

Non-Paper Reforming the European Union accession process

We reaffirm our unequivocal support to the European perspective of the Western Balkan countries. Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia belong to Europe, by virtue of their history, culture and geography. Closer ties with the European Union are the only way for these countries to build or consolidate States based on the rule of law and open and pluralistic societies, pursue their economic and social development, give their youth a future perspective and promote reconciliation between peoples. Closer ties between the European Union and the countries of the Western Balkans, and their effective accession once the European Union has been reformed and made more effective and responsive for its Member States and candidate countries, will also make Europe more sovereign and more united.

Twenty years after recognizing the European perspective of the Western Balkan countries, despite the reforms undertaken and the courageous acts of reconciliation undertaken (such as the Prespa Agreement), the profound political, economic and social transformations required for a future accession to the European Union continue to be too slow and the concrete benefits for citizens in candidate countries remain insufficient.

A renewed approach to the accession process is therefore necessary to support the Western Balkan countries in concrete terms with regard to the reforms necessary to fully comply with the rule of law and generally to apply the European acquis. This approach should be accompanied by a strong commitment by the European Union in order to help them to confront the numerous and complex challenges related to their economic and social development, to have command of the competences regarding their territory, and confront their migration and security challenges.

1- A renewed approach should be based on 4 principles: gradual association; stringent conditions; tangible benefits; reversibility

- Negotiations organized around policy blocks, in which candidate countries would gradually be included;
- Stringent conditions, in order to effectively converge towards European norms and standards over the long term, in the field of the rule of law, but also economic and social convergence;
- Concrete benefits during the process (which are currently lacking and prevent migratory movements from being stemmed, posing problems for both parties), particularly through increased financial support;
- A reversible process to ensure its credibility and incentive nature.

This new approach would also be based on enhanced political governance.

1.1 Negotiations organized to enable gradual access to European Union policies and programmes

a) The process of accession would be more gradual and incentivising:

- Once negotiations are opened, the integration process would no longer be based on simultaneous opening of a large number of thematic chapters, but on several successive stages, which would form coherent policy blocks and a scheme pre-established by the EU, taking into account the specific features of each candidate where appropriate (*see Annex 1*);

- The closing of negotiations corresponding to each stage completed by the country would open up the possibility to participate in EU programmes, to be involved in certain sectoral policies and, where appropriate, to benefit from certain targeted finance;
- In order to move to the next stage, countries would have to effectively respect precise criteria, which would enable acquis to be adopted but also effectively implemented within the framework of participation in a given policy;
- The rule of law and fundamental rights would remain an integral requirement from the moment negotiations are opened, as is the case in principle within the framework of the “new approach” set out in December 2011, and would remain so across all sections throughout the process (included in criteria for each stage);
- The final objective would be full and complete accession.

b) The order of the gradual stages should ensure a credible balance between the capability of candidate countries to participate in a policy, the benefits expected by these countries from their participation in this policy, and the need to preserve the integrity of the Union and its policies.

For example, connection to the instruments on the digital agenda (roaming, digital Europe, etc.) or participation in the European Research Area and the LIFE+ and Creative Europe programmes could be planned for an early stage in the process. Involvement in the Banking Union or in the European arrest warrant could be envisaged in a middle stage, while access to the internal market would be better left towards the end of the process.

1.2 Stringent conditions

The criteria for moving from one stage to the next would be set out in detail, making it possible to verify the adoption as well as the effective and sustainable implementation of acquis as regards a particular policy, and would be principally based on sustained, irreversible progress in the field of the rule of law. Candidate countries would be required to adapt their institutional and administrative capabilities to the need for effective participation in the various policies. Final accession would be decided based on meeting tangible economic and social convergence objectives.

These criteria would come with easily and objectively verifiable indicators. They could be inspired by indicators set out by the European Union (Justice Scoreboard, European Semester during the final stages of the process) and other international organizations (Council of Europe, including the Venice Commission, GRECO and the Moneyval committee; OECD; World Bank), but would still be set and assessed only by EU institutions.

1.3 Tangible benefits

In addition to the benefits resulting from gradual participation in EU policies, increased financial support could be provided. It could come from an increase in the envelope of the pre-accession instrument but making candidate countries eligible for structural funds could also be considered. Candidate countries could receive a share of structural funds for which they would be eligible once in the European Union, based on a gradual increase according to stages they have completed and reforms they have carried out. The eligibility requirements for these funds should be reserved for tenderers of these countries and European Union Member States, to avoid adverse external influences.

1.4 A reversible approach

A principle of reversibility should be established in order to address situations whereby the candidate country, in whole or in part, no longer meets certain criteria or ceases to fulfil the commitments it has undertaken.

The European Union's response would be gradual. It would be proportional to the size and the seriousness of the failing observed: from a suspension of the benefits granted to a step backwards in the process, or even general suspension if the European Union's fundamental values were challenged (as can be the case in the current process).

2- Stronger political governance

Specific governance would be established to support this new process. The Commission would assess and regularly monitor the progress made by candidate countries including their compliance with the acquis of the stages already validated. The Member States would review these evaluations. The Council's role would be strengthened as candidate countries are increasingly involved in sectoral policies.

Finally, along with the launch of reflection on a better articulation between the Berlin Process summits and the EU-Balkan summits, an annual meeting of the European Council could be held with Heads of State and Government of the Western Balkan countries, in order to address issues of common interest (joint response to major challenges, relations with non-European partners, cooperation in the field of justice and home affairs, economic and regional cooperation).

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We propose that the Council ask the Commission to formulate, on the basis of the above points, proposals defining the new method (organization, decision-making procedures, monitoring mechanisms, the role of the different European institutions and Member States) before the next Enlargement Package is published, by January 2020.

This revised approach to the accession process would be reflected and implemented in the negotiation frameworks that the Council would be called upon to adopt when opening accession negotiations with candidate countries.

Annex: Proposal on how to organize the new stages of the accession process

Proposed new stages	Former corresponding chapters	Policies/funds available per stage
Stage 1 (cross-cutting): Rule of law, fundamental rights, justice and security	23- Judicial reform and fundamental rights 24- Justice, freedom and security	<ul style="list-style-type: none"> - Participation in work of the European Union Agency for Fundamental Rights and its tool, the EU Fundamental Rights Information System (EFRIS) - Cooperation agreements with Eurojust (information exchanges, including of personal data, secondment of liaison officers or magistrates, etc.) - Involvement of pre-accession countries in work of the group of contact points working on the EU Justice Scoreboard - Ratification and implementation of relevant international and European agreements
Stage 2: Education, research and space, youth, culture, sports, environment, transport, telecommunications and energy	14- Transport policy 15- Energy 21- Trans-European networks 22- Regional policy and coordination of structural instruments 26- Education and culture 25- Science and research 27 - Environment	<ul style="list-style-type: none"> - Erasmus + - European research space (mobility of researchers, etc.) and Horizon Europe - LIFE+ Programme - Connecting Europe Facility (CEF) and trans-European networks
Stage 3: Employment, social policy, health and consumer protection; competitiveness;	19- Social policy and employment 28- Health and consumer protection 5- Public procurement 7- Intellectual property law 8- Competition policy 20- Corporate policy and industrial policy	<ul style="list-style-type: none"> - Participation in the European Union's industrial policy? (possible involvement in important projects of common European interest or PIIEC, battery alliance, etc.) - EU Programme for Employment and Social Innovation (EaSI) - EURES network (or certain activities of the new European Labour Authority) - Participation in certain meetings of European social partners according to the topic
Stage 4: Economic and financial affairs	4- Free movement of capital 9- Financial services 16 - Taxation 17 - Economic and monetary policy 18 - Statistics 32- Financial control	<ul style="list-style-type: none"> - Banking Union - Capital Markets Union (except for free movement of financial services postponed until Stage 5)
Stage 5: Internal market, agriculture and fisheries	29- Customs Union 1- Free movement of goods 2- Free movement of workers 3- Freedom of establishment and freedom to provide services 6- Company law 10- Media and information society 11- Agriculture and rural development 12- Food safety, veterinary and phytosanitary policy 13 - Fisheries	<ul style="list-style-type: none"> - Customs Union - Participation in the internal market after the effective entry into force of the adoption of the acquis (including on financial services) - In a single block: Common Agricultural Policy (CAP); Veterinary and Phytosanitary Policy; Common Organization of Agricultural Markets; Common Fisheries Policy (CFP) - ERDF

Stage 6: Foreign affairs	30- External relations 31- External security and defence policy	- Consular cooperation arrangements - Involvement in defence programmes? (ERDF, EDA)
Stage 7: Other matters	33- Financial and budgetary arrangements 34 - Institutions 35- Other matters	- Full accession