

European Council grants candidate status to Ukraine & Moldova and seeks to “re-energize” Western Balkans enlargement



French President Emmanuel Macron, European Council President Charles Michel, and European Commission President Ursula von der Leyen after Friday’s meetings.

Yesterday, in the first day of their two-day meeting as the European Council, the leaders of the 27 member states of the EU, meeting in the shadow of Russia’s continuing war against Ukraine, agreed to provide further military and economic assistance for Ukraine and, importantly, also agreed unanimously to grant candidate status to Ukraine and Moldova. And in a meeting yesterday morning with the leaders of the six states of the Western Balkans – Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia – the EU leaders sought to re-energize the enlargement process and advance the integration of those states. It was, all in all, one of the most important meetings of the European Council in recent years.

In regard to the ongoing war in Ukraine, the EU leaders condemned Russia’s indiscriminate attacks against civilians and civilian infrastructure, urged Russia to immediately and unconditionally withdraw all its troops and equipment from the entire territory of Ukraine and respect international humanitarian law in regard to prisoners of war, and pledged to hold those responsible for war crimes and other crimes accountable for their actions in accord with international law. They pledged to continue work to strengthen the implementation of sanctions and prevent their circumvention, and called on all countries, in particular candidate countries, to align themselves with the EU sanctions. They said the EU remains strongly committed to providing further military support for Ukraine and, toward that end, called on the foreign affairs Council to swiftly work on a further increase of military support. And they noted that the Commission will soon present a proposal to provide Ukraine with up to €9 billion in macro-financial assistance this year and called on it to also present swiftly its proposals for EU support of the reconstruction of Ukraine.

On Feb. 28, four days after Russia launched its war against Ukraine, President Volodymyr Zelenskyy signed Ukraine’s official application for membership in the European Union. On Mar. 3, Prime Minister Iraki Garibashvili signed Georgia’s formal application, despite the fact that Georgia had previously indicated it would not apply until 2024 after making further reforms, and President Maia Sandu signed Moldova’s formal application for membership. At its informal

meeting at Versailles on March 10-11, the European Council invited the Commission to submit its opinions on the three applications and last month said it would consider the applications at its June meeting.

Last Friday, the Commission issued its opinions on the three applications. It concluded that Ukraine “is well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; has continued its strong macro-economic record, demonstrating a noteworthy resilience with macroeconomic and financial stability, while needing to continue ambitious structural economic reforms; and has gradually approximated to substantial elements of the EU *acquis* in many areas. On this basis, the Commission recommends that Ukraine be given the perspective to become a member of the European Union. It should be granted candidate status on the understanding that steps are taken in a number of areas.” Among those steps are enactment and implementation of legislation on the selection procedure for judges of the Constitutional Court, completion of integrity vetting of candidates for the High Council of Justice, strengthening the fight against corruption, ensuring that anti-money laundering legislation complies with EU standards, implementation of the Anti-Oligarch law, adoption of a media law to align Ukraine legislation with that of the EU, and completing the reform of the legal framework for national minorities.

In regard to Moldova, the Commission concluded that it “has a solid foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; macroeconomic policies have been reasonably sound and progress has been made in strengthening the financial sector and business environment but key economic reforms remain to be undertaken; the country has established a solid basis to further alignment with the EU *acquis*. On this basis, the Commission recommends that Moldova be given the perspective to become a member of the European Union. It should be granted candidate status on the understanding that steps are taken in a number of areas.” Among those steps are completion of the recent comprehensive justice system reform across all institutions in that system; delivery on the commitment to fight corruption at all levels; implementation of the commitment to eliminate the excessive influence of vested interests; strengthening the fight against organized crime; increasing the capacity to deliver on reforms and provide quality public services; completion of the reform of public finance management; increasing the involvement of civil society in decision-making at all levels; and strengthening the protection of human rights.

In regard to Georgia, the Commission concluded that it “has a foundation in place to reach the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, even if recent developments have undermined the country's progress; it has achieved a good degree of macroeconomic stability and has a sound record of economic policy and a favorable business environment, but further reforms are needed to improve the functioning of its market economy; and overall, Georgia has established a solid basis for further alignment with the EU *acquis*. On this basis, the Commission recommends that Georgia be given the perspective to become a member of the European Union. It should be granted candidate status once a number of priorities have been addressed. Among them are addressing the issue of political polarization by ensuring cooperation among the political parties; guaranteeing the full functioning of all state institutions and strengthening their independent and effective accountability as well as their democratic oversight functions; improving the electoral

framework; addressing shortcomings in regard to human rights; adopting and implementing a transparent and effective judicial reform strategy and action plan; ensuring an independent and impartial judicial system; strengthening the independence of the anti-corruption agency; implementing the commitment to “de-oligarchisation,” strengthening the fight against organized crime, undertaking stronger efforts to guarantee a free and independent media environment; strengthening the protection of human rights; enhancing gender equality; ensuring the involvement of civil society in decision making at all levels; adopting legislation that ensures that courts take into account the judgments of the European Court of Human Rights and ensuring that an independent person is nominated public defender.

After presenting and commenting briefly on the opinions last Friday, Commission President Ursula von der Leyen said, “To conclude on Ukraine, we have one clear message, and that is: Yes, Ukraine deserves a European perspective. Yes, Ukraine should be welcomed as a candidate country. This is on the understanding that good work has been done, but important work also remains to be done.” Turning to Moldova, she said, “our assessment goes broadly into the same direction as for Ukraine. We therefore also recommend the Council grants Moldova the European perspective and candidate status, on the understanding that the country will carry out a number of further, important reforms. In the recent past, Moldova has taken a decisive step towards reforms, with a clear mandate from its citizens. It is on a real pro-reform, anti-corruption and European path for the first time since independence. Of course, Moldova still has a long way to go. Its economy and public administration in particular require major improvements. But provided that the country’s leaders stay on course, we believe that the country has the potential to live up to the requirements.” On Georgia, she said, “Georgia shares the same aspirations and potential as Ukraine and Moldova. Its application has strengths, in particular the market orientation of its economy, with a strong private sector. To succeed, the country must now come together politically to design a clear path towards structural reform and the EU. A path that concretely sets out the necessary reforms, brings on board civil society and benefits from broad political support. This is why we recommend to Council to grant the European perspective, and to come back and assess how Georgia meets a number of conditions before granting it candidate status.”

Yesterday, the European Council announced that it recognizes the European perspective of the three countries and had decided to grant the status of candidate country to Ukraine and Moldova. It invited the Commission to report to it on the fulfilment of the conditions specified in the commission’s opinions and would decide on further steps once all of the conditions are fully met. It also said it is ready to grant the status of candidate country to Georgia once the priorities specified in the Commission’s opinion have been addressed.

In his invitation letter to the EU leaders, European Council President Charles Michel said the purpose of yesterday morning’s meeting with the leaders of the Western Balkans was to “re-energise the enlargement process and advance the integration of our Western Balkan partners.” That the enlargement process involving the Western Balkans needs to be “re-energized” is a serious understatement. In 1999, the European Council created a Stabilization and Association Process for South-Eastern Europe that would encourage the integration of Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Yugoslavia (which at the time included Serbia, Montenegro and Kosovo) into the EU on the basis of the criteria for membership it had set out at Copenhagen in 1993. A year later, it agreed that all of the countries involved in the SAP were

potential candidates and that the SAP provided a pathway to membership. Slovenia, which had already applied for membership in 1996, signed a Europe Agreement in 1999 and joined in 2004. And Croatia applied for membership in 2003, signed an accession treaty in 2011, and joined in 2013. But for the rest of the Western Balkans – Albania, Bosnia and Herzegovina, the now-renamed Macedonia, Montenegro (which declared its independence from Yugoslavia in 2006), and Serbia – the prospect of membership in the EU seems almost as far off today as it was when the SAP was created more than 20 years ago. (Kosovo, which unilaterally declared its independence from Serbia in 2008, continues to be a partner of the EU in the SAP, notwithstanding the fact that, in accordance with UN Security Council Resolution 1244, it remains under the temporary administration of the UN Mission in Kosovo, UNMIK.)

Montenegro has made, by far, the most progress toward membership; it applied in 2008, was granted candidate status in 2010, opened accession negotiations in 2012, and thus far has opened negotiation of 32 of the 35 chapters of the accession treaty and provisionally closed two chapters. Serbia has also made some progress. It applied for membership in 2009, was granted candidate status in 2012, opened negotiation of the accession treaty in 2015, and thus far has opened 22 chapters and closed one. But the other countries of the Western Balkans are well behind those two. Macedonia applied for membership in the EU in 2004 and was granted candidate status in 2005. But thanks to a Greece veto over its name, it had to wait 15 years, until 2020, after it had changed its name to North Macedonia, to begin the accession negotiations. Thus far, no chapters have been opened. Albania applied for membership in 2009, was granted candidate status in 2014, and accession negotiations were opened in 2020. But as with North Macedonia, no chapters have been opened thus far. Finally, Bosnia and Herzegovina applied for membership in 2016. But more than six years later, it has not yet been granted candidate status. If one were to view each country in the Western Balkans as a train moving from its capital toward Brussels, the Montenegrin train is moving steadily, albeit slowly, toward Brussels and, some distance behind it, the Serbian train is moving, also slowly, towards Brussels. But the Albanian and North Macedonian trains – especially the latter, which for years, indeed until it changed its name, was blocked by a Greek veto from leaving the station – have barely pulled out of the station. And the Bosnian train hasn't even been scheduled for departure.

And as if it weren't already difficult for the countries of the Western Balkans to meet the EU's criteria for official candidacy, and then obtain its agreement to open the accession negotiations, and then obtain its agreement to the provisions of particular chapters of the accession treaty, they have encountered additional obstacles along the way as well. For example, North Macedonia not only faced Greek objections to its original name that delayed the opening of negotiations for almost 15 years but has also faced the opposition of Bulgaria, which has asserted that the Macedonians and their language are in fact Bulgarian – a dispute that led Bulgaria to block the opening of accession negotiations between the EU and North Macedonia in 2020. Indeed, the dispute flared up again earlier this week to such an extent that the leaders of Serbia and Albania, in solidarity with the leader of North Macedonia, threatened to boycott yesterday's meeting with the European Council. On Wednesday, however, the three leaders changed their minds and agreed to go to the meeting – in part, perhaps, because the Bulgarian government lost a vote of confidence in the parliament.

If Albania and North Macedonia have faced long delays between having been granted candidacy and opening accession negotiations, Bosnia and Herzegovina stands out as the only state in the Western Balkans group that, more than six years after having applied, still has not been granted

candidate status. In 2019, three years after it applied, the Commission issued an opinion in regard to its application in which it identified more than a dozen key priorities that needed to be addressed in order to be granted the status of a candidate. They involved enacting a number of substantial reforms pertaining to electoral politics, the rule of law, human rights, and public administration. The Commission also noted that there were still several hundred EUFOR/Althea mission troops in the country in order to maintain a stable and secure environment. The Council agreed with the Commission's assessment and made addressing those issues a condition for obtaining candidate status. Toward that end, in the presence of Michel and Josep Borrell, the EU's High Representative for Foreign Affairs and Security Policy, the leaders of the political parties represented in the Parliamentary Assembly and the members of the Presidency of Bosnia and Herzegovina adopted a 19-point political agreement in which they reiterated their commitment to preserving a peaceful and stable state, upholding the rule of law, conducting free and democratic elections, maintaining the principles and values underlying the EU and implementing the key priorities set out in the Commission's Opinion.

Prior to yesterday morning's meeting, Michel reiterated and elaborated a bit on what he said in his invitation letter to the leaders: "We have this morning an important meeting with the leaders of the Western Balkans. This is an important moment because there is a very strong political will to re-energise the process with the Western Balkans, to send a very clear and strong message. Of course, for the time being, there are still discussions in Bulgaria. We will follow the situation closely. We are involved with the French rotating Presidency to put proposals on the table, to be able to start the negotiations with Albania and with North Macedonia as soon as possible. This is a top priority for us. We will do everything to achieve an outcome on that important topic and to make sure that all the efforts made regarding Bosnia and Herzegovina will have a positive effect for defusing the political tensions in the country and for making sure that the institutions are working in the country."

After meeting with the Western Balkans leaders yesterday and then discussing among themselves the enlargement process in that region, the European Council announced its full and unequivocal commitment to the EU membership perspective of the Western Balkans, called for the acceleration of the accession process, and called upon the Commission, the High Representative, and the Council to further advance the gradual integration between the EU and the region. But it also recalled the importance of reforms, notably in regard to the rule of law and, in particular, in regard to the independence of the judiciary and the fight against corruption. It called for a swift resolution of the remaining issues between Bulgaria and North Macedonia so that accession negotiations of the latter can be opened without delay. It also reaffirmed the urgency of making tangible progress in resolving the bilateral and regional disputes and normalizing relations between Serbia and Kosovo. And it welcomed the recent political agreement among the party representatives in Bosnia and Herzegovina and called for the swift implementation of the agreement, including the completion of constitutional and electoral reforms. And it said it is ready to grant the status of candidate country to Bosnia and Herzegovina and, toward that end, invited the Commission to report without delay on the implementation of the 14 key priorities set out in its opinion.

It was, as von der Leyen said, after a long day of meetings, "a good day for Europe."

David R. Cameron
June 24, 2022