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Prospects for Extending the European Union to the Countries of the Western Balkans

Abstract

The main objective of the article is to present the prospect of extending the European Union to the countries of the Western Balkans. It presents the criteria to be met by the candidates for EU accession, followed by an analysis of the most important problems related to the accession process, both those afflicting the Member States (*enlargement fatigue* – lack of acceptance for further enlargements among societies) and those faced by the Western Balkan countries – lack of political stability, widespread corruption, organized crime, unresolved disputes with neighbours, lack of preparation for functioning in the common market. Subsequently, the perspectives of possible EU enlargements for the Balkan countries are outlined.

Key words: European Union, Enlargement Process, Western Balkans

Introduction

When analysing the history of European integration, it can be observed that the enlargement of the European Communities/European Union is a regular component of this process. The European Communities, which initially consisted of 6 countries with a total population of about 200 million and covered part of Western Europe, currently consist of 28 members within the EU with a demographic potential of over 500 million and occupy the majority of the European continent. The structure, built on the foundations of democracy, the rule of law, respect for human rights and implementing the principles of free market, has been recognized as a “sanctuary” of peace, stability and economic prosperity. It was because

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of these features that after the collapse of the two-block system, membership in the European Union became the main goal of the majority of Central and Eastern European countries. For the EU itself, the possibility of enlargement meant stabilization of its surroundings, gradual removal of potential threats and expansion of the markets. In addition, considering the European Union's superpower ambitions at the beginning of the 21st century, its demographic, political, economic and territorial potential was (and still is) an important attribute in the international arena.

The attractiveness of the European Union and the prospect of membership in this structure has been the most effective instrument of its impact in both the immediate and more distant neighbourhood. The policy of open doors motivated the countries of Central and Eastern Europe to implement painful economic and political reforms. The effort paid off, as owing to the work undertaken in 2004, 2007 and 2013, 13 new members joined the European Union. After that wave of enlargements, however, there was a marked change in the attitude towards further expansion among the European Union's societies. At present, one can observe this process decelerating.¹ A peculiar expression of that was the statement of the head of the European Commission, Jean-Claude Juncker, who said at the commencement of his function in 2014 that during the next term of office he does not anticipate any accession to the EU. This means that by the end of 2019 no extension will take place. This, however, should not be interpreted as a signal of the EU's resignation from wanting to influence its surroundings. Brussels is still pursuing an open door policy towards its neighbours, in particular towards the Balkan countries.

Increasingly Stricter Membership Criteria

Based on its historical experience related to the enlargement process, the European Union has created a catalogue of conditions that must be met by an applicant country.² Article 49 of the Treaty on European Union clearly states that any European state that respects the values listed in Article 2 of the Treaty, namely “respect for the dignity of a person, freedom, democracy, equality, the rule of law, including the rights of per-

¹ See: O. Barburska, D. Milczarek, *Polityka wschodnia Unii Europejskiej: porażka czy sukces? (Eastern Policy of the European Union: Failure or Success?)*, Warszawa 2014, pp. 26 and further.

² See: A. Szymański, *Zmiana polityki rozszerzenia Unii Europejskiej. Ujęcie instytucjonalne (Change of the European Union's Enlargement Policy. Institutional Frame)*, Warszawa 2014; A. Szymański, *Rozszerzenie Unii Europejskiej. Współczesne uwarunkowania i perspektywy kontynuacji procesu (Enlargement of the European Union. Contemporary Conditions and Prospects for the Continuation of the Process)*, Warszawa 2012.

sons belonging to minorities, can apply for EU membership. These values are common to the Member States in a society based on pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men”.³

The criteria adopted by the European Council in 1993 in Copenhagen (the so-called Copenhagen criteria) and in 1995 in Madrid (the so-called Madrid criteria)⁴ supplement the requirements laid down in the Treaty. The Copenhagen criteria constitute a catalogue of political, legal and economic standards that a country interested in membership must meet:

- having stable institutions to guarantee democracy, rule of law, human rights, as well as respect and protection of minorities;
- a functioning market economy and an ability to withstand competition and cope with the market forces within the EU;
- readiness to take on the responsibilities of an EU Member, including adjustments to the objectives of a political, economic and monetary union;
- introduction of common regulations, standards and policies which form the EU legislation (*acquis communautaire*).

The Madrid criteria, in turn, indicate the need to adapt the administrative structures of the candidate state to enable the effective implementation of community policies and the enforcement of EU law after accession.⁵

In 2006, the European Union introduced another obligation related to the accession process.⁶ This time, however, it was not an additional condition addressed to the candidate state, but a self-limiting criterion adopted by the European Council, ordering the EU to acquire integration capacity, i.e. absorption capacity: the EU's readiness to extend both in institutional and financial terms.⁷

Problems related to the accession process of Bulgaria and Romania forced the European Union to re-verify its enlargement policy after 2007. In these two cases it turned out that despite the fact that accession negotiations ended in 2004, these countries, which were already members of the EU, were unable to effectively carry out their responsibilities in the

³ Art. 2 TUE: <https://eur-lex.europa.eu/legal-content/EN/> (18.08.2018).

⁴ <http://www.consilium.europa.eu/pl/european-council/conclusions/1993-2003/> (18.08.2018).

⁵ *Ibidem*.

⁶ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/PL/ec/92216.pdf (18.08.2018).

⁷ W. Bąba, *Bariery dalszych rozszerzeń Unii Europejskiej (Barriers to Further Enlargements of the European Union)*, in: *Bariery integracji Unii Europejskiej (Barriers to European Union Integration)*, ed. H. Tender-Właszczyk, Kraków 2009, p. 169.

fight against corruption, organized crime and money laundering. Moreover, the problems also appeared concerning effective control over the management of EU funds.⁸

The problems arose due to the fact that the governments in Sofia and Budapest had already received confirmation of the date of entering the EU, which resulted in a slowdown in the implementation of reforms. While assessing both countries and concluding their accession negotiations, the European Commission was aware of their shortcomings and deficiencies, and yet decided to give both candidates a loan of trust. However, this policy proved to be naïve and ineffective, thus forcing the EU to implement the Cooperation and Verification Mechanism, which obliged Bulgaria and Romania to quickly implement reforms of the judiciary and apply effective methods of combating organized crime. This specific lesson contributed to the decision taken at the 2011 European Council to apply a new enlargement policy strategy, based on special treatment of the so-called fundamental issues: the rule of law, fundamental rights, strengthening of democratic institutions including public administration reform, especially in the area of the judiciary. Negotiation chapters on these issues (i.e. chapters 23 and 24 – the areas of freedom, justice and security, and fundamental rights and the judiciary)⁹ are to be opened by the European Commission and the candidate country as one of the first in the accession negotiation process and closed as the last, at the time when the candidate for accession has achieved its full readiness.¹⁰

The introduction of such strict rules by the EU is related to the fact that subsequent potential members are characterized by an increasing deficit in compliance with EU values and fulfilment of EU standards. Brussels pays particular attention to the accession of the Western Balkan states, which participated in the bloody disintegration of Yugoslavia in the 1990s. The European Union demanded that they cooperate effectively with the International Criminal Tribunal for the

⁸ W. Manteuffel, *Koniec piątej fali rozszerzenia: Bułgaria i Rumunia w UE (The End of the Fifth Wave of Enlargement: Bulgaria and Romania in the EU)*, <http://www.psz.pl/127-unia-europejska/wladyslaw-manteuffel-koniec-piatej-fali-rozszerzenia-bulgaria-i-rumunia-w-ue> (18.08.2018).

⁹ T. Żornaczuk, *Serbia w pierwszym roku negocjacji z UE powolniejsza niż Chorwacja i Czarnogóra (Serbia in the First Year of Negotiations with the EU Slower than Croatia and Montenegro)*, PISM 27.01.2015, https://blog.pism.pl/blog/?id_blog=28&lang_id=12&id_post=480 (11.07.2018).

¹⁰ M. Müftüler-Baç, *The European Union Enlargement: A Preliminary Look into External and Internal Scope Conditions*, MAXCAP, 18 November 2015, p. 14, <http://research.sabanciuniv.edu/27938/1/muftulerbacMaxcapD4.32015.pdf> (19.07.2018).

former Yugoslavia,¹¹ enable the return of refugees and intensify efforts to develop regional cooperation, conciliation and settlement of bilateral disputes. The European Union countries are particularly sensitive to the threats coming from this region, which is why security issues and adherence to solutions adopted by the Balkan states under individual peace agreements, including Dayton, Kumanovo, Ohrid and Belgrade, are especially monitored by the European Commission. Observation of the political situation in this area is carried out in cooperation with the Council of Europe, the Organization for Security and Cooperation in Europe and non-governmental organizations.¹²

This behaviour of the European Commission results from the fact that another unofficial criterion for accepting new members is in operation, according to which the European Union does not want to invite countries involved in disputes and conflicts of either international or internal character (e.g. with national minorities). This constitutes a barrier for countries currently interested in becoming a member of the EU, especially for Western Balkan countries.

Diagnosis of Problems and Barriers Slowing Down the Enlargement Process

Reduced interest in the enlargement process in the EU

The slowdown of the enlargement process on the part of the European Union is related to a number of factors. The first group of factors is related to the situation within the European Union itself. The recent wave of accessions has resulted in the phenomenon of enlargement fatigue in the society and among some European politicians, who associate them with the weakening of the EU's cohesion and high expenditure. The accession to the EU in 2004 and 2007 of a large number of countries characterized by a lower level of socio-economic development (apart from Cyprus and Malta) and a lower degree of democracy and stability contributed to a *post factum* wave of scepticism among the societies of the old "Fifteen" regarding the validity of this decision and thus extending towards the further enlargement process.

¹¹ These requirements referred to the accession negotiations of Croatia, which had to issue to the International Criminal Tribunal for the former Yugoslavia its national heroes Ante Gotovina and Mladen Markac.

¹² The *Western Balkans and UE Enlargement: Lessons learned, ways forward and prospects ahead*, European Parliament Directorate-General For External Policies, November 2015, p. 13, [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA\(2015\)534999_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/534999/EXPO_IDA(2015)534999_EN.pdf) (24.06.2018).

This wave of reluctance was associated mainly with fears of incurring huge costs due to this enlargement, which would increase contributions to the EU budget. The outflow of capital, the flooding of the “old fifteen’s” markets with cheap products from new Member States and an “invasion” of cheap labour force into the western labour markets, resulting in their destabilization, were also feared. An additional burden related to this accession in the eyes of Western European societies was a threat to the security of the European societies coming from the direction of Central and Eastern Europe. There was a fear of a crime wave associated with young democracies, not yet well-educated nor equipped with experienced administrative and legal structures as well as effective law enforcement agencies.¹³

As if in confirmation of the abovementioned concerns, in subsequent years (after 2009) the European Union was affected by a recession and debt crisis in the euro area, which forced European politicians to focus on internal EU affairs and attempts to save the financial and economic situation of some Member States, such as Greece, Ireland, Spain, Portugal and Cyprus.¹⁴ An additional problem negatively impacting the internal processes in the EU is the decision of the British society to leave the EU.

Another group of factors influencing the reluctance of both the society and European politicians towards the enlargement process results from external processes and events that directly affect the EU or pose a potential threat to it. The first of these factors concerns the inflow of refugees to the European Union. The refugee crisis, which peaked in the EU in 2015, caused divisions among EU members and destabilized the Schengen area. The influx of thousands of foreigners to Europe has a direct impact on Brussels’ open door policy. One of the refugee routes to rich EU countries runs through the Balkan states, which has a negative impact on the perception of these countries by EU citizens. European societies therefore associate the appearance of “strangers” with the EU’s enlargement policy. A problem complementing the refugee issue is the escalation of terrorism in Europe, mainly associated with Islamic fundamentalists, which additionally enhances the desire to consolidate the present shape of the EU by closing its borders. Recent terrorist attacks in France and Belgium have strengthened the arguments of enlargement opponents and supporters of

¹³ As a result of this negative attitude there was a social rebound and the rejection of a new integration project, the Constitutional Treaty, in 2005 in France and the Netherlands in referenda.

¹⁴ K. Archick, *The European Union: Current Challenges and Future Prospects*, Congressional Research Service Report, 15th February 2016, s. 5, <https://www.fas.org/sgp/crs/row/R44249.pdf> (18.08.2018).

building a peculiar European fortress. A wave of enlargement scepticism is especially present in Austria, the Netherlands, Finland, France and Germany.¹⁵

An additional and extremely important element affecting the slow-down in enlargement is the issue of politicizing the accession process. It concerns a situation where one of the members of the European Union is in a bilateral dispute with a candidate for membership or a state interested in membership. As unanimity of all Member States is required in the accession procedure, i.e. each of them has the right of veto, they try to use this situation to force the solution to their problems.¹⁶ This constitutes a type of political blackmail. It is obvious that this procedure has always been politicized and many historical examples of this phenomenon can be found. However, due to the increasing number of EU members and more frequent references to nationalist slogans in political discourse and argumentation among the Member States, the scale of politicization, or re-nationalization, of the enlargement process is increasing. Obtaining unanimity on the part of the EU in the negotiation process will be much more difficult and the course of accession will be extended over time.¹⁷ The problems in Cypriot-Turkish, Greek-Macedonian, Greek-Albanian, Croatian-Serbian and Croatian-Bosnian relations can be seen as a contemporary example of this politicization of the process.

Taking into account all the above-mentioned factors resulting both from the internal as well as external problems of the European Union, it is not surprising that while acceding to the office in 2014, the President of the European Commission stated that the European Union should take a break from the enlargement process, as its existing achievements must be consolidated. At the same time, he stressed that there will be no enlargement in the next term, i.e. until 2019.¹⁸ The symbol of this approach was the change in the structure of the European Commission elected in 2014, where two areas were merged into one and the “European Neighbourhood Policy and accession negotiations” portfolio was created.

The European Union has therefore pushed the issue of enlargement to the background, focusing the emphasis on resolving internal difficul-

¹⁵ The *Western Balkans and UE Enlargement...*, op. cit., s. 11.

¹⁶ J. Wódka, *Granice Europy. Perspektywy Rozszerzenia Unii Europejskiej (The Borders of Europe. Perspectives Enlargements of the European Union)*, „Studia Polityczne”, no. 1/2015, p. 119.

¹⁷ M. Müftüler-Baç, op. cit., p. 4.

¹⁸ J.-C. Juncker, *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change*, Strasbourg, 15 July 2014, <https://www.eesc.europa.eu/resources/docs/jean-claude-juncker---political-guidelines.pdf> (18.08.2018).

ties, namely how to conduct the UK's "divorce" with the EU, end the economic crisis in Greece and stop the influx of immigrants. When it comes to external issues that have a negative impact on the enlargement process, what comes into focus are a lack of any visions and the desire to wait through these problems.

Problems of the countries interested in EU membership

It is hardly surprising that the president of the European Commission, Jean-Claude Juncker, will not have the prospect of expanding the European Union in the coming years. It results not only from the lack of readiness of the European Union itself, but also from the lack of preparedness to accession in the aspiring countries. The words of the head of the Commission were certainly thought out, and resulted from the analysis of the situation among potential members of the European Union. These may include the countries of the Western Balkans: Albania, Bosnia and Herzegovina, Montenegro, FYROM, Kosovo and Serbia, to which the Union previously offered the prospect of accession. Considering the situation of the first group, i.e. the Balkan states, it should be emphasized that at the time of the Thessaloniki European Council in 2003, EU representatives presented the prospect of accession to these countries provided that they meet membership criteria.¹⁹ However, the region of the Western Balkans is a specific part of our continent. It is characterized by high sensitivity and prejudice against dependence on external actors, which results from historical events. And this is how the membership in the EU is identified by parts of these countries' society. It is a region of deep national, religious and social divisions that have been the cause of numerous wars. These divisions, despite the fact that conflicts have been officially resolved, are still alive among the newly formed states.²⁰

Despite the conciliation steps taken by politicians of these countries, also resulting from external pressure (EU, OSCE, UN, and NATO), the heritage of the wars of the 1990s can still be sensed. Revanchism policy, revenge, distrust and fear are still the background for political decisions in these countries. The extremely divided and diverse Balkan states in no way resemble the group of Central and Eastern European countries that

¹⁹ A. Nowak-Far, *Balkany Zachodnie a Unia Europejska – prawidłowości procesu integracji (Western Balkans and the European Union – the Correctness of the Integration Process)*, in: *Integracja Bałkanów Zachodnich z Unią Europejską (Integration of the Western Balkans with the European Union)*, ed. A. Nowak-Far, Warszawa 2012, pp. 60–63.

²⁰ *EU member states and enlargement towards the Balkans*, eds. R. Balfour, C. Stratulat, European Policy Centre, "Issue Paper", no. 79/2015, p. 17.

joined the European Union in 2004 and 2007. The biggest problems are political, and arise from the fact that there are still unregulated bilateral issues, e.g. Serbia's lack of recognition for Kosovo's independence, border disputes and the fragile foundations of statehood in Bosnia and Herzegovina. These particular characteristics of the region, as well as historical events, make it much more difficult for this group of countries to adapt, meet the criteria and implement EU standards. It may be said that the region is "delayed" in the implementation of democratic principles. The difficulties of these countries in approaching the EU result mainly from the fact that they are slowly implementing the reforms required by the European Union, and the greatest resistance concerns the rule of law, media freedom and the fight against corruption. Moreover, the Western Balkans are slower in economic reconstruction. They are perceived as fragile and lawless countries consumed by corruption, which makes it very difficult for them to encourage external partners to invest their capital there. These are countries with high unemployment rates, reaching an average of about 30% and low GDP growth. In addition, as they are mainly dependent on trade with the European Union, the financial crisis in the EU has hit them hard.²¹

However, this is not the end of problems related to the accession processes. The Western Balkan states also have unregulated bilateral relations with EU members, mainly concerning the relations between Greece and FYROM, Greece and Albania, Croatia and Montenegro, and Croatia and Serbia. An important factor influencing the directions of foreign policy of the Western Balkans is their sympathy towards Russia. This applies mainly to Serbia and the Republika Srpska in Bosnia and Herzegovina.²²

The elements mentioned above are the reason why pro-European sentiments are not particularly strong among the societies of the Western Balkans countries, which is particularly visible in Bosnia and Herzegovina, Kosovo²³ and until recently in FYROM. The European Union has definitely lost its attractiveness for the Western Balkan states because of the problems it is facing: the economic crisis in Greece and the UK's decision to leave the EU – Brexit.

²¹ E. Teqja, *Western Balkans Integration Prospects to EU: Obstacles and Prospects*, "Wulfenia Journal", vol. 22, no. 1/2015, p. 62.

²² T. Żornaczuk, *Forever on the Periphery? The Return of Geopolitics to EU Enlargement to the Balkans*, "PISM Policy Papers", no. 6/2016.

²³ D. Di Mauro, M. Fraile, *Who Wants More? Attitudes Towards EU Enlargement in Time of Crisis*, <http://www.eui.eu/Projects/EUDO/Documents/2012/Spotlight4.pdf> (18.08.2018).

The State of the Relations Between the EU and the Countries of the Western Balkans

The basis for building cooperation between the European Union and the Western Balkan states is the Stabilization and Assurance Process (SAP) initiated in 1999, under which the EU concludes bilateral Stabilization and Association Agreements with individual countries in the region (Stabilization and Association Agreement, SAA). The objective of this process is the gradual approximation of the countries of the Western Balkans to the European Union, while the agreements concern political and economic cooperation, as well as the creation of free trade zones with the countries of the region. By signing the agreements, the Balkan states choose the pro-EU path and undertake to carry out reforms to make their future membership possible. Positive results and advancement in the implementation of political and economic reforms give interested countries the arguments to apply for the official status of a candidate to become a member of the European Union, and then open the possibility of starting accession negotiations. During the RE summit in Thessaloniki in 2003, the Programme for the Western Balkans: towards European integration²⁴ was established, which provides for the membership of these countries in the EU after fulfilling the required criteria.

The European Commission regularly prepares reports in which it presents the state of preparations in the EU candidate countries and indicates what steps these countries should take to become closer to this organization. The last such reports were prepared by the EC in April 2018.

Montenegro

After separating from Serbia and gaining independence in 2006, Montenegro (with about 630 thousand inhabitants) took the pro-European direction. In 2007, the Stabilization and Association Agreement with the EU was signed, and a year later the government in Podgorica officially applied for the status of a candidate in this organization. In May 2010, the SAA system came into force, and in December the same year Montenegro became a candidate. In 2011, the European Commission praised Montenegro for progress in priority areas, including fight against corruption, organized crime and the implementation of legal

²⁴ P. Turczyński, *Dylematy i perspektywy kolejnych rozszerzeń (Dilemmas and Prospects of Further Enlargements)*, in: *Procesy integracyjne i dezintegracyjne w Europie (Integration and Disintegration Processes in Europe)*, eds. A. Paczeński, M. Klimowicz, Wrocław 2014, p. 330.

principles.²⁵ The outcome of the Podgorica success was the commencement of accession negotiations in 2012. So far (August 2018), 31 chapters have already been opened, of which 3 have been temporarily closed.²⁶

In the EC opinion of April 2018,²⁷ Montenegro has made moderate efforts to implement the political criteria. These moderate evaluations apply to the reform of the judicial system, the fight against corruption, the fight against organized crime, and cooperation between the government and civil society organizations. The EC positively assessed public administration reforms and the adoption of a legal framework in the area of human rights protection, however pointed to clear deficiencies in their implementation. Moreover, the EC pointed out political interference in the principles of media freedom: this refers to interference in the managing council of the national public broadcaster and the Agency for Electronic Media. It also observed a lack of a culture of compromise among the political class of the country.²⁸

In terms of economic criteria, the efforts and achievements were praised as regards preparing the functioning of an efficient market economy, as well as facing competitive pressure and EU market forces.

It was emphasized that Montenegro has made progress in the implementation of the *acquis communautaire*, in particular in the area of commercial law and the Common Foreign and Security Policy. It was suggested that the government in Podgorica should pay more attention to implementing solutions in the area of competition policy, as well as environmental protection and climate issues.²⁹

(Former Yugoslav Republic of) Macedonia

(Former Yugoslav Republic of) Macedonia (with about 2 million inhabitants) decided to adopt the pro-European direction after the end of internal conflict with the Albanian minority (about 25% of the population) in 2001, which was averted thanks to mediation from Brussels. In 2004, the Skopje government asked for candidate status, which entered into force in the same year the Stabilization and Association Agreement between

²⁵ A. Saczuk, *Balkany Zachodnie – stan i perspektywy polityki rozszerzeniowej Unii Europejskiej (Western Balkans – The State and Prospects of the Enlargement Policy of the European Union)*, in: *Integracja Bałkanów Zachodnich z Unią Europejską (Integration of the Western Balkans with the European Union)*, ed. A. Nowak-Far, Warszawa 2012, p. 209.

²⁶ <http://www.consilium.europa.eu/en/policies/enlargement/montenegro/> (18.08.2018).

²⁷ Montenegro 2018 Report, Commission Staff Working Document, European Commission, SWD(2018) 150 final, Strasbourg, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-montenegro-report.pdf> (18.08.2018).

²⁸ Ibidem.

²⁹ Ibidem.

FYROM and the EU. In December 2005, the European Council granted the candidate status to the Former Yugoslav Republic of Macedonia, and four years later the European Commission recommended FYROM's readiness to start accession negotiations to the Council. Due to the veto of the government in Athens, which is in dispute with Skopje about the name of the Macedonian state, the negotiations have not started yet.³⁰

Macedonia, which at the beginning of the 21st century was the top in the implementation of reforms aimed at integration with the EU, clearly disappeared from the path of democratic change. It was certainly influenced by the Greek resistance vetoing the start of accession negotiations. As a result of the parliamentary elections held in December 2016, a new government was formed, which returned to the pro-European path and intensified efforts towards becoming a candidate. Starting in May 2017, the government in Skopje has focused on implementing internal reforms, restoring the checks and balances principle and resolving the dispute with Greece. The EC report from April 2018³¹ appreciated the progress in public administration reform and restoring the principle of judicial independence. The efforts to fight corruption were positively evaluated, however emphasizing that it is one of the most important problems in the country. FYROM has also made some progress in combating organized crime. Furthermore, the efforts to protect fundamental rights and freedom of speech were positively evaluated.

In terms of economic criteria, steps were taken to prepare for the development of a functioning market economy. The country has a stable macroeconomic environment, supported by good monetary policy. The public finance management system and its transparency have been improved.

The overall assessment of the fulfilment of membership requirements is positive, especially in the areas of competitiveness, transport, energy, company law, customs union, science and research.³² FYROM's biggest achievement has been the signing in July 2018 of an agreement with Greece on the change of the country's name to the Republic of Northern Macedonia. This agreement should unblock the process of further

³⁰ More on the dispute between Greece and FYROM: M. Karadzowski, A. Adamczyk, *Macedonia's Difficult Path to the European Union*, „Rocznik Instytutu Europy Środkowo-Wschodniej”, no. 3/2014.

³¹ *The former Yugoslav Republic of Macedonia 2018 Report*, Commission Staff Working Document, European Commission, SWD(2018) 154 final, Strasbourg, 17.04.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-the-former-yugoslav-republic-of-macedonia-report.pdf> (18.08.2018).

³² *Ibidem*.

integration of Skopje with the European Union, as well as with NATO. The European Council recommended starting accession negotiations in June 2019.³³

Bosnia and Herzegovina

The territory of Bosnia and Herzegovina (with 3.7 million inhabitants) was home to the spectacle of the bloodiest events during the war in the former Yugoslavia. Established by the Dayton decision, the country is a peculiar creation, a federation composed of two constituent parts, Republika Srpska (49% of the territory) and the Federation of Bosnia and Herzegovina (51% of the territory) and the autonomous district of Brcko, directly subordinate to the central government. It is a very fragile country, dominated by the moods resultant from the aftermath of a cruel war. The state is primarily bound together by international assistance, initially carried out mainly by the NATO forces, and then by the EU mission.³⁴ State politicians are mainly focused on solving internal problems, which is why the issues of setting the European direction and implementing reforms have been far in the background of their political decisions for many years. The Stabilization and Association Agreement between BiH and the EU only came into force on 1 June 2015, and on 15 February 2016 the government in Sarajevo submitted an application for the status of an EU candidate.

The EC opinion of April 2018 clearly indicates large deficiencies in meeting the political criteria. First of all, the state's constitution violates the provisions of the European Convention on Human Rights. The norms of law in the area of human rights and the protection of minorities require amendments. Recently, there has been a violation of the principles of freedom of speech. The country is only at the initial stage of preparation of regulations in the area of public administration reform, the judicial system, combating corruption and organized crime. The EC also noticed significant shortages in fulfilling the economic criteria – “Bosnia and Herzegovina is at an early stage of developing a functioning market economy”.³⁵ The same is true for dealing with competitive pressure and EU market forces.

³³ <http://www.consilium.europa.eu/en/policies/enlargement/former-yugoslav-republic-macedonia/> (18.08.2018).

³⁴ P. Turczyński, op. cit., p. 331.

³⁵ *Bosnia and Herzegovina 2018 Report*, Commission Staff Working Document, European Commission, SWD(2018) 155 final, Strasbourg, 17.04.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf> (18.08.2018).

Bosnia and Herzegovina currently awaits a positive opinion from the EC, which would allow it to obtain the status of an EU candidate.

Serbia

The pro-European course of Serbia (with around 7 million inhabitants) could be observed since 2005, when negotiations with the EU on signing the Stabilization and Association Agreement started. However, these talks were frozen due to the government's lack of cooperation in Belgrade with the International Criminal Tribunal for the Former Yugoslavia. It was only after the cooperation with the Tribunal started that the talks were resumed and the agreement was signed in 2008. In 2009, Serbia applied for the status of a candidate, which was only granted by the Union three years later. In 2013, the European Council officially authorized the European Commission to start negotiations with the government in Belgrade, and the Stabilization and Association Agreement also entered into force. Due to Serbia's lack of progress in relations with Kosovo, the European Commission delayed the start of negotiations, which started in January 2014. To date, Belgrade has begun negotiations in 14 chapters out of 35, of which two have been temporarily closed.³⁶ The European Commission clearly emphasizes that the process of Serbia's integration with the EU depends on the progress in normalization of the relations between Belgrade and Kosovo.

In the European Commission's opinion of April 2018, Serbia is moderately implementing the reforms aimed at meeting the political criteria.³⁷ This applies to the reform of public administration, the judicial system, and the prevention and fight against corruption and organized crime. In the last of the mentioned areas, some progress has been made by increasing efficiency in detecting financial crimes. The EC positively assessed the implementation of institutional reforms in the field of guaranteeing the fundamental rights.

In terms of economic criteria, the EC has also noticed progress in developing a functioning market economy. It points to the need to continue the process of economic reforms with particular focus on restructuring state-owned enterprises and public utilities. Serbia is also moderately pre-

³⁶ *EU opened new chapters with Serbia and Montenegro*, <https://europeanwesternbalkans.com/2018/06/26/eu-opened-chapters-13-33-serbia-chapter-17-montenegro/> (18.08.2018).

³⁷ *Serbia 2018 Report*, Commission Staff Working Document, European Commission, SWD(2018) 152 final, Strasbourg, 17.04.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf> (18.08.2018).

pared to face the competitive pressure and market forces of the European Union.³⁸

When it comes to normalizing the relations between Belgrade and Kosovo, the Commission has noticed Serbia's involvement in the dialogue, however it also pointed out the lack of binding agreement signed by both countries.

Kosovo

Kosovo (with around 2 million inhabitants) declared its independence in 2008 through secession from Serbia. The government in Belgrade and five EU countries, Greece, Cyprus, Spain, Slovakia and Romania, did not recognize the independence of this region. The Stabilization and Association Agreement between Kosovo and the EU came into force only on 1 April 2016. The lack of recognition of the sovereignty of this country by some EU countries will definitely hinder the process of Kosovo's accession.

Nevertheless, the new government of Kosovo (formed in 2017) made efforts to become closer to the EU, the efforts however have a limited dimension due to the lack of consensus in the Kosovo society regarding this political direction. It is also worth noting the lack of strong public support for the European Union in Kosovo and strong anti-Serbian sentiments. The EU's efforts to reconcile both countries are criticized in Kosovo, which may hinder conciliation and block not only the European prospects for Kosovo, but also the process of Serbia's accession to the EU. However, the EU has required Kosovo to sign an agreement with Montenegro, which regulated the dispute over the border crossing between these countries. This was one of the criteria the fulfilment of which enabled the liberalization of the visa regime between the EU and Kosovo.

In the EC's opinion of 2018, some efforts to adapt to the political criteria of membership were noticed. The government has begun preparations for reforms in public administration, the judicial system, the fight against corruption and organized crime. A package on the protection of human rights was adopted, however the EC pointed to the delays in its implementation. In terms of meeting the economic criteria, Kosovo is at a very early stage in the preparation of effective free market economy and in coping with competitive pressure and market forces in the EU. There is a high trade deficit in the country, the gray zone is developing and un-

³⁸ *Kosovo 2018 Report*, Commission Staff Working Document, European Commission, SWD(2018) 156 final, Strasbourg, 17.04.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf> (18.08.2018).

employment is very high, up to 35%. The existence of the society depends on the transfers from the emigrants abroad.

As regards the normalization of relations with Serbia, the dialogue is ongoing, but the Commission underlines the lack of a binding agreement signed between the two parties.

Albania

Fortunately, Albania (about 3 million inhabitants) went bloodlessly through the collapse of the two-bloc system and did not take part in the Balkan wars in the 1990s. Its pro-European aspirations were expressed through the preparation of a Stabilization and Association Agreement with the EU, which came into force 1 April 2009. In the same month, the government in Tirana applied for EU membership, which was only approved by the Council in 2014.³⁹

According to the latest report of the European Commission in 2018 regarding the state of Albania's preparations to meet the political criteria, moderate and good marks prevail.⁴⁰ This applies to the reform of public administration, the judicial system, the fight against corruption, the fight against organized crime, and respect for freedom of speech. The legal framework for protection of human rights has been assessed as the best, but there have been reservations regarding its implementation. In terms of economic criteria, Albania is also moderately prepared to implement an effective market economy and to some extent prepared to face competitive pressure and EU market forces.⁴¹ In the report, the EC indicates the most important areas in which efforts should be made to start accession negotiations with Albania. These requirements concern professionalization and de-politicization of public administration, strengthening the independence and transparency of judicial institutions, and increasing efficiency in the fight against corruption and organized crime. Meeting these criteria gives hope for Albania's accession negotiations to start in June 2019.⁴²

³⁹ http://ec.europa.eu/enlargement/countries/detailed-country-information/albania/index_en.htm (17.08.2018).

⁴⁰ *Albania 2018 Report*, Commission Staff Working Document, European Commission, SWD(2018) 151 final, Strasbourg, 17.04.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf> (18.08.2018).

⁴¹ *Ibidem*.

⁴² *European Commission: Accession Negotiation with Albania May open in 2019*, <https://exit.al/en/2018/01/16/european-commission-accession-negotiations-with-albania-may-open-in-2019> (25.08.2018); <http://www.consilium.europa.eu/en/policies/enlargement/albania/> (25.08.2018).

Further Enlargements of the EU?

The initiatives taken in 2018 by the institutions of the European Union show that Brussels has again started focusing its attention on the countries of the Western Balkans. In February 2018, the European Commission adopted a new strategy for the countries of the region, in which it presented a European perspective for these countries.⁴³ The Commission explicitly declared that the next enlargement could take place in 2025 and would concern Montenegro and Serbia. Other countries would also have an open road to the EU, provided that they meet the criteria and prove their readiness for membership. To confirm these declarations, a European Union – Western Balkans summit has been organized for the first time since 2003. It took place in May 2018 in Sofia during Bulgarian presidency of the EU Council. EU Member States want to stabilize the situation in the Balkans, as this is where the biggest problems reach the EU from, including terrorism, organized crime, drugs and illegal immigration. European politicians are aware that by presenting the European perspective to the Balkan countries, they export and guarantee themselves stability. The lack of this perspective means importing instabilities and crises into the EU. It is true that during the summit in Sofia, the European Council did not confirm the date of the next enlargement suggested by the European Commission, but it indicated that the Balkans are a key direction in the EU policy. This interest is also related to the appearance of other players in the region, i.e. Russia, China and Turkey, whose activity will certainly not aim to stabilize the situation or strengthen democracy in this area, which in itself is a security threat to the European Union.

The lack of explicit time declarations by state leaders is mainly related to the lack of acceptance of such a step in many Member States' societies. Considering the length of the negotiating process of the youngest member of the EU – Croatia. Six years elapsed between the beginning of the negotiations in 2005 and the end. The ratification process took another two years. In total, the process took eight years. Observing the state of advancements in meeting EU criteria by all current candidates, in fact only one has a chance to conclude negotiations

⁴³ *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strasbourg, 6.02.2018, COM(2018) 65 final, https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf (25.08.2018).

by 2020.⁴⁴ This is Montenegro, which is negotiating 31 out of 35 chapters, (as of August 2018) and which has already temporarily closed the third chapter. The second country that has declared the willingness to conclude negotiations by 2020 is Serbia, which has opened 14 chapters so far. Other countries in the region have not set such ambitious scenarios, but this is due to a variety of different conditions. After the negotiations have been concluded, a difficult and time-consuming ratification process is still to be carried out, in which EU politicians and society must be persuaded to accept new members.

The biggest problem for the candidates from the Western Balkans is the negative image of this region, characterized by conflict, unhealed wounds after hostilities of the 1990s, mutual hatred, distrust and lack of legal regulations in the field of border crossing. Therefore, it is in the interest of the Western Balkan states to change this image and make this region more attractive in the eyes of the European Union's societies. The main factor to increase this attractiveness would be to show that the Western Balkans are a region of peace, stability, security and predictability. The very fact that Croatia's political and economic transformation as a country in this region has been successful shows that such a metamorphosis is possible. The European Union itself offered assistance in this respect, leading towards development of regional cooperation (Regional Cooperation Council, Central European Free Trade Agreement – CEFTA). This was the inspiration for the so-called the Berlin process in 2014, due to which all the countries of the Western Balkans aspiring to the EU signed a declaration on the resolution of bilateral disputes.⁴⁵ Therefore, the desire to join the EU forces the Balkan states to make mutual gestures of reconciliation. Declarations regarding avoidance of bilateral problems in the accession process may, however, be illusory. An example is the attitude of Croatia, which in 2011, during its accession negotiations, committed to not blocking the accession of new countries to the EU, mainly regarding Serbia. Despite these declarations, Croatia used its veto to block the opening of subsequent negotiation chapters with Serbia and hindered the development of cooperation between Bosnia and Herzegovina and the EU. This is a lesson to be taken into account by Brussels in subsequent enlargements, and in particular as regards Serbia, in the context of Kosovo. Potential

⁴⁴ A. Dimitrova, *Time for domestic political debate on future EU enlargement*, 12.01.2016, <https://eurosearch.wordpress.com/2016/01/12/time-for-domestic-political-debate-on-future-eu-enlargement/> (27.08.2018).

⁴⁵ M. Kmezić, F. Bieber, *Western Balkans and the EU: Beyond the Autopilot Mode*, Balkans in Europe Policy Advisory Group, 2016, <http://www.suedosteuropa.uni-graz.at/biepag/> (17.08.2018).

membership of Serbia, without the simultaneous entry of Kosovo, means further trouble for Brussels in the future. It also upsets the peculiar balance of the situation between these two countries. The best solution for the EU would be for Serbia to recognize Kosovo's independence, which would then have to be recognized by the other EU Member States (which have not done so far) and invite both countries to the EU at the same time, of course after all the criteria have been met.

The European perspective is also opening for Macedonia and Albania. The ratification of the Skopje agreement with the government in Athens regarding the change of name to the Republic of Macedonia guarantees a clear road to the relations with the EU and the start of accession negotiations in 2019. The perspective is similar for Albania, which so far has not been certain of Greece's position. Athens, threatened by the revisionist policy of Turkey and the expansion of Turkish influence in the Balkans, began to seek faster and more effective integration of their northern neighbours with the EU.

To sum up the situation in the Balkans, Montenegro has the biggest chance for accession in 2020–2030. Other countries that could be in the EU, but definitely further in the future, are Serbia and Kosovo, Macedonia and Albania. Bosnia and Herzegovina is rather at the end of the queue and its accession will only be possible after Serbia's accession to the EU. The issues of the future of BiH are connected with the Croatian-Serbian-Bosnian reconciliation.

Therefore, the question should be asked: will Western Balkan countries want to wait so long for accession? It seems that the countries of this region are already so strongly economically connected with the EU that they have no other alternative. Brussels should think about encouraging the Balkan countries and proposing an offer that would keep these countries on a pro-European course. It seems necessary to start accession negotiations with all countries of the region. Past experience shows that most reforms are implemented by the candidate countries only after the negotiations have started. The way in which they are conducted, supported by investments, by liberalization of trade, cooperation in all possible areas of life, and above all the exchange of young people, can contribute to maintaining the direction in which integration is supposed to go. A favourable factor in the rapprochement of the Western Balkan states and the EU is the fact that the situation in the region will be of particular interest to the next presidencies in the EU Council, i.e. Austria, Romania and Croatia.

Conclusion

As the European Commission itself points out in its report, “EU enlargement policy is an investment into peace, security and stability in Europe. It provides greater economic and trade opportunities, bringing mutual benefits to the EU and countries aspiring to membership”.⁴⁶ The European Union must therefore expand. However, the enlargement process will become increasingly more difficult, due to the experience that the EU has gained in the enlargement process, because of which it does not intend to repeat its previous mistakes. The EU does not intend to take in the countries that adopt European standards and declare fulfilment of membership criteria during the accession process, but do not actually implement them, as a result of which it turns out that European standards are not being implemented after accession.⁴⁷

Therefore, future Member States must earnestly go through the accession process: in other words, they must pass a peculiar maturity exam. It requires effort, patience and time. Countries interested in membership must prove that they are prepared for membership and encourage an effective ratification process through their positive image.

Obligations are therefore on the side of countries interested in membership, but also on the part of the EU and the Member States. It is an enormous task for the institutions of the European Union and the governments of the Member States to “disenchant” the enlargement process as unfavourable and dangerous for EU citizens. For several years, surveys have indicated that the majority of EU citizens, especially those from richer countries, such as Germany, France, the Netherlands, Denmark, Austria, the United Kingdom, and Finland, are opposed to enlargement.⁴⁸ Enlargement is associated with increased spending, economic migrants and increased crime rates. These stereotypes result from the fact that there is no reliable public debate in which the benefits and costs of enlargement would be transparent. The author assumes that for the European Union, accepting new members prepared for accession and extending the EU borders means expanding the influence of this organization by spreading European standards, building a stable, predictable environment, consolidating a high level of existence, quality of life, etc. Therefore it is neces-

⁴⁶ *EU Enlargement Strategy* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 10.11.2015, COM(2015) 611 final, p. 33.

⁴⁷ F. Emmert, A. Petrovi, *The Past, Present, and Future of EU Enlargement*, “Fordham International Law Journal”, vol. 37, is. 5/2014, p. 1409.

⁴⁸ *What Do Citizens’ Opinions and Perceptions Mean for EU Enlargement?*, “MAX-CAP Policy Brief”, no. 3/2016, pp. 3–4.

sary to work on changing the perception of the process enlargement in the eyes of European societies. This requires a broad public debate.

As long as EU societies will not be able to accept further enlargements, EU politicians should work on developing a new cooperation formula to encourage Western Balkan states to stay on course in European reforms. The formula of incomplete membership, and yet membership, as well as economic aid and investment will certainly be enough of a “carrot” for candidates with a long perspective of full membership.⁴⁹

The European Union should also launch a campaign to combat stereotypes related to the enlargement process as well as to aspiring countries. In order to do this, however, it is necessary to create an image of potential members as attractive for the EU. In the case of Western Balkan countries, it is mainly about showing that they are able to cooperate with each other and treat each other’s wounds after conflicts. An appropriate step in this case was the signing in 2015 of the Final Declaration on the resolution of bilateral disputes, which shows the willingness of regional cooperation over historical divisions.⁵⁰

Considering the abovementioned factors, the European Union should expand. This process will probably be carried out gradually and carefully. The European Commission, while conducting talks with potential members, should clearly identify the tasks and indicate shortcomings and deficiencies. It seems that the first possible accession can take place between 2020 and 2030 and it will concern the Western Balkans.

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⁴⁹ K. Niklewicz, *The Long March Towards the EU. Candidates, Neighbours and the Prospects for Enlargement*, Brussels 2016, pp. 58 and further.

⁵⁰ https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/policy-highlights/regional-cooperation/20150828_chairmans_conclusions_western_balkans_summit.pdf (18.08.2018).

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