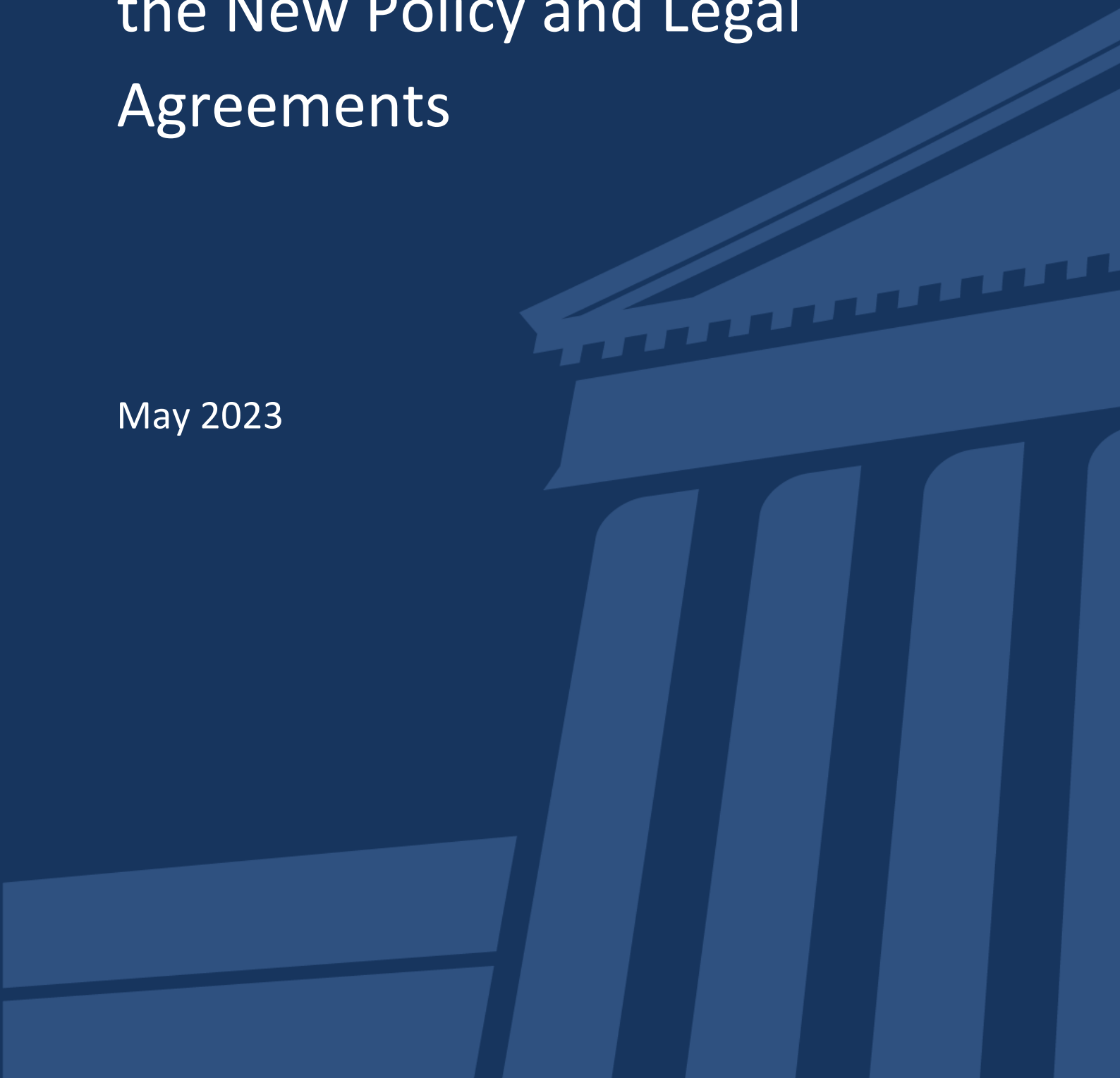


Berlin Process Success: Situating the New Policy and Legal Agreements

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INTRODUCTION

“Europe without the Western Balkans is not complete, and the countries of the region should have confidence in the Berlin process”. This is a quote from Olaf Scholz, current German Chancellor, for the occasion of his country hosting the most recent gathering of Berlin Process¹. While hope in EU integration-related processes has been dwindling – with good reason – this particular event gathering and citation made an impact. On 3 November 2022, the Berlin Process managed to broke the three groundbreaking agreements between the six Western Balkan countries – the Agreement on Freedom of Movement with Identity Cards in the Western Balkans, the Agreement on the Recognition of Professional Qualifications of Doctors of Medicine, Doctors of Dental Medicine and Architects, and the Agreement on Recognition of Higher Education Qualifications

The signing of these three mobility agreements connected the six hopeful candidates and harmonized their standards and societies in a way unlike before, with direct impact to citizens. Furthermore, the agreements certainly signaled a particularly relevant milestone to the Republic of Kosovo. The agreements did not alienate the newborn country in any way, rather integrating it in the same terms as the other five countries, including Serbia.

This Policy Analysis breaks down the regional integration potential and expectations the signing and eventual implementation of these three agreements carry, as well as compares this milestone to similar integration moments between EU Member States. Finally, it offers a look forward on what to keep an eye out for in terms of correct execution in order to properly advance each country’s EU integration process, as well as increased closeness between the Western Balkan countries and EU Member States.

I. WHAT IS THE BERLIN PROCESS

In 2014 Germany led the establishment of a new high-level engagement platform destined for all Western Balkans states (i.e., Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia) to accelerate closer alignment with the EU and deepen regional integration. It was labelled the Berlin Process, and joins countries’ governments, civil society, youth, and businesses to ensure a whole-of-society approach to collaboration.

The main objectives were, linked to the original purpose, to facilitate Western Balkans’ economic growth, and to promote peace in the region. For this reason, through different gatherings and meetings, the Berlin Process emphasizes on cooperation areas such as infrastructure development, competitive business environment, as well as regional youth or science exchanges, and general reconciliation efforts. Moreover, it also focuses on recommendations on new agreements to adopt, and how to best implement them at a regional-cooperation-level. The reason behind this economic focus is clear – the EU’s general approach vis-à-vis the Western Balkans is that regional cooperation and economic closeness can bolster stabilization and more cooperation in other domains. This is, of course, very much rooted in how

¹ Euractiv, “Western Balkans sign landmark agreements in Berlin ahead of December summit”, 3 November 2022, online via <https://www.euractiv.com/section/enlargement/news/western-balkans-sign-landmark-agreements-in-berlin-ahead-of-december-summit/>.

the EU's integration project itself started, from the economic origins to, now, a wider political union with ties in all sociopolitical and economic fields.

The Berlin Process originally started as solely a 4-year platform, yet its success has led to its sustenance until today. What's more, the core strengthened cooperation purpose of the Berlin Process, tactically linking the Western Balkan countries and EU Member States, has become ever more relevant since Russia's unprovoked invasion of Ukraine. As is well known, Eastern Europe's vulnerability to Kremlin neo-imperialistic strategies become a high priority in the EU political agenda last year. As such, the Western Balkans' pro-EU orientation become even more key to secure, especially amid stagnant integration processes and growing local frustration.

The 2022 edition and its achievements

Looking now at the 2022 edition more specifically, it took place in November. Besides the leaders of the six Western Balkan countries, also Ursula von der Leyen, President of the European Commission, Charles Michel, President of the European Council, and Olaf Scholz, German Chancellor were in attendance, the latter having chaired the meeting. Also representatives from the UK and nine EU Member States engaged in this transnational platform, along with representatives from civil society, media, international financial institutions and regional organizations. It was the ninth time such a high-level gathering was organized in the framework of the Berlin Process. This time, the pressing context of the ongoing Russian invasion on Ukraine dictated a special agenda focus on energy security, linked to energy efficiency and sustainable infrastructure investments.

In the November 2022, all the actors relayed above advanced on two key topics: (i) Energy and the EU's Economic and Investment Plan for the Western Balkans, (ii) and on the Common Regional Market. The latter encompasses the three milestone agreements we will delve into more specifically in the subsequent chapter.

On **Energy**, the countries concerned in the Berlin Process made a vow to seek to achieve the EU's Green Agenda for the Western Balkans, and in that way progress on energy security and transition in harmony with the EU's own energy market standards. This is very much linked to the EU Green Deal, as well as its newfound core goal of energy independence from Russia and accelerating the 'greening' of the energy sector. Looking ahead, targeting the Western Balkans' energy transition would unlock the potential it carries on renewable energy, energetic independence, and possibly energy exports to partner countries, including the neighboring EU region. Similarly, regional energy efforts contribute to the major goal of promoting regional cooperation in the Western Balkans on economic matters, to boost reconciliation, stability and closeness. On the EU's side, the European Commission took the opportunity of attending the Berlin Process event to announce a new EUR 1 billion package destined for energy security across the Western Balkans – a first tranche of EUR 500 million to amortize energy prices, and a second tranche for energy diversification and renewable energy financing². Regarding dispersion of the first tranche, EUR 165 million will be allocated to Serbia, EUR 80 million to North Macedonia, EUR 80 million to Albania, EUR 75 million to Kosovo and EUR 70 million to Bosnia & Herzegovina³. Concerning the **advancements on the EU's Economic and Investment Plan for**

² European Commission, "Berlin Process Summit: EU announces €1 billion energy support package for the Western Balkans and welcomes new agreements to strengthen the Common Regional Market", 3 November 2022, online via https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6478.

³ CeSPI, "News: Conclusions of the 2022 Summit of the Berlin Process", 3 November 2022, online via <https://www.cespi.it/en/eventi-attualita/focus-balceni/news-conclusions-2022-summit-berlin-process>.

Western Balkans⁴, previously established in October 2020 for tangible progress on sustainability. Chiefly, the green and digital transitions and the leverage this can yield for the general socioeconomic standing and competitive advantage of each country in the region, as well as the region as a whole. Quantitatively, “so far, 24 large EIP investment projects in sustainable transport, green energy transition, human capital and waste management have been launched with a total of EUR 1.2 billion EU grants under the Western Balkans Investment Framework, expected to attract investments of up to EUR 3.4 billion in cooperation with the international financial institutions”⁵. Once more, here the pressing matter of Russia’s current pariah status in the international community matters, for the Western Balkans’ great energy dependency on Russia, especially that of Serbia and North Macedonia, is growingly concerning. Energy security, efficiency and green transition is more important than ever.

The **Common Regional Market (CRM)** is a core achievement as well as goal of the Berlin Process, having been established in its framework back in November 2020 to boost regional economic integration. The purpose was to promote a regional economic nature within the Western Balkans, much in the image of the EU and the economic inclusivity among Member States. As a consequence, the Western Balkans would hopefully move closer to the EU and its integrated ideals in place since several decades go, and increasingly being built upon and heightened. In the case of the intended Western Balkans Common Regional Market, it seeks to achieve the free movement of goods, services, capital, and people – much to the liking of the EU’s famous ‘Four Freedoms’ of the EU Single Market⁶. Such inclusivity would mobilize the candidate region towards further progress on key competitiveness thematic such as digital, investment and innovation, for instance, due to this newfound mobility and trade lenience. Moving in parallel to the accession process and negotiation discussion on accession chapters, integration achievements within the Berlin Process can facilitate the closeness between the two regions.

The 2022 iteration of the Berlin Process Summit indeed generated great success. It bolstered the will that all representatives felt to upkeep the platform and efforts therein, to leverage its potential towards regional cooperation and, linked to that, “good neighborly relations” – a recurrent EU principle with regards to Western Balkans reconciliation. In line with this, the next Berlin Process Summit was already pinpointed to take place in Albania in 2023.

Building on the above, the Berlin Process platform is relevant in the overall picture of the Western Balkans’ path towards the final goal of EU accession. As part of the CRM, three new agreements were signed in Berlin on 3 November 2022, under the auspices of the Berlin Process and with the endorsement of the European Commission, Germany and other key Member States alike. The agreements on the freedom of movement, and the mutual recognition of higher education diplomas and professional qualifications in the areas of medicine and architecture build on this initiative⁷.

⁴ European Commission, “DG NEAR - Economic & Investment Plan for the Western Balkans – December 2022”, accessed 5 March 2023, online via <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/EIP-WB-GG-Dec%202022%20%28V6%29.pdf>.

⁵ European Commission, “Berlin Process Summit: EU announces €1 billion energy support package for the Western Balkans and welcomes new agreements to strengthen the Common Regional Market”, 3 November 2022.

⁶ European Investment Bank, “60 years of the Rome Treaties”, accessed 4 March 2023, online via <https://www.eib.org/en/about/eu-family/60-years-of-the-rome-treaties.htm>.

⁷ German Institute for International and Security Affairs, “The Berlin Process in the Western Balkans: Big Ideas, Difficult Implementation”, 21 December 2022, online via <https://www.swp-berlin.org/en/publication/the-berlin-process-in-the-western-balkans-big-ideas-difficult-implementation> -

II. THE THREE NEW MILESTONE AGREEMENTS

The EU defines the Common Regional Market (CRM) as “a catalyst for deeper regional economic integration in the Western Balkans and stepping stone towards EU single market”⁸. Under the scope of obstacle-removal priority laid out in the Common Regional Market Action Plan (2021-2024), on 3 November 2022, in the aforementioned ninth edition of the Berlin Process platform, three major policy and legal instruments integrating Western Balkan countries were signed by the six country representatives, as part of the CRM. The three agreements encourage mobility within the region. They are:

1. The Agreement on Freedom of Movement with Identity Cards in the Western Balkans;
2. The Agreement on the Recognition of Professional Qualifications of Doctors of Medicine, Doctors of Dental Medicine and Architects; and
3. The Agreement on Recognition of Higher Education Qualifications.

The documents were the result of two years of accumulated discussions and negotiations between the six countries⁹, with the aim to indeed achieve greater intra-regional mobility within the region and, therein, boost economic opportunities and the level of closeness to the EU's own liberalized mobility standards. In announcing the signing of these agreements, Summit chairperson Olaf Scholz noted that “it is time to overcome regional conflicts, which have kept you divided for a long time, and the process of normalization of relations between Kosovo and Serbia must be accelerated”¹⁰. The agreements indeed move a step closer to creating a true common economic market between the Western Balkan states.

This chapter analyzes each agreement in its content in meaning, with the next chapter specifically targeting how these documents can bring the region closer to the EU, and the relevance of the overall Berlin Process project for wider Western Balkan accession to the EU.

The Agreement on Freedom of Movement with Identity Cards in the Western Balkans

At a time when human mobility is at a global high, this agreement abolishes short-stay mobility barriers within the region, providing for free movement within the region with identity cards (IDs) only. The simplification of travel conditions and citizens' entry into a given territory in the region may sound simple, but it carries a lot of political and symbolic weight. In addition to ensuring equal treatment of all citizens – already a groundbreaking achievement given the immense one-sided hurdles Kosovar citizens must endure in comparison to their neighbors when it comes to mobility – it also replaces all existent visa regimes within the Western Balkans. Besides the individual side, also “59% of businesses in the Western Balkans believe that traveling across the region with an ID card only will be beneficial to their business”¹¹.

The text notes that the Agreement was made possible given a joint “willingness for strengthening regional cooperation and mutual understanding, contributing to economic development and increasing economic growth, investments and employment in the Western Balkans”¹². Country representatives were clear in stressing “the importance of the free movement of natural persons/holders of ID cards to ensure progress and economic prosperity to

⁸ European Commission, “DG NEAR - Common Regional Market”, accessed 5 March 2023, online via https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights/common-regional-market_en.

⁹ Euractiv, “Western Balkans sign landmark agreements in Berlin ahead of December summit”, 3 November 2022.

¹⁰ *Ibid.*

¹¹ Regional Cooperation Council, Balkan Barometer – 2022 Infographics Pocket Edition, accessible via rcc.int/balkanbarometer.

¹² The Agreement on Freedom of Movement with Identity Cards in the Western Balkans, 5 December 2022, 2nd clause.

a strong and thriving Western Balkans by providing an indispensable contribution to the European perspective of the region"¹³.

In short, Article 1 establishes that "Natural persons/holders of ID cards to which this Agreement applies shall have, for the period specified by this Agreement, the right to enter, transit, exit and short stay in any of the Parties". It further provides for the establishment of a Commission, "tasked with organizing, coordinating and monitoring activities related to the implementation and application of this Agreement"¹⁴.

In this way, the Western Balkans have agreed on implementing one of the Four Freedoms of the EU Single Market – free movement of people. Indeed, the EU equivalent can be found under Article 45 of the Treaty of the Functioning of the European Union, which "grants free movement to workers"¹⁵. Moreover, the 1992 Maastricht Treaty, an integral part of EU Treaty law, created EU citizenship and amplified the scope of intra-Union free movement. This means that "Citizens of EU member states are automatically citizens of the European Union. This means that they can move freely around the countries of the EU, and have the right to live in those other countries if they fulfil certain conditions"¹⁶. After all, immediately in the Agreement's first clause, they note it is "'guided by the EU law principles, European values and good EU practice to further improve cooperation and strive to mutually facilitate travel conditions"¹⁷.

The first agreement is **arguably the most important for Kosovo and Kosovar citizens**. This agreement will finally abolish the visa restrictions currently in place between the Republic of Kosovo and Bosnia & Herzegovina. In replacement of the standing strict visa regime Bosnia & Herzegovina, a non-recognizer country, applies for Kosovar citizens and has been reciprocated by the Kosovar government since 2014, this agreement would enable Kosovar and Bosnian citizens to enter each other's' countries with biometric IDs.

While the agreement was just recently ratified by the Kosovar parliament in February 2023, it has yet to be ratified by the Council of Ministers of Bosnia & Herzegovina, and only thereafter will the agreement enter into force. On this matter, Kosovar Prime Minister Albin Kurti has voiced that: "We have difficult relations with Bosnia and Herzegovina due to the veto of the Republika Srpska there, but the Prime Minister of Bosnia and Herzegovina, who is a Serb, also signed it in Berlin, and this makes us optimistic that this agreement will be ratified there as well and enable circulation from Kosovo to Bosnia and vice versa, only with identity cards"¹⁸.

Still on the particular importance of this free movement agreement for Kosovo, Albanian Prime Minister Edi Rama stated as host for the 9th Berlin Process Summit that "I can't help but emphasize that these agreements were three agreements that we had been looking forward to for two or three years, they were blocked. (...) It sounds a little strange or alienating for Kosovo

¹³ *Ibid.*

¹⁴ *Ibid.*, Article 8.

¹⁵ Official Journal of the European Union, REGULATION (EU) 2019/1157 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement, 12 July 2019, online via <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32019R1157>.

¹⁶ Citizens Information.ie, "Freedom of movement in the EU", accessed 8 March 2023, online via https://www.citizensinformation.ie/en/government_in_ireland/european_government/european_union/freedom_of_movement_in_the_eu.html.

¹⁷ The Agreement on Freedom of Movement with Identity Cards in the Western Balkans, 5 December 2022, 1st clause.

¹⁸ Prishtina Insight, "Approval of Berlin Process Agreements Will Aid Regional Integration, Benefit Kosovo, Experts Say", 23 February 2023, online via <https://prishtinainsight.com/approval-of-berlin-process-agreements-will-aid-regional-integration-benefit-kosovo-experts-say/>.

that while they made an agreement on identity cards to move freely they cannot move in the EU and I look forward to this being resolved as soon as possible”¹⁹.

Agreement on the Recognition of Professional Qualifications of Doctors of Medicine, Doctors of Dental Medicine and Architects

The second agreement concerns the ability for professionals across the region to practice their professions in the different countries, namely in the fields of medicine, dental medicine and architecture. The mutual recognition of professional capacitation would replace the current EUR 500 fee for getting documents recognized²⁰ and, naturally, facilitate the movement of qualified professionals across the region. Much like in the case of the free movement agreement, it is intended to also bolster economic competitiveness and innovation in the Western Balkan region. It may also better ensure the provision of these health services across the region, in welcoming professional across the board.

This agreement comes in the framework of the Central European Free Trade Agreement (CEFTA), “focusing on measures with direct benefits for people and businesses for purposes of furthering the liberalization of trade in services within the CEFTA”²¹. Page 2 lays out the objectives of the Agreement, highlighting the “to encourage the mobility of professionals, and better matching of skills with labor market needs and increased productivity”²².

In order to execute this, “higher education institutions shall have accredited study programmes and/or licenses study programmes harmonized with the minimum requirements laid down in the Annexes of this Agreement”²³. As a foundation for this, it also establishes common rules and procedures for automatic recognition of evidence of formal professional qualifications based on minimum training conditions. Such rules include the fact that “the receiving party must communicate its decision within 30 days of documents' submission”²⁴. The document therefore provides for a speedy process, in which “the procedure for examining an application for authorization to practice a regulated profession must be completed as quickly as possible and lead to a duly substantiated decision by the competent authority in the receiving Party in any case within 3 months”²⁵. The Agreement also seeks to establish a procedure that is transparent and user-friendly by asking that parties ensure information is publicly available in English language, as well as “easily accessible remotely and by electronic means and that it is kept up to date”²⁶. Finally, the Agreement calls for the creation of a Joint Working Group on Recognition of Professional Qualifications to supervise the implementation of the Agreement provisions.

Looking at the EU equivalent, we find the 2005 Directive on the recognition of professional qualifications, which establishes that “Freedom of movement and the mutual recognition of the evidence of formal qualifications of doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects should be

¹⁹ European Western Balkans, “Berlin Process: Western Balkans leaders sign agreements on increased mobility”, 3 November 2023, online via <https://europeanwesternbalkans.com/2022/11/03/berlin-process-western-balkans-leaders-sign-agreements-on-increased-mobility/>.

²⁰ Euractiv, “Western Balkans sign landmark agreements in Berlin ahead of December summit”, 3 November 2022.

²¹ The Agreement on the Recognition of Professional Qualifications of Doctors of Medicine, Doctors of Dental Medicine and Architects, 5 December 2022, pg.1.

²² *Ibid*, pg.2.

²³ *Ibid*, pg.3.

²⁴ The Agreement on Recognition of Higher Education Qualifications, 5 December 2022, pg.6.

²⁵ *Ibid*, Article 9.

²⁶ *Ibid*, Article 15.

based on the fundamental principle of automatic recognition of the evidence of formal qualifications on the basis of coordinated minimum conditions for training”²⁷.

Specifically on Kosovo, Article 4 provides that citizens of the youngest country in the region (and still unrecognized in its statehood by 2 of the 5 neighbors) must therefore “be recognized in their professional qualifications under no less favorable conditions as citizens of the state in which a given profession is being advertised”²⁸.

Agreement on Recognition of Higher Education Qualifications

The last agreement we will look into in this Policy Analysis is the one concerning recognition of higher education qualifications in the Western Balkans, enabling mutual recognition of diplomas be done without additional costs. The agreement establishes common rules and procedures for recognition of higher education qualifications and, therein, promotes smooth mobility of students as well as academic staff across the region. The purpose behind this is to “safeguard the purpose of access to higher education, the continuation of studies and the obtainment of higher education qualifications”²⁹.

The institutions concerned are public universities, yet the agreement provides that the agreement be gradually applied to private universities as well. Overall, the period for formalized recognition was able to be shortened from one that would take up to several months, to only 14 days, and freeing students of fees derived from recognition applications.

The achievement reached in this decision is rooted in the Lisbon Convention for Recognition, the Bologna Process and other EU decisions. An EU equivalent on this matter of academic mutual recognition is the Council Recommendation on promoting automatic mutual recognition of qualifications and learning periods abroad, which reminds that “Learning mobility fosters the development of key competences and experiences that are crucial for active participation in society and in the labor market. This was shown in the recent mid-term evaluation of the Erasmus+ programme, which reported on the positive impact of mobility on learners’ confidence, independence, social integration and the creation of a sense of European identity”³⁰.

Kosovo’s ratification

All three of the agreements are clear in stating that they will only take effect after ratification by the respective governments and assemblies of the six concerned Western Balkan countries that originally signed the documents on 3 November 2022.

On Kosovo’s part, the Kosovar Parliament ratified the three milestone regional cooperation agreements on 23 February 2023, with 82 votes in favor and no votes against³¹. The German Ministry of Foreign Affairs, via its Ambassador to Kosovo Jörn Rohde, reacted to the Parliament’s ratification by congratulating this quick action, underlining that the agreements “will bring concrete benefits for Kosovar citizens, massively foster the regional integration of WEB6

²⁷ Official Journal of the European Union, DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005 on the recognition of professional qualifications, 30 September 2005, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32005L0036> , Point 19.

²⁸ The Agreement on Freedom of Movement with Identity Cards in the Western Balkans, 5 December 2022, Article 4.

²⁹ The Agreement on the Recognition of Professional Qualifications of Doctors of Medicine, Doctors of Dental Medicine and Architects, 5 December 2022, Article 1.

³⁰ European Commission, “European Education Area - Council Recommendation on promoting automatic mutual recognition of qualifications and learning periods abroad”, accessed 8 March 2023, online via <https://education.ec.europa.eu/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications> .

³¹ European Western Balkans, “Kosovo Parliament ratifies agreements signed within Berlin Process”, 23 February 2023, online via <https://europeanwesternbalkans.com/2023/02/23/kosovo-parliament-ratifies-agreements-signed-within-berlin-process/> .

and bring them one step closer to the EU”³². He took the opportunity to remind that the “Berlin Process is showing results!”³³. The Kosovar Government, led by Prime Minister Albin Kurti, had already approved the three agreements three weeks earlier, on 8 February 2023³⁴.

Now, as mentioned above, Kosovar citizens and government officials have their eyes set on Bosnia & Herzegovina’s ratification, for that formalization especially would bring a very real and very significant change to the everyday lives of Kosovar society. As Demush Shasha, a civil society actor from Kosovo, stated “The agreement of the leaders of the region on the respective agreements is an important signal of their political maturity and as such will help the integration process of the entire region”³⁵.

III. HOW CAN THIS BRING THE REGION CLOSER TO EU

The three international agreements signed in Berlin, to be ratified in each capital, are relevant in the overall picture of Western Balkans’ EU integration. After all, this is the core purpose of the Berlin Process – to facilitate the accession paths of the region by promoting tangible achievements linked to economic integration. And also quite obviously, the EU itself started with a similar scope and ambitions. In short, “All of these agreements are important for the region because they have the potential to promote not only economic cooperation but also reconciliation between the societies of the six countries”³⁶.

The Western Balkans and Germany itself, as leading country of the platform, however, have been clear in clarifying that the process does not seek to replicate the EU or form a parallel international socioeconomic organization. The messaging is clear: the Berlin Process seeks to bring the Western Balkans closer to the EU and facilitate their alignment to EU standards and established rules and/or procedures related to economic integration and regional cooperation. Considering the Western Balkans, regional cooperation efforts can go a long way in terms of their EU-candidate hopes, given that several countries’ EU integration path is conditional to progress on neighborly reconciliation.

For instance, we already talked about the EU’s Four Freedoms in the first chapter. Compliance with this core principle of the EU is required for full-fledged membership into the Union, for these mobility guarantees are enshrined in the EU Treaty Law. In terms of accession negotiations, the Four Freedoms are encompassed in “Cluster 2 on the Single Market, primarily in Chapters 1, 2, 3, and 4”³⁷ of the EU *acquis*. Therefore, in the six countries have agreed on the three new Berlin Process agreements, they have made efforts on harmonizing with the EU *acquis communautaire*.

Nonetheless, when the implementation part comes along after signing and ratification of agreements, this is where things get a bit more complicated. The trend in the Western Balkans is unfortunately that ulterior barriers arise – let us consider, for example, how Serbia’s strict non-recognition of Kosovo may implicate the agreements’ provision for equal treatment, or even how Bosnia & Herzegovina may eventually handle the final ratification of the agreements also in light

³² Twitter, 23 February 2023, online via <https://twitter.com/GermanAmbKOS/status/1628734672107626498>.

³³ *Ibid.*

³⁴ RTK Live, “Government approves three agreements of the Berlin Process”, 8 February 2023, online via <https://www.rtklive.com/en/news-single.php?ID=22631>.

³⁵ Prishtina Insight, “Approval of Berlin Process Agreements Will Aid Regional Integration, Benefit Kosovo, Experts Say”, 23 February 2023.

³⁶ German Institute for International and Security Affairs, “The Berlin Process in the Western Balkans: Big Ideas, Difficult Implementation”, 21 December 2022.

³⁷ *Ibid.*

of their non-recognizer stance. Germany, and perhaps other Western countries engaged in the Berlin Process, should assert that implementation is key, and establish sustainable monitoring & evaluation processes that take stock on implementation progress. The Western Balkans' are already only slowly progressing in implementing domestic reforms in the field of rule of law and democratization, for instance. So we should not let Berlin Process decisions be yet another unimplemented or delayed process.

Looking ahead, the German government has already proposed expanding the Berlin process by means of further agreements. Thinking back to the German Ambassador to Kosovo's reaction to Pristina's ratification of the agreements, it is also in Germany's strategic interest to make known that the German-led Berlin Process is "showing results"³⁸. It can help restore some faith in Western European countries' concrete support to the Western Balkans' EU perspective and ambitions – not just with words, but also with successful negotiations paving the way for milestone regional cooperation agreements, which in turn brew stability and hopes for regional reconciliation. In this way, the Western Balkans are looking to follow the EU's own example of regional economic cooperation paving the way for stability and peace.

Impact on the EU-Western Balkan Summit of December 2022

The 2022 EU-Western Balkans summit was the first that took place in the region, in Albania. Indeed, Albania will also be the host for the next Berlin Process summit, in 2023, signaling a nice change of scenery and bringing the gathering closer to the candidates.

As with other iterations, the 2022 meeting was an opportunity to have high-level discussions about the strategic partnership between the EU and the candidate region, especially in light of the troubling geopolitical times since Russia's military offensive in Eastern Europe³⁹. The summit reinforced the EU perspective the Western Balkans hold and apply in their domestic reforms.

The Tirana Declaration at the end of the Summit made a clear and important mention to the Berlin Process achievements, by highlighting that "The Western Balkans' Common Regional Market (CRM) should serve as a stepping stone for integration. The EU commends the Partners' recent agreements on free movement and recognition of IDs for all citizens of the region, as well as on mutual recognition of university diplomas and professional qualifications within the region. These agreements constitute milestones in fulfilling the Partners' commitment to establish a Common Regional Market. The EU encourages the Western Balkan Partners to ratify these agreements swiftly so that citizens can benefit from them as fast as possible"⁴⁰. Going further, it also stressed that more efforts on regional trade cooperation, for instance linked to CEFTA, are needed "in order for the CRM to become a reality"⁴¹. The Berlin Process, especially in light of the mobility agreements, became an important medium that facilitates "the Western Balkans Partners' commitment to inclusive regional cooperation and strengthening good neighborly relations"⁴², as per the EU's expectations and Council recommendations. All roads that lead to fostering reconciliation and regional stability are encouraged.

³⁸ Twitter, 23 February 2023, online via <https://twitter.com/GermanAmbKOS/status/1628734672107626498>.

³⁹ European Council, "EU-Western Balkans summit in Tirana, 6 December 2022", accessed 8 March 2023, online via <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>.

⁴⁰ Tirana Declaration from the EU-Western Balkans Summit, 6 December 2022, online via <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>, Point 19.

⁴¹ *Ibid.*

⁴² *Ibid.*, Point 8.

CONCLUDING REMARKS

The Western Balkans are trying to advance their EU membership hopes throughout all routes available. For this purpose, the Berlin Process proved its added value late last year with the signing of three intra-regional economic integration agreements between the six Western Balkan governments. Not only is any agreement deepening economic integration and inclusivity positive, but in this particular instance is joined countries that carry hostile political relations and tense neighborly relations. The agreements on higher travel mobility with identity cards within the region, transnational recognition of higher education qualifications, and recognition of professional qualifications for doctors, dentists and architects were a milestone.

The Agreements' success was clear in being flagged both in the EU-Western Balkans Summit of 2022, in Tirana, as well as in the Tirana Declaration of 6 December 2022. In this way, the Agreements are framed within the scope of the larger EU accessions processes, as well as the strong EU engagement on the normalization of relations between Kosovo and Serbia.

Now, moving forward passed the 5th of December 2022 signature date, all eyes are on implementation. For this reason, all hands must be on deck to push for due implementation of the agreements – proper monitoring mechanisms should be put in place for oversight of the application of equal treatment when it comes to human mobility, higher education, and select professionals in the field of health and architecture. So what can be done to ensure this?

First, setting clear timelines and goals for implementation. At a first instance, ratification by all six national parliaments is key, and then its transposition into each one's national legislation. Second, oversight mechanisms, in some cases already foreseen in the agreements themselves, should be set in place to keep track and take stock of implementation. In particular, Kosovar citizens should absolutely not be singled out regardless of the country's international status and non-recognition by Serbia and Bosnia & Herzegovina, for the agreements' texts are clear in not offering any type of differentiation on this regard. Second, the EU, local civil societies and overall governmental institutions should insist on executing reforms. This will lead to a better implementation of mobility agreements, as well as further closeness to the EU acquis, which in turn is in itself also linked to wide human mobility assurances and general regional cooperation. All in all, closer monitoring and inspection will be crucial for commitments to be realized and bring about the change intended. Potentially, should a real need arise, penalties could be considered to incite better levels of implementation.

Another idea is to rely on the Berlin Process' singular wide-ranging composition, which brings together civil society and businesses alike in a relevant policy forum. These two actors are usually very driven to push for domestic reforms, promote progress and realize high-level decisions on the ground.

However, it would be important for the EU that the Berlin Process does not turn into yet another process running into the abyss, with no concrete deadline or progress. The Western Balkans' integration process needs more than that, it needs concrete progress. Therefore, the Berlin Process and its new Agreements should facilitate EU accession instead of hamper or delay it. The new Agreements have the power to advance EU accession prospects, in them bring the Western Balkans closer to equivalent EU procedures on mobility, as the Policy Analysis detailed above. After all, it is not in the EU's interest to allow the Western Balkans to realize that a parallel regional Union works well, and could perhaps be a better option than eternally waiting for accession into the European Union. Albeit EU membership not being an official objective of the Berlin Process, the latter should serve to facilitate the former, in pushing for and achieving reforms towards closeness and integration.

For this reason, the EU should consider formalizing or clarifying the link between the Berlin Process and the accession process and chapter negotiations between the Union and the

Western Balkan countries. Taken together, the Agreements do indeed bring the Western Balkan countries closer to standards of the European Economic Area, and this harmonization should be considered and praised when it comes to accession prospects too. Scholars have defended “to officially designate the support and acceleration of the Western Balkan countries’ accession to the EU as the first and most important objective of the Berlin Process. Otherwise, the process will continue to be perceived as a cheap substitute for EU membership, which will also undermine its attractiveness for local politicians, decision-makers and interest groups as well as the general public”⁴³. In turn, this mindset and linkage could further boost the candidate countries to engage in the Berlin Process, it seeing its consequential nature vis-à-vis accession.

This Policy Analysis argues that plenty of, arguably enough, diplomatic and financial support has been announced and granted to the Western Balkans – what is truly needed now is for each achievement’s implementation to be monitored and followed up on. At the end of the day, it is implementation and tangible results that matter, not signatures. Only this way do milestone remain relevant in the long run. Monitoring work should be undertaken towards the Three Agreement to ensure their relevance and tangible results.

⁴³ The Vienna Institute for the International Economic Studies, “The Berlin Process for the Western Balkans: Four Recommendations to Achieve Progress”, 18 January 2023, online via <https://wiiw.ac.at/the-berlin-process-for-the-western-balkans-four-recommendations-to-achieve-progress-n-582.html> .

Policy Analysis

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political studies seeks to stimulate wider comprehensive debate on the given issue via presenting informed policy-relevant choices and recommendations to the key stakeholders and parties of interest.



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