Serbia's EU membership, the corner stone of Western Balkans, into question.

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Abstract

The EU is currently embedded in a new enlargement process, this time towards the Western Balkans; a particular relevant geopolitical area for the EU. Among the Western Balkans EU membership candidates Serbia occupies a privileged position due to its territorial size, population and economic ties with the EU. Nevertheless, Serbia's relationship with the EU is complex as a result of the regional conflicts that took place during the 1990s and, currently, due to the authoritarian character that it is steadily adopting. Bearing in mind the Serbia's commitment to EU membership, our main purpose throughout this piece is to carefully look at Serbia in order to assess the options and challenges that it has to be an EU member state; particularly after the EU Commission reformed the EU Enlargement Process to be more political. Two major obstacles that Serbia faces in its accession process to the EU are highlighted: a weak democracy and the lack of rule of law. Despite the internal challenges that the EU is facing, both the European Commission and Germany, are clearly engaged with the Western Balkans enlargement process, mainly because of geopolitical reasons. Therefore, it is an opportunity that all of them, and particularly Serbia, should not miss.

Keywords: Enlargement, Western Balkans, Serbia, Kosovo, European Commission

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1. Introduction

Serbia became a sovereign country in 2006 after Montenegro got the independence (BBC News, 2018) but it had to wait until 2014 to become an EU candidate country, two years after Montenegro. Since then, Serbia and Montenegro have been considered as the frontrunners of the Western Balkans enlargement process. The February 2018 European Union (EU) strategy for the Western Balkans forecasted that they could eventually join the EU by 2025 (European Parliament (2019). However, the Serbia's slow progress towards EU membership favoured the establishment of closer ties with Russia and China, creating some doubts about its commitment to the EU (European Parliament, 2019b). To which we must add the authoritarian character that the Serbian government is steadily adopting.

Besides, after the great enlargement of 2004-2007 the EU suffered from "enlargement fatigue", which some experts' stress it has started before the first group of Eastern candidate countries became EU member states in 2004. Such enlargement fatigue responds to a negative perception about these countries that was spread over the old member states (Dinan, 2014, p. 317). This mainly they fear that ex-soviet republics might bring destabilization inside the EU, mainly because of territorial disputes. Such feeling has been aggravated regarding Western Balkans enlargement because of several factors such as: the difficulties that the EU has experienced in dealing with the great heterogeneity that Eastern countries introduced inside the EU, impacting the decision making process, as well as the difficulties of Western Balkans countries in fulfilling the accession criteria despite the different instruments that the EU has put in place to help them advance in political and economic areas.

At the same time, the EU in 2020 is radically different from the one of the early 2000s (Bonomi, 2019, p. 10). Throughout these years the EU has suffered a severe economic crisis (2008) that leaded to the strengthening of the economic and monetary union through instruments such as MEDE or the European Semester; a refugee crisis (2015), as a result of which FRONTEX has been reinforced; and, currently, a pandemic crisis (2020). At the same time that the UK, one of its biggest member states, abandoned the club (2016-

2020) and a new treaty came into force in 2009, the Lisbon Treaty, broadening the power of the main supra-state institutions and opening the door for the creation of the EEAS, the diplomatic service of the EU. This great turmoil favours that some member states prefer to keep strengthening/deepening rather than enlarging the EU.

This is the particular case of France which rejected to open accession negotiations with Albania and North Macedonia in November 2019. As a consequence, last February 2020, the European Commission launched a new enlargement process methodology which was later on approved by the EU member states. Therefore, notwithstanding all the adverse circumstances, the EU is still willing to keep advancing the Western Balkans enlargement process, mainly because of the geopolitical consequences that losing these countries in the hands of China or Russia might provoke in the destabilization of the southern EU neighbourhood.

Montenegro and Serbia, the countries that were already part of the accession negotiation process agreed to follow the new procedure settled down by the European Commission (Ralev, 2020). This new process is much more political, meaning that it entails an increase in the frequency of EU summits plus much more ministerial contacts. In addition, member states are expected to closely monitoring the process which is also expected to be more dynamic by including the different chapters into six thematic clusters that will be opened as a whole: fundamentals; internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources, agriculture and cohesion; external relations. Finally, it is also meant to be more predictable about what the European Commission expects from the candidate countries along the different stages of the process (European Commission, 2020).

One of the first objectives of the German Council six-months rotating Presidency that started on July 1st 2020 is to boost enlargement and, in this regard, it will have to very much focus on Serbia because of the last parliamentary elections held last June 2020, which "may represent a turning point for Serbian democracy as it appears that a red line has been crossed in terms of pluralism and parliamentary representation" (Bonomi, 2019b). COVID-19 pandemic crisis might also represent a turning point in the

Western Balkans path to EU integration as they are walking the road of autocracy and turning the attention to China (Rs.n1info.com, 2020). A weak democracy together with lack of rule of law is a key challenge for the Serbia accession to the EU. To which we must add a lack of agreement with Kosovo, absolutely necessary for these two countries to be EU member states. Kosovo is a small "country" of about 2 million of inhabitants surrounded by Albania, North Macedonia, Montenegro and Serbia that was used to be an autonomous province in Serbia when it was part of the former Yugoslavia; that unilaterally declared the independence in 2008 because of ethnic human rights crimes.

The main aim of this piece is to deeply look at Serbia in order to examine the country profile as well as assessing the options and challenges that it has in order to determine how likely it is for Serbia to be an EU member state. In so doing we conclude that the two major challenges that this country is facing are: Serbia' weak democracy and lack of rule of law on one hand and the absence of an agreement with Kosovo on the other. Finally, and linked to this last point, we briefly introduce the EU member states approach towards the Serbia accession to the EU.

2. Serbia: from Yugoslavia to the EU

Tracing the relationship between Serbia and the EU is not an easy task that involves, in the first place, the changes introduced in the political organization¹. Secondly, the delay in its accession regarding other states from Centre and Eastern Europe, even in comparison with the Balkans countries that are part of the former Yugoslavia such as Slovenia or Croatia. The Serbian formal application was not submitted until 2009. Third, the slowness in the EU responses, and even the stoppages and blockages of the process (the Netherlands blocked the implementation of the interim SAA with Serbia due to failure of fully cooperation with the ICTY). Both the war period of the 90s and the post-war period of the first decade of the 21st century have conditioned the Serbian trajectory towards the EU.

¹ Since the beginning of its relations with European Communities, Serbia (and Montenegro until 2006) has passed through four different state arrangements: Socialist Federal Republic of Yugoslavia (SFRY), Federal Republic of Yugoslavia (FRY, 2000-2003), State Union Serbia and Montenegro (2003-2006), and, lastly, independent states (2006).

When examining the historical evolution of the Serbia-EU relations, one gets the impression that there has been the squandering of significant Yugoslav political capital accumulated up to the early 1990s. To the point that some thinkers have questioned if Yugoslavia lost its chance to be part of the EU. From an historical perspective, during the Cold War period, the Socialist Federal Republic of Yugoslavia (SFRY) was the only socialist state which developed close relations with the European Economic Community (EEC). The examination of these relationships in historical perspective dates back to the late 1960s. In fact, the cooperation between the SFRY and the EEC was established in December 1967. At this time, it was adopted the "Declaration on relations between SFRY Yugoslavia and the EEC" aimed at defining the general framework of future economic relations. After this first step, two trade agreements were signed respectively in 1970 and 1973, whereby the SFRY was granted the most-favoured nation treatment and entered into the General System of Preferences. This implied the establishment of a deep and substantial cooperation between the two parties in the fields of finance, science and technology, commerce, agriculture, industry and social areas. At the same time, the abolition of customs duties was introduced on a number of industrial products with exceptions for specific products (Dragan, 2015).

Mutual interactions between the two sides intensified in the late 1980s and early 1990s. The Cooperation Agreement between SFR Yugoslavia and the EEC (1980) granted the former SFRY preferential status in trade with the EEC and financial assistance¹ was also envisaged through finance protocols². Both sides began negotiations on a new agreement in 1978, which was signed in April 1980 and entered into force in April 1983. This Cooperation Agreement marked a new stage in the development of relations between the Community and Yugoslavia, which have been linked by agreements since 1970 (European Commission, 1990). On the occasion of the

¹ Since 1977 the Community has granted Yugoslavia access to the resources of the European Investment Bank. As an example of financial assistance, Yugoslavia received a loan from the European Investment Bank in 1982 of approximately \$ 72 million for transportation infrastructure and the electrical system. ² The Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia was signed in Belgrade on April 2nd 1980. It was a so-called mixed agreement, to which the Member States were also parties alongside the European Economic Community.

accession of neighbouring Greece (1981), a significant change in mutual relations took place through the conclusion of an additional protocol to the 1980 Agreement (To give an idea of the intensity of the relationship let's stress that the *EEC-Yugoslavia Cooperation Council that existed at Ministerial level met nine times between* 1975 and 1990). In late 1989, Yugoslavia initiated signing of the association agreement; it must be underlined at that time close to 70% of Yugoslav foreign trade was done with the EEC countries.

After the end of the Cold War, SFRY signed the PHARE program in 1990, which included significant financial support for future transition and social and economic reforms. However, these advances and the cooperation agreements between the EEC and SFRY were cancelled in 1991 due to the armed conflict in Slovenia and later on in Croatia. As Gligorijevic stresses "on the eve of the tragic crisis in the former Yugoslavia, the SFRY entered into the Framework Agreement with the European Community, on December 17th 1990 which included Yugoslavia in the assistance program for the restructuring of Central and Eastern Europe (PHARE). It was a paramount of mutual SFRY-EEC cooperation, a historic moment for the country that seemed to be the first socialist country to obtain the status of the EEC Associated Country. Unfortunately, turn of events in the country, in 1991, dissolved all optimistic expectancies and proved the most pessimistic assessments" (Gligorijevic, 2004, p. 111).

As a result of the war scenario, the Federal Republic of Yugoslavia (Serbia and Montenegro) remained completely isolated between 1992 and 1996. Only after 2000, the need for European and Euro-Atlantic integration was considered as the main strategic option. So, when can the beginning of the Serbian journey towards accession be dated? In dealing with this specific issue, it is necessary to reflect on the date on which the first step towards EU accession is taken due to, although the Serbian journey towards the EU is part of the broader process of accession of the Western Balkans, it undoubtedly presents singularities. Copenhagen (1993), Madrid (1995), Feira (2000),

Thessaloniki (2003), Berlin (2014)¹, Sofia (2018), Zagreb (2000, 2020)² and, of course, Brussels, are some European cities that appear associated with the enlargement of the EU. But, from a political and formal point of view, this chronology is not applicable to Serbia. This is more than evident during the decade of the 90s marked by several armed conflicts. It seems more appropriate to take the year 2000 as a reference, when Slobodan Milosevic left power, replaced by Vojislav Kostunica (October 2000). This fact was interpreted as the beginning of a new stage in implementing a democratic system and a market economy in Serbia, while at the same time directing the country towards EU integration. Later, Milosevic would be arrested in Belgrade (March 31, 2001) and handed over, months later, to the International Criminal Court for the former Yugoslavia (June 28, 2001) to be tried as responsible for war crimes and genocide in the three Balkan conflicts in the 1990s: Croatia (1991-1995), Bosnia (1992-1995) and Kosovo (1998-1999)³. Serbian progress towards the EU depended on full cooperation with the above-mentioned Court. In this way, the Yugoslav State entered the path of normalization in its foreign relations and put an end to the international isolation resulting from the war period.

The first formal step in an eventual enlargement towards the Western Balkans is constituted by the Stabilization and Association Process (SAP), launched in 1999 (Cologne European Council held after the NATO military intervention in Kosovo) and reinforced during the Thessaloniki summit in 2003. This initiative included the need to strengthen relations in different areas (it set common political and economic objectives) between the states to offer support to the economic and democratic transition to the Balkan region. In other words, it sought to promote commercial relations, financial assistance, the strengthening of regional cooperation in numerous and diverse social and economic spheres, and good-neighbourly relations to increase its stability in the

¹In August 2014, the German Chancellor Angela Merkel launched the Berlin Process. It consists on a political initiative aimed at reinforcing regional cooperation in the Western Balkans as well as promoting their integration into the European Union

² The EU-Western Balkans Summit was held in Zagreb on May 6, 2020. It concluded with a joint declaration by which the EU reaffirms its unequivocal support for the European perspective of the Western Balkans. Documents can be consulted here: https://cutt.ly/OffIIZd (Retrieved 4-08-2020).

³ At the time, the International Donors Conference (2001) conditioned international financial aid for Serbia and Montenegro to Milosevic's the placing at the disposition of the above mentioned Court.

region (European Commission, 2016). It also explicitly included the preparation of different countries for eventual accession to the EU. The SAP took the form of so-called Stabilization and Association Agreements (SAA) (and financial assistance through Community Assistance for Reconstruction Development and Stabilization, CARDS). These agreements contained detailed political conditionality and presupposed a future adherence by the states involved.

Since the Thessaloniki summit (2003) where the Member States were in favour of the Balkan States joining the EU, only Slovenia (2004) and Croatia (2013) have succeeded to date. Montenegro (2012), Serbia (2014), North Macedonia and Albania (2020) are currently candidate states and have accession negotiations open. Meanwhile, Kosovo and Bosnia-Herzegovina remain potential candidates as they still do not meet the entry requirements. The armed conflicts, but also internal problems that afflict these Balkan states (organized crime, corruption, economic status, respect for human rights and minorities ...) have delayed this expansion; in addition to the numerous problems that the EU had to deal with.

The Serbian case presents specific notes. Serbia's process of rapprochement with the EU is highly interesting due to the dramatic and convulsive circumstances experienced in the Western Balkans during the 1990s. It is worth remembering that, in June 1999, NATO bombed Belgrade, with the backing of the EU. A decade later, in 2009, Serbia formally applied to joining the EU. Therefore, it is understandable that the recourse to European rhetoric and symbolism ("return to Europe") was painfully applicable to Serbia, even if its European character was not questioned. On the other hand, as we have indicated, the end of the Balkan wars in 1999 leaded to the Serbian authorities of Milosevic (2001) surrender to the International Criminal Court for the former Yugoslavia. After that, other criminals such as Radovan Karadzic (2008) or Ratko Mladic (2011) who were hiding in Serbian territory would be made available to this Court. Thus, the way was cleared for Serbia towards the EU. Notwithstanding, these conflicts carried a negative image for Serbia, linking it with operations of ethnic cleansing and the commission of war crimes. Let us specify the key dates of the relationship between Serbia and the EU. In general, the EU policy towards the Balkan states has been framed in the Stabilization and Association Process

launched at the Zagreb Summit (November 2000). On the occasion of the European Council held in Thessaloniki Serbia, along with five other states, acquired the status of potential candidates.

The negotiation of a Stabilization and Association Agreement with Serbia and Montenegro started on October 10th 2005. In May 2006, the European Commission suspended the negotiations of the Stabilization and Association Agreement with Serbia and Montenegro due to the lack of cooperation with the International Criminal Court for the former Yugoslavia (arrest and surrender of Ratko Mladic). After improving this aspect, the EU Commission agreed to resume negotiations in June 2007, which ended in September this year. On April 29th 2008, the EU-Serbia Stabilization and Association Agreement was established and entered into force until September 1st 2013 (Council and European Commission, 2013).

As the first step in the accession process, Serbia formally submitted its application to joining the EU on December 22nd 2009 (in the same month the visa requirement for Serbian citizens in the Schengen Area was eliminated), by its President Boris Tadic, thus activating the procedure provided for in article 49 of the TEU. After almost two years, on October 12th 2011 (coinciding with the capture and arrest of Ratko Mladic), the EU Commission showed its support for this request, while recommending that Serbia would be granted the status of candidate country. This decision was attributed by the European Council on March 1st 2012. Progress in the technical dialogue between Serbia and Kosovo as well as the management of border areas also weighed on this decision. Finally, the accession negotiations started in January 2014. Specifically, the First Serbia Accession Conference was held on January 21st 2014 leading to the official start of the negotiations for Serbia's accession to the EU.

3. Serbia in figures

Serbia is the biggest Western Balkan country both in territorial size and population. At the same time, it is the one that enjoys the closest relationship with the EU. The EU is the largest foreign investor in Serbia. France (710.7 million euro), the Netherlands (317.5 million), and Germany (263.7 million) were, according to the Serbian National Bank, within the five major foreign

investors in 2019 together with Hong Kong (434.5 million) and Russia (237.3 million) (Bjelotomic, 2019). The EU is also the largest donor of development assistance and its companies the biggest investors in the country. Serbia's ties are closer to the West than to the East and therefore its citizens prefer to live, work and study in the EU rather than in Russia (Majstorović, 2019). Half of Serbian citizens are in favour of joining the EU in contrast to 31% who are against. With regards to NATO, only 9% are in favour of being part of it while 72 are against (Balkaneu.com, 2020).

Official	Territorial	Population	GDP		GDP	per	Inflation 2019
Candidates	Extension	(Millions)	growth		capita (€)		(average %)
	Km ²		2019 (%)				
Serbia	88.499	7	3.3		5.430		2.0
EU (27)	4.476M	446.825	1.5		27.980		1.4
Spain	505.988	47.3	2.0		25.170		0.7
Official	Public Debt	Life expectancy		Youth	Maje		or Religions
Candidates	(% GDP)	t		Unemployment			
			rate (15-2		24) (%)		
Serbia	52	72 (M)/77(F)		30		Christianity	
EU (27)	85.9	78.3(M)/83.5(F)		15		Christianity	
Spain	96.4	79 (M)/85(F)		30.51		Christianity	

Table 1. Serbia in perspective

Source: Elaborated by author based on Coface for trade, BBC countries profile, World Bank, UN, Spanish Ministry of Foreign Affairs, INE, EU Commission, Eurostat

Eurostat (2020) data shows that Serbia represents 40% GDP of EU average. Unemployment (22%) and the cost of living (21%) followed by corruption (10%) and poverty (4%) are the most important problems that its citizens think Serbia is facing. Serbians are particularly worried about the economy on one hand and democracy and lack of rule of law on the other. The amount of trust that they have on political parties and media is (3%) followed by courts (6%) and Parliament (8%). Prime Minister office goes up to (16%) and Presidents office (24%). With regards to their favourite foreign

partners Serbians have shown its preference for Russia (51%) and China (39%). The next on the list is Germany, scoring (20%). The same trend comes with regards to who they feel is their most relevant economic and political partner. Serbia (33%) of its population ages between 36-55 years and (40%) more than 56 years. The proportion among urban and rural population is (59%-41%). The majority of Serbians work in the private sector (73%) and half of them (49%) have completed secondary education. Around (48%) are in economy of subsistence (International Republican Institute, 2020).

Serbia was, among the Western Balkans candidate countries to the EU. the frontrunner in terms of its democratic institutions, level of economic development and overall readiness for accession (European Parliament (2019). However, the current political situation in Serbia is on the border of authoritarianism. Aleksandar Vučić power, who remains to be its Prime Minister since 2014, has been restated last June (2020) elections when Vučić Serbian Progressive Party (SNS) got (48.2%) of the vote; while the second largest party, Socialist Party (SPS), got the (11%). At the same time that two pro-Russia nationalist parties entered the parliament together with three pro EU. Serbia Radical Party got (8%) of the votes (DW.com, 2016). The fact that Vučić controls the largest majority of Parliamentary seats might have consequences both for Serbias' democracy and its path to EU integration (Brotman, 2020). This taking into account that, as a consequence of the opposition leader Borko Stefanović was beaten in November 2018, a wave of protest was triggered around the country accusing Aleksandar Vučić and his party of authoritarianism because of its attacks on independent media, electoral fraud and corruption. These demonstrations specifically ask for media freedom and conditions that ensure free and fair elections. Taking into account this situation, the opposition intended to boycott them with the aim of putting pressure on the government at the same time that they call the attention of the international community (European Parliament, 2019).

Precisely because of the President Aleksandar Vučić's de facto accumulation of executive powers, that do not respect the role that the Serbian Constitution has attributed to it. *Freedom House* has downgraded Serbia from the category of a free country to partly free. *Freedom House* report particularly emphasizes that the ruling Serbia Progressive Party "has steadily

eroded political rights and civil liberties, putting pressure on independent media. the political opposition, and civil society organizations" (FreedomHouse.org, 2020). At the same time, the lack of progress regarding freedom of expression is highlighted as one of the major concerns for the European Commission in its 2018 report (European Commission, 2018). World Press Freedom Index has also downgraded Serbia classifying it 93 out of 180 countries, the lowest ranking in Western Balkans region after Montenegro, and qualifying it as worrying state (Reporters without borders, 2020). The EU Parliament has also stressed its concern about the Serbia risk of authoritarianism highlighting the already mentioned decline of media freedom, excessive concentration of power, absence of fully free and fair elections or the fact that they are not to date in judicial reforms (European Parliament, 2019).

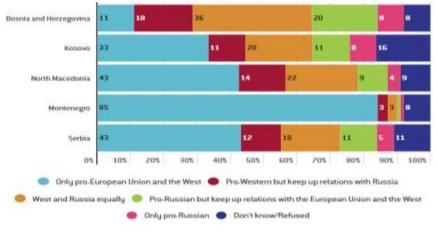


Figure 1: What should our country's foreign policy course be?

Source: International Republican Institute's Center for Insights on Survey Research, Western Balkans Regional Poll. February 2, 2020 - March 6, 2020

Source: Cameron, A. and Leigh, M. (2020). Has COVID-19 dented the EU's credibility in the Balkans? Bruegel Blog, June 15th. Retrieved from: https://cutt.ly/CffxkD4

COVID-19 pandemic is also contributing to the acceleration of the authoritarian character of this country. Even though the EU has been the region in the world that has provided most assistance to Western Balkans because of the pandemic crisis, 3.3 billion euros (European Commission, 2020), Serbian President Aleksandar Vučić has described the European solidarity as a fairy tale, stressing that China is the only one that can help them (Hall and Hopkins, 2020). An example of this strategy pursued by President Vučić is the fact that posters of Xi Jinpling and Chinese flags were displayed around Belgrade for several weeks, at the same time that Serbian television broadcasted live Prime Minister Ana Brnabić meeting the first of eleven Russian planes that landed in the country with supplies (Cameron and Leigh, 2020). Serbian government is also exacerbating Euroscepticism among its population, the highest in the entire region even before the pandemic (EuropeanWesternBalkans.com, 2020), in order to use it pragmatically to gain from the privileged geopolitical localization of Serbia which functions as a bridge between East and West, but also regarding Kosovo (Rrustemi, Wijk, Dunlop, Perovska and Palushi, 2019).

4. Serbia-EU membership' negotiations: back on track?

As we have already pointed out, the first step towards a possible Western Balkans enlargement was the SAP (European Commission, 2016b) launched in 1999 and reinforced during the Thessaloniki European Council Summit in 2003. The main purpose behind the creation of this instrument has been to provide Western Balkans countries with a realistic perspective path towards integration in order to encourage them to undertake the great number of reforms expected by the EU (Schenker, 2008). During the above-mentioned Thessaloniki European Council Serbia was, among other five Western Balkans countries, identified as potential candidate for EU membership. As we have already stressed, Serbia formally applied in 2009 and was granted candidate status after a long-contested process in 2012. On January 21st 2014 Serbia started accession negotiations (European Commission, 2020c).

In the meantime, the Republic of Serbia got the status of an associated country to the EU through the SAA, which entered into force on September 1st 2013. By signing this agreement Serbia had to agree on establishing a free trade zone and aligning its domestic legislation with the EU (Ministry of European Integration Government of the Republic of Serbia, 2019). The objectives of this SAA are: (a) to support the efforts of Serbia to strengthen

democracy and the rule of law; (b) to contribute to political, economic and institutional stability in Serbia, as well as to the stabilisation of the region; (c) to provide an appropriate framework for political dialogue, allowing the development of close political relations between the Parties; (d) to support the efforts of Serbia to develop its economic and international cooperation, including through the approximation of its legislation to that of the Community; (e) to support the efforts of Serbia to complete the transition into a functioning market economy; (f) to promote harmonious economic relations and gradually develop a free trade area between the Community and Serbia; (g) to foster regional cooperation in all the fields covered by this Agreement.

With the purpose of carrying out political and economic reforms the EU supports the enlargement countries with financial and technical help through the Instrument for Pre-Accession Assistance (European Commission, 2015), whose program runs until 2020¹. Another instrument that the EU puts at the enlargement countries disposal is the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX). The main purpose of this instrument is to support public administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices (European Commission, 2020d). At the same time, the EU has other several programmes open for Serbia participation, such as Erasmus+, Horizon 2020, COSME, Creative Europe, Customs 2020 and Fiscalis 2020, Europe for Citizens, EU Programme for Employment and Social Innovation (EaSI), Copernicus and LIFE Programmes (European Commission, 2014).

Prove of the clear commitment that the EU has with Serbia accession to the EU, and as its top donor investor, and most important, trade and economic partner; following the COVID-19 pandemic crisis, the EU will continue supporting the Serbia accession process to the EU, including the Economic and Investment Plan for the Western Balkans due in the autumn 2020 (EEAS, 2020). The EU Enlargement Commissioner Oliver Varhelyi emphasized that the EU would like to open more accession chapters while

¹ For the period 2007-2013 IPA had a budget of some \in 11.5 billion; its successor, IPA II, will build on the results already achieved by dedicating \in 11.7 billion for the period 2014-2020.

start closing some of them plus also advancing in the dialogue between Belgrade and Pristina (Euronews, 2020).

Even though Aleksandar Vučić has promised to conclude the EU accession negotiations as soon as possible, over the past few years there has not been significant progress in this area. Since Serbia started the accession negotiations in 2014 it has opened 18 of the 35 chapters, two of which are provisionally closed: science and research and education and culture (European Council, 2012). This slow path particularly responds to the Serbian authorities' reluctance of implementing reforms as well as the EU revision on its priority areas such as justice and rule of law. In addition to the serious problems that EU reports have remarked on democratic elections, parliamentary actions (which is totally subordinated to the executive) and media freedom (Szpala, 2020).

4.1 Two biggest obstacles: a (weak) Democracy and Kosovo agreement

As the EU Commission stresses, the greatest obstacles for the Serbia path into the EU are the weak democracy and quality of rule of law together with a competitive economy and a necessary agreement with Kosovo (Barber, 2020). In short, regarding the reforms in democracy, "there is an urgent need to create space for genuine cross-party debate and conditions for meaningful participation by the opposition in the parliament" (European Commission, 2019). The Serbia quality of democracy and rule of law is also of serious concern for the EU Parliament, particularly with regards to the Social Democrats, Greens and Liberals groups whereas the Europeans People's Party remains sympathetic (Ivković, 2020). In this regard, after the last Parliamentary Serbia elections the EU Parliament group Socialist & Democrats has asked EU member states to not open more accession chapters until democracy is restored in the country (Socialists and Democrats, 2020). Serbian's insufficient level of democracy for joining the EU is also of serious concern for the two Shadow Rapporteurs for Serbia - MEP Von Cramon for the Greens and MEP Klemen Grošelj for Renew Europe. All in all, no progress on rule of law reforms plus perpetually frozen dialogue with Pristina shows that, despite the fact that the Serbian government has been fully

committed to the EU accession process; there is not a real will of putting in action structural reforms (Dilas, Zelenović and Nikolić, 2019).

4.2 A (weak) Democracy

Since Serbia started accession negotiations more than six years ago, according to every indicator and all organisations monitoring democracy globally (Freedom House, the Bertelsmann Transformation Index, the VDem Institute, and the Economist Democracy Index) its democracy and rule of law have been backsliding (Bieber, 2020). As we have already stressed, since February 2019 *Freedom House* rates Serbia as partly free. Situation likely to be aggravated after the controversial already mentioned Parliamentary elections in June 2020 as a result of which Aleksandar Vučić controls two-thirds of the National Parliament seats (EuropeElects.eu, 2020). The Organization for Security and Co-operation in Europe (OSCE) remarks that, although during the last campaign elections fundamental freedoms were respected, the "voter choice was limited by the governing party's overwhelming advantage and the promotion of government policies by most major media outlets" (Barigazzi and Gray, 2020).

Over the past few years, Aleksandar Vučić government has abused government authority in controlling media to avoid critical voices, at the same time that it has used government tax investigators to punish foes and government subsidies to reward allies (Doehler, 2020). The result of the last parliamentary elections in June 2020 has evidenced the authoritarian nature of the Serbian regime, seriously compromising the enlargement process. In this regard, the High Representative Josep Borrell and Neighbourhood and Enlargement Commissioner Olivér Várhelyi released a joint statement strikingly critical by underlying the limited voter choice and the media dominance of the ruling party. However, it has been stressed that the risk is that if the EU does not confront the serious threats to Serbia democracy, the opposition parties might become more Eurosceptic, as they see that their government is backed by the EU and its member states (Bieber, 2020).

After the COVID-19 pandemic crisis the internal situation in Serbia is not expected to get any better. As we have already underlined, during the peak of the crisis President Aleksandar Vučić accused the EU of lack of solidarity with the Western Balkans at the same time that it showed admiration for China (Barber, 2020). This is part of a strategy to replace Russia for China as the Serbian biggest ally in counterpart of China international support to Serbia regarding Kosovo. China's great interest in Serbia responds to the idea that Serbia could become its door to the rest of the EU. So far, Serbia, as a candidate country, enjoys a privileged position due to it has access to the EU market while certain EU rules still do not apply to it. Therefore, it is the perfect test for China in how getting into the EU market. China is also protected by Serbian media which presents both Russia and China as its best allies, contrary to the West which is presented as the one who is taken Kosovo away and obstructing the progress of the country (Velebit, 2020). All in all, Serbian government is playing the perfect double game by benefiting from EU funds at the same time that it blames the West and comes closer to Russia and China in order to benefit from them all (Phillips, 2020).

4.3 Kosovo Agreement

Kosovo is also a high topic for the EU member states where 5 out of 27: Romania, Cyprus, Greece, Slovakia, and Spain, still do not recognize it as a sovereign country (Rferl.org, 2020). In order to overcome this situation, an agreement between Belgrade and Pristina is *condition sine qua non* for Serbia and Kosovo to join the EU (Cózar Murillo, 2020). However, whereas Kosovo aims to get full recognition of its sovereignty and Serbia is under pressure to come to an agreement in order to keep advancing in its path to EU membership (Brotman, 2020), Serbian President Aleksandar Vučić stressed last June that he is expecting some concessions in return for recognizing Kosovo and, as a consequence, allowing it to be part of international organizations such as United Nations (UN) (Euractive.com, 2020). Despite the fact that the requirement from the negotiations and Kosovo's main objective from the talks is to achieve "mutual recognition", President Aleksandar Vučić do not seems to be particularly engaged with the idea of going that far, it only stresses the necessity of accepting the reality of Kosovo

about which Belgrade lost control after the 1998-1999 war (Euractive.com, 2020b).

The mediated discussions had broken in 2018 and since them both parts have been receiving pressure from the West for rebooting the negotiations (Rferl.org, 2020); to the point that some voices stress that EU-Serbia accession negotiations should be suspended before a deal is reached. As the current Director of the Program on Peace-building and Rights at Columbia University's Institute for the Study of Human Rights, David L. Phillips, points out: "Serbia cannot have it both ways. Either it proceeds towards EU membership, which requires recognition of Kosovo, or it foregoes Euro-Atlantic integration and deepens ties with anti-democratic and anti-Western countries like Russia and China" (Phillips, 2020). The point is that the deal would necessarily ensure the territorial integrity of each state at the same time that democratic institutions are preserved. Any attempt of land swap would be risky leading to destabilization. Therefore, the EU needs to play an essential role in reaching an agreement at the same time that it closely works with the US (Cicarelli, Bergmann, and Lamond, 2020).

The new EU Commission is particularly engaged with the Western Balkans enlargement as part of its geopolitical strategy and so it is the High Representative of the EU for Foreign Affairs and Security Policy/Vicepresident of the Commission, who have recently confirmed his personal commitment with its role of facilitator of an agreement, always with the support of the EU member states. Prove of this EU commitment is the fact that the Council of the EU has appointed Mr Miroslav Lajčák as EU Special Representative for the Belgrade-Pristina Dialogue and other Western Balkans regional issues, whose major task is to ease the conclusion of an agreement between the different neighbourly countries. At the same time that it works for enhancing "the EU's visibility and effectiveness through public diplomacy, and contribute to the consistency and effectiveness of EU action in the Western Balkans" (EEAS, 2020b).

A new dialogue process has been re-launched between Brussels, Serbian President Aleksandar Vučić and Kosovo Prime Minister Avdullah Hoti in July 2020. During this first meeting they have discussed about missing persons, displaced persons and economic co-operation (European Western Balkans, 2020). The most important element is that both parties have to take into account that the agreement should include Serbia recognition of Kosovo based on a solution that can be accepted by the population of both countries, at the same time that provides them with an EU perspective (Tcherneva, 2020). Reaching an agreement would not be easy and they would have to find compromises that would be difficult to present to their citizens. Serbian President is currently in a stronger position than its Kosovar counterpart; however, whereas Kosovo enjoys unity about their independence from Serbia and EU integration, Aleksandar Vučić would have to deal with nationalisms inside its country towards Kosovo, in addition to the Russia opposition of Kosovar statehood (Assenova, 2020).

5. EU member states position on Serbia's enlargement.

After the fall of the Berlin Wall during the 1990s, enlargement was viewed positively, in particular from a geopolitical perspective. However, this enthusiasm gave way, first, to certain discouragement and apathy and, nowadays, to hesitation and even fear. Today there is the suspicion that enlargement might introduce further destabilisation inside the EU, which might explain the slowdown in the enlargement process to the Western Balkans. Even the EU seems to question the usefulness of its enlargement policy.

As we have already stressed, the accession of the Western Balkans presents inherent difficulties. On the one hand, those linked to a deficient level of development of the rule of law and democracy¹, on the other hand, other risks such as the presence of minorities and ethnic hatreds in the region that can be easily exploited (Judt, 2013, p. 79-81) or the geopolitical ones derived from the interference of powers such as China, Turkey, Iran or Russia².

¹ "Nevertheless their membership prospects seemed remote, partly because of 'enlargement fatigue' in the EU, and partly because of difficulties that were both common to the region and specific to each country, ranging from weak governance, to economic underdevelopment, to high crime and corruption." Have a look at: *The European Council in 2018. Overview of decisions and discussions*, European Parliamentary Research Service, p. 37.

² Professor Jose Palmeira points out that "All this happens in a very complex international system, where Russia resurfaces as a" continental disruptor ", especially after the annexation of Crimea (2014) and the destabilization of Ukraine. On the other hand, the People's Republic of China increasingly

However, these difficulties do not hide the fact that the Western Balkans candidate states are highly dependent on trade relations with the EU and, although to a varying degree, appear to have achieved some political stability, while expressing a clear political will to join the EU. The fact that its "Europeanity" is not questioned and this fact plays in its favour, unlike, for example, the Turkish situation.

Taking this scenario into account, the Juncker Commission (2014-2019) decided that no more countries will join the EU during its mandate. However, at the end of its period as President of the Commission, he recognized the strategic importance of keeping the Western Balkans under the influence of the EU. In the first half of 2018, the Bulgarian Presidency established the future enlargement of the Western Balkans as one of the priorities. Following this logic, and as part of its strategy of a Geopolitical Commission, the current President of the EU Commission, Ursula Von der Leyen emphasized her commitment to enlargement by asking her Neighbourhood and Enlargement Commissioner, Olivér Várhelyi, to work for a credible perspective towards the Western Balkans enlargement (European Commission, 2019b). In short, this enlargement process follows a geopolitical dimension: to reinforce the stability and security of both EU member states and candidate countries.

In every single enlargement process political motivation is decisive (delays, slowdowns or even blockades are not uncommon in the negotiating process), although at first sight compliance with political and economic criteria and monitoring of the negotiating procedure conducted by the EU Commission seem central. Suffice it to say that the Member States retain veto power in relation to the entry of new members. Their negotiating capacity conditions the results based on their domestic preferences that are in direct harmony with their national interests. For this reason, the accession of new member states always generates tensions between the old member states. As a general rule, the economically more developed member states are more favourable to enlargements as opposed to those that are structurally weaker or, as in the case of France, have an important agricultural sector. Ultimately, enlargement materializes when the redistribution of the gains to be obtained

assumes itself as a global actor, benefiting, in various circumstances, from the withdrawal of the United States and even replacing it, as a defender of multilateralism", Palmeira, (2020).

from it compensates for the relative losses (Schneider, 2007, p. 86). Consequently, it is essential to present the positions of the different member states regarding the enlargement to the Western Balkans.

Germany is the leader of the negotiating accession process, supported by countries such as Austria, Italy or Poland; while France has positioned itself against it, like Denmark and the Netherlands, mainly due to the weakness of their rule of law (Szpala & Formuszewicz, 2019). The motivations of the states of the first group are fundamentally fed by their strong ties with the region, be it due to the presence of diaspora, economic relations or geopolitical or security issues. Almost 1,5 million of German inhabitants come from the Western Balkans. Germany is also one of the EU biggest investors in the region (Ker-Lindsay *et ál*, 2017, pp. 515-516). Germany is the first trading partner in imports and exports with Serbia; first commercial partner in imports and second in exports with North Macedonia; second trading partner in imports and third in exports with Albania and second trading partner in imports with Montenegro. This makes Berlin its greatest ally within the EU (Colibasanu, 2017).

At the same time, Germany is one of the largest contributors of development aid in the region. In addition, it has participated in peacekeeping operations in its conflicts, which made it to play a more relevant political role. However, although Germany supports enlargement, based on the large number of benefits that this would bring, its maximum objective is to not undermine the EU integrity (Ker-Lindsay et ál, 2017, pp. 515-516).

The Western Balkans countries are located in a privileged geographical enclave and Germany is particularly interested in the EU controlling it (Von der Burchard, 2020). Evidence of Germany's great support for the Western Balkans enlargement was the holding of the Western Balkans Summit in August 2014 and the launch of the Berlin Process (Töglhofer, and Adebahr, 2017, pp. 523-539). Through the Berlin Process Germany stressed that Serbia was the most important country in the region due to its geostrategic location. Furthermore, Germany has made particular efforts to facilitate relations between Serbia and the EU, but also to facilitate dialogue between Serbia and Kosovo (Colibasanu, 2017), key for the possible accession of Serbia to the EU. This mainly because France and Germany, the two member states that are at the driving seat of the EU integration process, have opposite views about it. Whereas Germany is one of the main benefited, France, thinking in purely domestic terms, considers it as little strategic relevance. Besides, we cannot forget that the UK, traditionally the member state that has supported EU enlargement the most, is no longer part of the club, complicating the options for the candidate countries. To this, we must add the experience derived from the 2004-2007 enlargements, which affected the individual position of some member states. Thus, for the beneficiary states of cohesion funds such as Spain or Portugal, it implied the reduction or the progressive disappearance of these resources. In the French case, this expansion gave rise to the perception of a loss of political weight¹, such as the shift of the centre of gravity towards the East in favour of Germany; it is a similar perception that can be shared by the two Iberian states, Spain and Portugal ("continentalization" of the EU²) (Dinan, 2014, p. 319).

Other states such as the members of the Visegrad Group are generally in favour of enlargement to the western Balkans. Thus, for example, it is a central objective for Hungary since it understands that enlargement to the Western Balkans guarantees security and stability in the region, improves economic cooperation and protects Hungarian minorities living in neighbouring countries (Semanić, 2016, p. 95). Poland has also a favourable position to enlargement, having its foreign policy oriented towards the preservation of the stability in the Balkan region, as its security depends on it (Szpala, 2016, pp. 113-114). Slovakia has always been an enthusiastic supporter of the EU's enlargement policy.

As we have indicated, after the 1998-1999 war, in June 1999, Kosovo became a UN protectorate within Yugoslavia; meanwhile, NATO had to

¹Following this line of thinking, Emmanuel Macron, after vetoing the accession negotiations of Albania and North Macedonia in 2019, launched the idea of a "gradual association" which would imply a new approach to the EU accession process. It is committed to a more political, less technocratic and automated approach to this process that includes a possible reversibility and the guarantee of substantive and tangible results.

² In this sense, it is interesting the contribution made by Professor Palmeira as he tries to highlight the fear of Portuguese diplomacy that the EU, after the withdrawal of the United Kingdom, "will "continentalize" around the Franco-German axis, accentuating the periphery of the country in the European context". Palmeira, (2020). Obviously, enlargement towards the western Balkans and, in particular, towards Serbia would also contribute to this.

guarantee peace. In February 2008, the Kosovar Parliament declared unilaterally its independence, without the backing of the United Nations and the opposition of Serbia. This declaration was immediately recognized internationally. However, as we have discussed, five EU member states (Romania, Cyprus, Greece, Slovakia and Spain) still do not recognize it as a sovereign country. Notwithstanding, the EU considers Kosovo as a potential candidate for membership and maintains a stabilization and association agreement against non-recognition by the aforementioned states.

Since four EU member states do not recognize Kosovo, this issue is one of the main obstacles that Serbia faces in reaching its accession to the EU, both due to the aforementioned demand for normalization of bilateral relations and due to the repercussions on EU member states. First, Cyprus does not recognize Kosovo because of the division on the island. Indeed, since 1974 Turkey occupied the north of the island and established the "Turkish Republic of Northern Cyprus" (only recognized by Turkey), the Government of Nicosia only controls two thirds of the territory. Thus, the eventual recognition of Kosovar independence could have serious implications for Cypriot internal politics itself. Linked to this situation is the Greek case. Greece maintains strong ties with Serbia as they are the two main Orthodox countries at the regional level. The Greek authorities refuse to recognize the independence of Kosovo due to the implications in the Turkish-Cypriot conflict. Finally, the cases of Slovakia and Romania are similar because the non-recognition of Kosovo relies on the presence of Hungarian minorities in their territories that, based on the Kosovar precedent, could formulate demands for political autonomy for the territories they inhabit.

Generally speaking, on the Spanish position regarding the EU enlargement to the Western Balkans it is possible to say that "as in previous rounds of enlargement, Spain does not lead the process of Balkan integration into the EU but looks for common positions and tries to negotiate in its own political interest. While Spanish interests are not in the Balkans, developments in the region affect Spanish domestic politics and Madrid is well aware of this" (Ferrero, 2015, p. 104). Indeed, the Spanish refusal to recognize Kosovo has its root cause in domestic politics. As a plurinational state, the Spanish Government considers Kosovo as part of Serbia, as the

recognition of a unilateral declaration of independence could set an inadmissible precedent in the Spanish context. Specifically, the non-recognition of Kosovo as an independent state is linked to the conflict between the Spanish Government and the pro-independence forces of Catalonia (who demand a referendum on eventual independence). Consistent with this approach, in May 2018, former President Mariano Rajoy did not attend the EU-Balkans Summit held in Sofia because Kosovar representatives were also taking part. The other four EU member states that do not recognize Kosovo attended the Summit.

Obviously, this does not mean that Spain opposes the enlargement to the Western Balkans or specifically to Serbia. As Ferrero points out "the Spanish position towards enlargement to the Balkans has been influenced by its historical relations with the region, as well as by domestic considerations, with political movements in Catalonia and the Basque Country [and Galicia] as first priorities on the agenda" (Ferrero, 2015, p. 87). Both the historical links and the economic and commercial relations are recent and scarce. Regarding Serbia, this same author stresses that "overall, however, the Spanish foreign policy towards the Balkans has been one of great support for Serbia as the 'core' of Yugoslavia [...]. This explicit support towards the former Yugoslavia and, later, towards Serbia (after Montenegro's independence in 2005 and Kosovo's secession in 2008), has continued over the years and has influenced the Spanish policy towards EU enlargement. This means that Spain is unlikely to accept that Serbia enters the EU after Montenegro and the former Yugoslav Republic of Macedonia". In this sense, the Spanish Government considers Serbia the most relevant Western Balkans state prioritizing its accession to the EU, although it defends the strict application of the conditions in accordance with the regatta principle.

6. Conclusions

It could be said that the accession of the Western Balkans is a real political goldsmith work carried out by Brussels. It is not only about implementing democratic systems, rule of law or market economies, but also regional reconciliation and stabilization are pursued in a context characterized by the existence of relatively recently open or closed conflicts. Some of which directly or indirectly affect EU member states. In addition to the normalization of relations between Serbia and Kosovo, neighbourhood relations, bilateral relations and regional cooperation also matter. In previous enlargements, these kinds of issues were not central to the enlargement agenda. But, even if it is difficult to achieve acceptance of regional cooperation by the political elites of the newly formed states in the Western Balkans, they seem to perceive the EU as the only possible geopolitical alternative, rather than as a reflection of the real interests of local elites and political societies.

This New Enlargement process is impossible to compare with previous enlargement processes such as the ones of UK, Denmark, Austria, Sweden or Finland, characterized by political stability and economic development... Although it is relatively comparable with the Mediterranean enlargement: Spain, Portugal or Greece due to their previous authoritarian regimes and low economic development. The exceptionality of the Western Balkans enlargement relies on the fact that due to besides working on the transition and consolidation of a democratic system and market economies, it requires to build a stable relationship among the new states that have recently emerged in addition to the promotion of the Western Balkans regional cooperation. This scenario greatly differs to previous experiences such as BENELUX, EFTA or the Nordic Council.

When in the 1980s, the countries of Western Europe were heading towards greater economic and political integration (Single European Act, 1985-86), the political leaders of the Yugoslav republics took the opposite path, the one of the fragmentations and territorialization on the basis of radical ethno-national demands. For this reason, today the ideas of cooperation and integration that characterize the EU context are not understood in the Western Balkans, which makes their enlargement process difficult. Added to this are the difficulties arising from the implementation of notions such as democracy, rule of law, fundamental rights, minorities protection...

Serbia not only wasted the significant Yugoslav political capital accumulated up to the early 1990s (eventually SFRY signed the PHARE program in 1990, which included significant financial support for future

transition and social and economic reforms), but also had to assume the political and reputational costs at an international level derived from war conflicts. Precisely, unlike other enlargements, in Serbia's rapprochement with the EU, European rhetoric and symbolism ("return to Europe") is not applicable, although its European nature was certainly not questioned.

Although Serbian accession to the EU suffers from a relative delay and presents certain peculiarities, it cannot be ignored that it is the most relevant nation state in the Balkan region both in territorial size and population. At the same time, it is the one that enjoys the closest relationship with the EU. This entails that the normalization of the political situation at the regional level would require Serbia to be in a position of joining the EU. Therefore, Serbia is a key actor in this ongoing enlargement process.

However, the main aim of this piece is to remark that, even though Serbia has never been that close to the EU membership, it faces great obstacles in this path such as: a weak democracy and quality of rule of law together with a competitive economy and a necessary agreement with Kosovo. To which we must add a close friendship with Russia and China, contrary to the EU interests. The authoritarian tendencies detected in Serbia, together with the experience of the 2004-2007 enlargements have provoked a reform of the EU enlargement process, from bureaucratic to more politicize, which would make the Serbia accession to the EU impossible unless its government clear commits to put in action reforms regarding the rule of law and clear advances in setting an agreement with Kosovo. Those are essential for the five EU member states that have still not recognized Kosovo, Spain included, in accepting either of them as part of the EU. Finally, even if COVID-19 is not easing such process, the EU Commission and Germany, who holds the Council rotating presidency during the second part of 2020, are committed to Western and, particularly, Serbia enlargement. Now the ball is on the other side of the net.

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