the Republic of Serbia to the European Union.

organs of the state. One of the indicators is the situation regarding the opening of Chapter 32, which was one of the first to be opened in the process of European integration. Namely, we received the green light from the European Union for the opening of this chapter, but it was necessary to confirm our participation in the Convention on the Prevention of Counterfeiting of Money, which was ratified by the previous SFRY. An answer from our side was awaited, and in our country, there was a conflict of jurisdiction between several ministries — on the one hand, the Ministry of Foreign Affairs; on the other, the Ministry of Justice; and on the third, the Ministry of Finance. We stayed in that triangle for several weeks because each side thought that the other side had an obligation to initiate a successor statement. With my personal engagement as a jurist in the Negotiating Team, this dilemma was removed and we sent such a statement very quickly. This first-hand example shows how sometimes in the process of European integration, we were responsible for slowing it down in a period that was politically favorable for us because we had good signals from the European Union. In terms of organization, we did not have a great position because, unlike, let's say, neighboring Croatia, which had the Ministry of Foreign and European Affairs, we had a structure broken into several parts. On the one hand, it was the Office for European Integration, which in the meantime grew into the Ministry of European Integration, then the Ministry of Foreign Affairs, as well as the Negotiating Team and the Coordination Body of the Government of the Republic of Serbia. This may not have been so problematic if there was not a political division where the SPS (Socialist Party of Serbia) was the main speaker in the Ministry of Foreign Affairs at the time, while the rest was led by the SNS (Serbian Progressive Party) representatives. In practice, this led to problems because some decisions could not be implemented without difficulties or could not be implemented at all. Problems were especially felt in certain chapters that were related to the work of public firms, especially "Srbijagas" and special relations with the Russian Federation, which at that time were mostly through the SPS political party. From this, we can conclude that such an organizational structure, together with political divisions and interest groups of big capital, greatly influenced the self-slowness of the European integration process in a period that was favorable for us. On the other hand, we had delays from the European Union itself, which was often late with the assessment of negotiating positions in this period because it did not appoint in time the persons who were in charge of their assessment. When it comes to Chapter 35, which is especially problematic for the Republic of Serbia, as a member of the Negotiating Team during this period, I did not have a direct

insight into the content of negotiations because they were always conducted behind closed doors and at the highest level. At the meetings of the Negotiating Team, we received reports on the dynamics of negotiations and indications of what was being negotiated, and I got the impression that these were topics that burdened everyday life, such as the energy community, solving plates' problems, integrated crossings, and the like. Since my position in the team was that I was a jurist, I worked on drafting acts for the needs of the Negotiating Team, so I made the Rules of Procedure for the Negotiating Team, as well as Guidelines for Cooperation of the Negotiating Team with Civil Society. Throughout the work of the Negotiating Team, we had excellent cooperation with the National Convention, in which there were representatives of civil society who were interested in the process of European integration (National Convent on the European Union, 2022). Cooperation with the civil sector has always been high on the list of priorities of the European Union itself when it considered the progress in the process of the Republic of Serbia's joining the European Union.

EXTERNAL PROBLEMS IN THE PROCESS OF EUROPEAN INTEGRATION

In addition to the problems that the Republic of Serbia encountered while attempting to join the European Union, other issues arise from outside sources over which Serbia has little control. The European Union as a global actor is exposed to great turbulence, and it has already been pointed out that when the European Union has its own problems, the process of admitting new members will slow down. In the past 15 years, the European Union has had only one accession to Croatia in 2013, but also one withdrawal from the membership of a very important country – Great Britain (Milisavljević, 2017a). In addition to this tectonic disturbance, the European Union also struggled with the economic crisis, the refugee crisis, and relations with the Russian Federation, first around Crimea, and today due to Russia's intervention in Ukraine, but COVID also had an impact on the European integration process. Today, it can be said that relations with the Russian Federation are a great economic and political problem for the European Union, but also for the process of European integration of the Republic of Serbia towards the European Union. On top of all the above, there is a problem regarding the unresolved issue of the Republic of Serbia's relations with Kosovo and Metohija. Serbia is under constant political pressure due to relations with Kosovo and Metohija, as well as to joining the sanctions imposed by the European Union on the Russian Federation. In the past

period, the Republic of Serbia has made a good step forward in the process of European integration and also the rule of law in general, because it has adopted amendments to the Constitution in order to depoliticize the judiciary and the prosecutor's office (Milisavljević, 2017b). On the one hand, since it is clear that Serbia's European path is burdened by difficulties, it seems that there is no alternative to this foreign policy movement of our country. The reason is of an extremely practical nature, considering that a large part of Serbia's foreign trade is directed directly at the countries of the European Union, primarily the surrounding countries, but also Germany, Italy, and so on (EU Delegation to the Republic of Serbia, 2021). On the other hand, it is almost the same with foreign investments in our country. Therefore, the Republic of Serbia should continue on its path toward European integration in the years to come. This will depend not just on our side, and occasionally not even on the European Union, but also on other geopolitical developments that we frequently have no control over. If it turns out that the path of Serbia's entry into the European Union is impossible and too long, there is no doubt that we should stick to different types of economic cooperation. Therefore, any radical polarization for Serbia in terms of choosing east or west is not good at all. It is in Serbia's best interests not to be able to decide, but to work cooperatively with all actors.

CONCLUSIONS

The relationship between the Republic of Serbia and the European Union is long and complex. I think that those authors and analysts who think that the process of European integration depends only on Serbia are wrong. On the contrary, as a member of the negotiating team, I could see that it is very rare and that very often this process is conditioned by the position of the European Union, individual member states, or even external factors that the European Union itself is not able to effectively influence. In such circumstances, the process of joining the European Union is not so close, and unfortunately, it is not even known. In such unstable circumstances and in circumstances that do not depend on the Republic of Serbia itself, the maximum should be achieved for the national interests of the Republic of Serbia. This means that it is necessary to continue reforms in these clusters themselves, namely within the chapters that are within the clusters, but for the sake of systemic progress, establishing the rule of law, a healthy environment, freedom of competition, and a number of other problematic segments. This does not mean that it is necessary to give up membership, but that adjustments are made regarding the implementation

of foreign policy in accordance with the given circumstances. If it turns out with time that it is possible to become a member, then a decision should be made on that, and in the meantime, work should be done on comprehensive reforms and cooperation at the highest possible level, not only with the European Union but also with member states. That the European Union is at a kind of institutional milestone is evidenced by the fact that the member states are not unanimous regarding the sanctions they apply to the Russian Federation, and that there is growing resistance and reservations about that, and that there are exceptions for member states from those measures. This tells us that after the armed conflict in Ukraine, there will be a redefinition of relations in the European Union, and the fate of the Western Balkans will be incorporated into this new concept of the European Union. Maybe the European Union of different speeds will now become formalized, because otherwise there may be new demands for withdrawal from membership. Any further polarization within the member states will endanger the European Union itself, which is certainly not good. On the other hand, integration will largely depend not only on political and economic relations within the region but also on policy towards the Russian Federation, China, the United States, and NATO. In any case, the entire region, including the Republic of Serbia, is facing turbulent times in which it is necessary to maintain economic and political stability, and that will already be a great success. If, in addition to that, significant progress is made on the path of European integration, that will be just another great gain for us as a state.

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