Breaking the Deadlock: Kosovo’s Application for EU Membership

July 2023
Group for Legal and Political Studies

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legalpoliticalstudies.org
Policy Analysis 05/2023

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July 2023

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INTRODUCTION

Kosovo’s aspirations to be a member of European Union and of the Euro Atlantic mechanisms dates back in the 1990s. This clear ideological orientation was significant in the Kosovo’s quest for freedom, then international intervention and finally independence. After the 2008 declaration of the independence, Kosovo entered into a new phase of contractual relations with states and international organizations - which raised the stakes for EU membership. At the time being, Kosovo stands last among the Western Balkans states in terms of European Integration prospects, insofar still holding the status of potential EU candidate country. The keystone for Kosovo to progress towards accession remains the Stabilization and Association Agreement, which marked the first contractual agreement between the EU and Kosovo, signed in 2015 and entered into force in 2016.

A breakthrough in Kosovo-EU relations occurred with the submission of the official application for EU membership. In a rather symbolic act, the President of Kosovo Vjosa Osmani-Sadriu, Prime Minister Albin Kurti and the Speaker of the Parliament Glauc Konjufca signed the application for membership on 14 December 2022.1 On the 15th of December Prime Minister Kurti submitted the bid for EU membership in Prague to the Czech Republic, the holders of EU rotating presidency at the time.2 On its side, Kosovo formalized an application process that would take years, if not decades, to finalize.

This policy analysis will examine the rationale of Kosovo’s application for EU membership. The first part outlines the steps and procedures for EU accession. Then the second part, it will delve into the Kosovo’s perspective for EU accession. Throughout this chapter it will examine the current position of Kosovo in the international system and the possibilities/impossibilities for accession, such as internal and external factors that can interfere in this process. In the third part, the impact of EU facilitated dialogue between Kosovo and Serbia in relation to Kosovo’s bid for EU membership will be examined. Furthermore, a comparison analysis will be made of the case of Kosovo and other Western Balkan countries by drawing the lessons from their own EU accession experience. Lastly, conclusions and recommendations will be made.

I. A LONG WAY AHEAD! WHAT ARE THE PROCEDURES FOR EU ACCESSION?

Kosovo is a potential candidate for European Union membership, as stipulated in the declaration of the EU-Western Balkans Summit held in Thessaloniki, Greece, on 21 June 2003.3 The declaration, signed by Heads of State or Government of the Member States of the European Union and the aspiring countries for membership, states that “The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries”. Further to the Thessaloniki Agenda, the European perspective for Kosovo was confirmed through the European Council’s European Partnership for Kosovo in 2004 and the Commission’s Communication “A European Future for Kosovo” in 2005.4 Twenty years after the Thessaloniki Summit, and six

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1 Al Jazeera, ‘Kosovo officially for EU membership in a symbolic act’, 2022, Available at: https://www.aljazeera.com/news/2022/12/14/kosovo-officially-applies-for-eu-membership-in-symbolic-act
2 Reuters, ‘Kosovo formally applies to join EU’, 2022, Available at: https://www.reuters.com/world/europe/kosovo-submits-eu-membership-application-2022-12-15/
years from signing the Stabilization and Association Agreement (SAA), Kosovo submitted the application for membership to the European Union.

The road to EU accession is a long one, as has becomes especially bumpy as more and more rounds of enlargements have taken place within the increasingly-larger European Union. The prospects of six Western Balkans countries (shortened, WB6) for membership in the EU has proved to be rather pessimistic year after year. However, in 2022, the EU brought some hope to the WB6 when, in mid-July, it opened the talks for membership with Albania and North Macedonia once Bulgaria lifted its long-standing veto. 5

Although the overall duration of the admission of the new members to the EU varies, on average, for the first 21 Member States to accede since the EU was formed, it has taken about nine years for each.6 For nine countries, the complete accession process took 10 or more years; Cyprus and Malta each took almost 14 years to officially join, the longest of any current member countries. Also, just reaching the candidacy status can take several years. For instance, Croatia joined the EU a decade after it submitted its membership application. While Albania submitted its application in 2009 and North Macedonia submitted their application to the EU in 2004, only in 2022 did the EU decide to open membership talks. That said, Kosovo’s decision to submit the application for membership is just the first step on a process followed with long procedural requirements for both parties, and often obstacles ahead.

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Overall duration of the admission of the new members to the EU

<table>
<thead>
<tr>
<th>Application Submitted</th>
<th>European Union Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1990</strong></td>
<td></td>
</tr>
<tr>
<td>Cyprus and Malta</td>
<td>2004</td>
</tr>
<tr>
<td>Malta’s formal application to join the European Community was submitted in July 1990, followed by a positive opinion from the European Commission in June 1993. By May 2004, the two island countries entered the European Union.</td>
<td></td>
</tr>
</tbody>
</table>

| **2003**              |                           |
| Croatia               | 2013                      |
| The country applied for EU membership in 2003. Candidate country status was granted to Croatia by the European Council in mid-2004. The entry negotiations, while originally set for March 2005, began in October that year together with the screening process. Croatia became a fully EU member state in 2013. |

| **2009**              |                           |
| Albania               | Ongoing                   |
| Albania applied for EU membership in April 2009 and was granted EU candidate status in June 2014. In July 2022 the EU decided to open the membership negotiations. |

| **2004**              |                           |
| North Macedonia       | Ongoing                   |
| It applied for EU membership in March 2004 and the Council decided in December 2005 to grant the country candidate status. Since October 2009, the Commission has continuously recommended to open accession negotiations with North Macedonia. After Bulgaria lifted the veto in July 2022 the Commission started the membership negotiations by starting the screening process. |

| **2016**              |                           |
| Bosnia and Hercegovina| Ongoing                   |
| Bosnia and Hercegovina formally applied for EU membership on 15 February 2016. On 12 October 2022, the European Commission recommended that candidate status be granted to Bosnia and Hercegovina by the Council. |

| **2009**              |                           |
| Serbia                | Ongoing                   |
| Serbia formally applied for EU membership in 2009. In March 2012 Serbia was granted EU candidate status. On 21 January 2014, the 1st Intergovernmental Conference took place, signaling the formal start of Serbia’s accession negotiations. |

| **2023**              |                           |
| Kosovo                | Ongoing                   |
| Kosovo submitted a bid for Kosovo to join the European Union, launching a process that could take years, if not decades. |
The Treaty on European Union (TEU) as amended by the 2009 Treaty of Lisbon, outlines the criteria for membership into the EU. Article 2 of the TEU, reads, “[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”. Article 2 of the TEU served as the foundation for the Copenhagen Criteria, which translates the values and principles contained in the TEU into more concrete criteria which need to be met before a state is ready to join the EU. These conditions are known as the Copenhagen criteria, and include conditions such as the holding of a stable democracy, good functioning of the rule of law, a functioning market economy and the acceptance of all EU legislation.

So, what are the technical and political procedures for EU membership that Kosovo should go through?

Of note, the submission of the membership application does not require the permission of all Member States. The application must be signed by the highest political authority in Kosovo and has to be submitted to the country holding the presidency of the Council of the European Union (Council of EU) at that particular moment. Following this step, Kosovo’s application – as is the case with any new membership application - has to be included in the agenda of the Council of the European Union, here indeed requiring approval of all Member States’ representatives. The Council of EU asks the European Commission for its opinion on this matter – in this sense, for the Council to ask the Commission for its opinion on the application of Kosovo, there is a need for consensus among all Member States. It is important to note that, from the moment the opinion of the Council of European Union is issued until candidacy status is granted and membership talks are opened, this encompasses a long period which requires certain fixed steps and procedures.

On the basis of the Council’s request after the Commission has issued a positive opinion, the Commission services start preparing a tailor-made questionnaire to allow a thorough assessment of the country’s preparedness level to advance in its EU integration process. Once assessment has been concluded and the questionnaire prepared, the Commission presents the applicant country’s government with a legislative questionnaire, which consists of several thousands of questions covering all political and economic areas concerning the 33 acquis chapters. In the case of Kosovo, the Government of Kosovo must duly reply to be questionnaire.

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9 Ibid.
TECHNICAL AND POLITICAL PROCEDURES FOR MEMBERSHIP

1. Submitting the Application
The application shall be signed by the highest political authority in Kosovo and has to be submitted to the country that presides with the Council of the European Union.

2. Application into Agenda of CEU
Application has to be included in the agenda of the Council of the European Union.

3. Commissions Opinion
For the Council to ask the Commission for its opinion on the application of Kosovo, there is a need for consensus among all member states.

4. Commission Questionnaire
The Commission presents a Questionnaire to the Government of Kosovo and asks for replies to be submitted in good order, then the applicant responds to questionnaire.

5. Applicant Responds to Questionnaire
Usually it can take between 6-12 months for all the questions to be fully answered and supported with all necessary details and annexes.

6. Commission Prepares Its Opinion
Commission to prepare its opinion followed by detailed analyses on the preparedness of the country to proceed.

7. Council Grants Candidate Status
The Council can take a decision to grant candidate status to the country, which requires consensus among all member’s states.

8. Commission Recommends Negotiations
Council sets negotiations start date.

9. Membership Negotiations Start
Accession negotiations will start at the decided date and in line with the Negotiation Framework, respecting new approach in negotiations.

10. Membership Negotiations End
After all benchmarks are fulfilled and all member states agree with consensus, the negotiations will be closed and considered completed.

11. Signing the Accession Treaty
On the date, which will be set with the Accession Treaty, the country will officially become a full-fledged member.
Usually, it can take between 3-12 months for all the questions in the tailor-made questionnaire to be fully answered and supported with all necessary details and annexes. Quantitatively speaking, the applicant country’s complete reply can go up to 10,000 and more pages, which must be translated into English and/or another official EU language, usually French or German. This is followed by the preparation of the opinion from the Commission (and subsequent reports). It takes approximately 6-8 months for the Commission to prepare its Opinion, given that this timeframe also includes their detailed analyses on the preparedness of the country to proceed. The Opinion also includes the Commission recommendation on granting candidate status to the applicant country at hand. If the Opinion is positive, the Commission can recommend to the Council of the EU to grant the applicant country EU membership candidate status. The final step in reaching candidate status would therefore be the Council of the EU granting it to applicant country, in this case to Kosovo, following all the steps laid out above.

Once candidate status is granted, opening membership negotiations is another process. It is determined by two things. First, by the fulfillment of the criteria’s foreseen in the framework for membership. Secondly, by the EU internal and external dynamics, such as the EU Member States consensus, the enlargement strategy, and geopolitical developments. Hence, accession negotiations will start at the decided date and in line with the Negotiation Framework, respecting new approach in negotiations. Negotiations will start and will be concluded with Chapters 23 and 24. All chapters will be examined by all Member States and conditional to opening and closing benchmarks (for chapters 23 and 24). For more complex chapters, midterm benchmarks can also be considered. Membership negotiations only end once all benchmarks are fulfilled and all Member States agree with consensus, the negotiations will be closed and considered completed. Signing the Accession Treaty is the last step before officially joining the EU. In the period between the end of negotiations, the signature of the Treaty and the ratification of the Treaty by all Member States, the country will be considered as acceding country, with the right to attend all EU meetings and participate in discussions. On that date, to be set by the Accession Treaty, the country would officially become a full-fledged member of the EU, with all the rights and obligations that come with it.

Examining the current state of Kosovo with regards to EU membership, the candidacy status is the most likely step for the near future. Considering the barriers Kosovo faces in the international arena and the slowness of domestic structural reforms throughout the years, opening membership talks with Kosovo is not a milestone in the visible horizon. Since the beginning of its journey along the EU accession process path, Kosovo has faced atypical barriers for the granting of candidacy that other WB6 countries did not face. This is because there are five EU Member States that do not recognize Kosovo (Spain, Greece, Cyprus, Slovakia and Romania). Thus, Kosovo’s application could remain in halt unless the five non-recognizers make a significant shift in favor of Kosovo. The odds that Kosovo’s candidacy application is to remain at the first phase are high. In addition to the obstacle presented by the non-recognizers, there is also the issue with sceptic EU Member States who recognize Kosovo yet have reservations in supporting Kosovo’s application for EU membership. For instance, Hungary has shown hesitancy in supporting the Kosovo’s bid publicly.11

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II. THE LAST OF THE BALKANS? IS THERE SUCH A THING AS GOOD TIMING FOR EU MEMBERSHIP APPLICATION?

The Prime Minister of Kosovo and government officials by the beginning of the term in 2021 regularly stated that, by the end of 2022, Kosovo will apply for EU membership. This was also stated in the 2021-2025 Government program. Importantly, the robust majority of the parliamentary political party Lëvizja Vetëvendosje (in the list with Lista ‘Guxo’) as proven by the accentuated institutional coordination between the Prime Minister and the President on foreign policy matters. For this reason, the decision to submit the bid to the EU did not raise any eyebrows within the foreign policy leaders. Nonetheless, this idea faced some reservations from the opposition parties, who stating that the Government lacks a proper strategy in dealing with this process. Yet, there is broad consensus from the Kosovar societal and political scene in support of the EU membership application.

This unequivocal support diminishes the prospects for EU skepticism in Kosovo – an important element when becoming part of the EU. The rationale for submitting the EU membership application, among others, came as a response to such wide popular support. Also, the Kosovo government wanted to give a clear signal on its strategic objective, that of EU membership. Additionally, the SAA and the European Reform Agenda (ERA) as the two strategic documents for current EU-Kosovo relations have been exhausted by Kosovo, and the need for the next step towards accession has come. Yet, it is worth noting that Kosovo’s EU integration path is circumvented with several internal and external factors, some of which are atypical for other potential member states.

Looking ahead, Kosovo should look closely at how the EU integration path has gone for other Western Balkan countries in order to be prepared for upcoming phases. For instance, Bosnia and Herzegovina applied for EU membership in February 2016, and in September of the same year the Council of the European Union had accepted the application. Still in the same year, in December, EU Commissionaire for Enlargement Johannes Hahn presented the government of Bosnia and Herzegovina with the EU Commission-prepared Questionnaire – in this case consisting of 3,242 questions with the intent to prepare the Commission’s opinion on the country’s application for membership to the European Union. The Council conclusions refer to Bosnia and Herzegovina as a a) single, united and sovereign country, then the Council refers to b) implementation of the SAA. c) the progress in the implementation of European Reform Agenda. Based on this observation, the same model could be used in the case of the treatment of Kosovo’s application for membership and granting the status of candidate. As such it provides a unique opportunity in understanding the upcoming steps when Kosovo’s application may be treated.

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13 Dukagjini.com ‘Kosovo applies this week for membership in the EU, the opposition is skeptical’ (2022), Available at: https://www.dukagjini.com/kosova-aplikon-kete-jave-per-anetaresim-ne-be-opozita-skeptike/
14 Interview with the senior officials of the Prime Minister’s office, date:14.02.2023.
15 Ibid.
17 Bosnia and Herzegovina received the European Commission questionnaire. Sarajevo. 09.12.2016. Available at: https://europeanwesternbalkans.com/2016/12/09/bosnia-and-herzegovina-received-the-european-commission-questionnaire/
a) The issue of a single, united, sovereign state for Kosovo’s EU membership

As already discussed, Kosovo faces uncommon obstacles for its EU membership with five EU member states (Spain, Cyprus, Greece, Slovakia, and Romania) that do not recognize Kosovo as an independent sovereign state. That said, Kosovo’s integration process has its peculiarities compared to other countries in the Balkans. Regardless of this unique obstacle with non-recognizers, Kosovo has achieved remarkable success in its European integration process. The non-recognizers have supported Kosovo’s European path or, in some cases, abstained from blocking it. Kosovo enjoys good diplomatic relations with Greece, Slovakia and Romania – in fact these three countries have diplomatic representation in the country. Relations are more strained with Spain and, to some degree, with Cyprus.

Kosovo’s government has managed to meet with three of the five non-recognizing states in Brussels, and ‘one of them is of the opinion that if the Council decides with the Commission to prepare the questionnaire they will not block the process.” Other countries have been more reserved and given signs that, based on the political circumstances in the Western Balkan region and in their respective countries their stance can be softened. Indeed, there is good precedence on Kosovo’s application potentially proceeding without the blocking of non-recognizers. Firstly, Kosovo signed the SAA and entered into a contractual relationship with the EU, already with the burden of non-recognizing Member States. It has been proven that the SAA was beneficial for both Kosovo and EU, and for the European path of the region. Secondly, on 9 March 2023, after a long overdue process, the European Council approved the visa liberalization for Kosovar citizens - 27 Member States, including the five non-recognizing countries, approved this decision. The same could be expected to occur when the moment comes to vote on Kosovo’s application file, from the Council to the European Commission, much like was done with the SAA and visa liberalization. This would not imply that these countries recognize Kosovo and, when unanimity would be required for candidacy, the Member States could potentially vote based on the questionnaire replies and on the political situation.

Furthermore, the interpretation of the issue of a single, united, sovereign state in the case of Kosovo could be linked to Kosovo’s progress on establishing governmental authority across all of its territory, including the North. Kosovo’s government still faces obstacles to fully exercise its authority in the northern part of the country, despite that region being legally and procedurally under the institutional umbrella of Kosovo’s government. The EU 2021 Country Report for Kosovo reinstates the challenges of Kosovo’s authorities to enforce the law in the northern part of Kosovo - organized crime, corruption, limited freedom of expression are some of the most concerning developments that pose a challenge for Kosovo’s government. Similarly, the EU 2022 Country Report acknowledges some of the same challenges, yet also acknowledges Kosovar police successfully seized 68kg of heroin in North Mitrovica. Other actions to reinforce the law and dismantle cannabis sativa labs and other contraband routes have been taken.

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18 Interview with the senior officials of the Prime Minister’s office, date: 14.02.2023.
19 Ibid.
23 Euronews Albania. ‘A laboratory with over 10,000 cannabis plants was discovered in the north of Kosovo’ (2022), Available at: https://euronews.al/166299/
exercise of governmental authority in the north is dubious for, despite obstacles, Kosovo has been improving its legal authority and periodically taken institutional steps to enhance such presence. The scenario that Kosovo could be challenged by some Member States in this issue shall be taken into consideration.

b) Progress in the implementation of the SAA

The Stabilization and Association Agreement (SAA) between the European Union and Kosovo entered into force on 1 April 2016.24 However, the Stabilization of Association Process (SAP) was launched in 1999, and reconfirmed at the Thessaloniki Summit in June 2003.25 The SAP for the Western Balkans is a key EU policy for the region, created to enable the countries’ accession process to the EU. The SAA is the first contractual agreement between the European Union and Kosovo, with a view to Kosovo’s EU membership. In comparison to the cases of other WB countries, the SAA with Kosovo can be singled out because it is the only SAA not concluded between the EU and its Member States, but by the Union alone - this is due to the particularly important fact that five EU Member States do not recognize Kosovo.

The SAA agreement paved the way for Kosovo’s participation in EU programs and agencies. Kosovo expanded its opportunities to cooperate and excel in many fields since the SAA entered in force, especially regarding trade relations. Yet, a constant obstacle witnessed throughout this period was the implementation of reforms and measures foreseen in the SAA. Since 2016, the implementation of the measures, priorities, and overall reforms throughout has been hampered by complex political developments, government crises and snap elections. The assessment of the SAA implementation in the European Commission annual Country Reports puts Kosovo at early stages or no progress at all. In some cases, some progress is noted thanks to passing legislation, but the real challenge is on implementing the approved legislative acts.26

More recent signs have shown promise. In 2022 the implementation of National Program for the Implementation of Stabilization and Association Agreement (NIPSAA) scored over 50%.27 On the other hand, according to government officials, the implementation of NIPSAA thus far for 2023 is around 60%.28 The SAA foresees a ten-year implementation period from 2016 to 2026. The implementation of the SAA is not a condition for applying for EU membership, per se - however a successful SAA implementation accompanied by serious reforms certainly is Kosovo’s first step towards joining the EU. The SAA becomes more important through this agreement and the prioritization of the NIPSA and of ERA I and ERA II shows Kosovo’s capacity to fulfill the technical and political criteria that must be met before joining the EU.

c) The progress in the implementation of the European Reform Agenda (ERA)

The implementation of European Reform Agenda (ERA) is not directly linked to the request for application. However, the progress in ERA could be used by the EU as an indicator to assess how close Kosovo may be to the Copenhagen Criteria. ERA did not start from scratch, it rather relies on existing documents, strategies and mechanisms - such as the Stabilization and Association

26 Klan Kosova. ‘Interview with Tomas Szunyog, Head of the EU Office in Kosovo - 08.04.2021’ Available at: https://www.youtube.com/watch?v=6vd292dFEVl
27 Group for Legal and Political Studies monitoring reports on SAA.
28 Interview with the senior officials of the Prime Minister’s office, date:14.02.2023.
Agreement, the National Plan for Implementation of the SAA (NIPSAA) and the National Economic Reform Programme (ERP).

The ERA has been developed around three pillars: i) good governance and rule of law, ii) competitiveness and investment climate, and iii) employment and education. The opportunities that derive from ERA are enormous. If implemented fully, its actions will support Kosovo’s path towards EU candidate status, and more practically will support the implementation of the SAA, improve governance and business environment, while consolidating Kosovo’s statehood.

ERA (I) was first drafted in 2016 and the priorities were to be fulfilled by the end of 2017 - yet this was not fully materialized. As result, the European Commission recognized the importance to move ahead with another set of priorities in ERA II, while continuing to build upon the previous ones in ERA I. The Action Plan for implementation of the second phase of political priorities agreed between the EU and Kosovo, to be implemented by mid-2023, was adopted on the 4 October 2021. The purpose and scope of ERA I and ERA II are more or less the same, in that they serve to make the implementation of the SAA quicker and faster. In general terms, ERA II is rather focused on 5 priorities only, instead of 22 under ERA I. Also, some priorities are clearer under ERA II. Besides that, the ERA II action plan is more ambitious and realistic in the same time.

The level of implementation of ERA is approximately 58 % until now, and the ERA (II) will be the concluding one, will not be proceeded with ERA III. The Government aims to implement all envisaged reforms by the end of 2023, yet this seems rather unrealistic considering that the majority of legislative reforms must go through the Parliament. Kosovo’s government procedural decisions have been upgraded with the application for EU membership in addition to the implementation of SAA and thus marking a significant step in regard to European integration process.

III. THE EU FACILITATED DIALOGUE IN LIGHT OF KOSOVO’S EU MEMBERSHIP BID

The EU-facilitated Dialogue on normalization of relations between Kosovo and Serbia has marked more than a decade since it has been initiated. Progress in the EU-facilitated dialogue has become an undisputed request for Kosovo in paving its way for EU integration. There is an ongoing attempt to merge Kosovo’s international standing with the outcomes of the dialogue with Serbia. This was demonstrated on 23 November 2023 when the EU Council of Ministers decided to postpone the Kosovar visa liberalization discussion due to the stalemate in the dialogue between Kosovo and Serbia on the usage of license plates.

The five non-recognizing EU Member States regularly state that the progress in the EU-facilitated dialogue, and more precisely a normalization agreement between Kosovo and Serbia, is of imperative importance for them to change the course in relation Kosovo’s statehood and integration process. Hence, the dialogue has become a key process for Kosovo’s standing in the international arena, often mentioned as an additional condition.

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31 Interview with the senior officials of the Prime Minister’s Office, Pristina, Kosovo, date:14.02.2023.

32 Radio Free Europe. ‘The situation in the north removes visa liberalization from the agenda’ (2022). Available at: https://www.evropaelire.org/a/liberalizimi-i-vizave-situata-ne-veri/32144900.html
That said, Kosovo has taken a major step in the EU-facilitated dialogue by accepting the EU proposal-agreement on the path to normalization between Kosovo and Serbia.\textsuperscript{33}\textsuperscript{34} This marks the most important agreement in the dialogue process since the ‘2013 Principles Agreement’ signed in Brussels. The European proposal, unveiled on 27 February, 2023 entails 11 articles stipulating those relations between Kosovo and Serbia be arranged similarly to the “Two Germanys Model”. The agreement is constructed around universal principles of international law which give Kosovo a ‘de-facto’ recognition from Serbia, and grants substantial competencies to the Serbian community in Kosovo through a self-management mechanism.\textsuperscript{35}

In particular, Article 4 of the agreement states that ‘The Parties proceed on the assumption that neither of the two can represent the other in the international sphere or act on its behalf. Serbia will not object to Kosovo’s membership in any international organization.’\textsuperscript{36} This becomes specifically important bearing in mind Serbia’s campaign against Kosovo’s membership to UNESCO, INTERPOL and other international organizations.

Furthermore, the Government of Kosovo has proven constructive and committed when, on 18 March 2023, it was ready to sign the ‘Implementation Annex to the Agreement on the path to normalization of relations between Kosovo and Serbia’\textsuperscript{37} The Annex reinforces that both parties commit to implement all articles stemming from the agreement and from this Annex. The Agreement is of key importance for the European integration process of both countries. One of the points of the Annex reinstates that: “The Parties note that immediately after the adoption of the Agreement and this Annex, the EU Facilitator will start the process to amend the Chapter 35 benchmarks for Serbia to reflect Serbia’s new obligations stemming from the Agreement and this Annex.”\textsuperscript{38} The implementation of the Agreement and its Annex remains questionable - if implemented, the Agreement provides opportunities for Kosovo’s membership in different international organizations. The constructive stance and readiness of Kosovo to sign the Agreement should not be unnoticed by the EU and its Member States. As already mentioned, the EU-facilitated dialogue constitutes an integral element for Kosovo’s membership in the EU, and Kosovo has concluded numerous agreements with Serbia pertaining to technical and political issues.

\textbf{a) Good neighborly relations and Regional Cooperation}

The EU Enlargement Strategy requires that Western Balkan countries to cooperate with each other and create conducive good neighborly relations. In particular, good neighborly relations between Kosovo and Serbia is one of key conditions in the SAA between EU and Kosovo. Relations between Kosovo and Serbia remain strained, but as explained in the previous chapters


\textsuperscript{34} Radio Free Europe, ‘EU: Kosovo and Serbia, ready to continue with the implementation of the Agreement’ (2023), Available at: \url{https://www.evropaelire.org/a/takimi-kurti-vuciq-nga-i-cili-be-pret-pajtim-per-marreveshjen-baze/32288897.html}


\textsuperscript{36} Ibid.

\textsuperscript{37} European Union External Action, ‘Belgrade – Pristina Dialogue: Implementation Annex to the Agreement on the path to normalization of relations between Kosovo and Serbia’ (2023), Available at: \url{https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en}

\textsuperscript{38} Ibid.
of this analysis, a major step has been undertaken between both countries in agreeing on the EU agreement on normalization.

On this aspect, the European Commission 2022 Country Report for Kosovo notes that ‘Good neighborly relations and regional cooperation form an essential part of Kosovo’s European integration process and contribute to stability, reconciliation and a climate conducive to addressing open bilateral issues and the legacies of the past.’ However, the most significant development in relation to regional cooperation and good neighborly relations occurred with the Berlin Process summit, held on 3 November 2022. Leaders from Kosovo, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, signed three agreements on the mutual recognition of identity cards, university degrees and professional qualifications within the framework of the Berlin Process summit, hosted by German chancellor Olaf Scholz. The agreements signed by the leaders of the six countries of the Western Balkans after nearly two years of negotiations must first be ratified before entering into force, the Government of Kosovo clarified. These agreements would enhance regional cooperation in the future. The Assembly of Kosovo ratified the three agreements including the one on free movement with identity cards in the Western Balkans in February 2023. Bosnia and Herzegovina is the only country from the WB6 for which Kosovars need a visa.

Kosovo continues to enjoy good relations with North Macedonia, Montenegro, while more stagnated ones with Serbia and with Bosnia and Herzegovina. With Bosnia and Herzegovina, the relations are expected to ease after the Berlin Process agreements enter into force. Lastly, bilateral relations with Albania remain excellent.

Moreover, Kosovo remains engaged in several regional initiatives such as the Central European Free Trade Agreement (CEFTA), Energy Community, Transport Community, the South-East European Cooperation Process (SEECP) and the Regional Cooperation Council.

IV. WHAT ARE THE LESSONS THAT KOSOVO COULD LEARN FROM OTHER WESTERN BALKAN COUNTRIES’ EU PATHS?

Every Balkan country has its specific European integration path, and they are all at different progress stages towards membership. Croatia was the first Balkan country to join the EU as a full member. Across a ten-year period, Croatia undertook deep reforms on matters of democratization, rule of law, fight against corruption, and created a functioning market economy. Croatia is the best example to be followed in fulfilling EU membership criteria.

In particular, Kosovo could learn from Albania and also benefit from the approximation of laws with the EU Acquis. The North Macedonia example is also valuable in assessing the process of conditionality for the upcoming steps. Both Albania and North Macedonia are the epitomes of the EU enlargement strategy with regard to the WB countries. The questionnaires of these countries could serve Kosovo’s case as a recent lesson-learned.

Finally, Kosovo should utilize the political dialogue with Serbia to gain benefits in its European integration process, much like Serbia did for its own in managing to achieve candidate status and open accession negotiations. However, not every Balkan country faced or faces the political and legal obstacles Kosovo does. Kosovo is the only Western Balkan country without universal sovereignty recognition among EU Member States. Overall, Kosovo could benefit from its Balkan neighbors’ experiences during the Commission assessment of Kosovo’s application.

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40 Ibid.
EU enlargement has been widely considered one of the EU’s most extraordinary foreign policy mechanisms - open to any European country that “respects the democratic values of the EU and is committed to promoting them.” The current enlargement process is the next step along an already-long line of seven waves of successful enlargements. The 2020 New Enlargement Strategy presented by Olivér Várhelyi, European Commissioner for Neighborhood Policy and Enlargement Negotiations entailed a set of newly-revised principles developed for a “more predictable, more dynamic and more political” integration procedure. The current enlargement requirements in for countries to become full-fledged members are more and more demanding and technical. The EU has shown more skepticism in accepting new members amid fears of backsliding from EU values, principles and standards.

EU membership is a two-way road - in Kosovo’s case, fulfilling all criteria is not sufficient since the EU27 should also be ready and willing to accept new members. This has not been the case in the last years, which has brewed disappointment among the WB6.

However, the table has turned and, in 2022, a newfound momentum was evident from the EU with regards to the Western Balkans countries. It may sound cynical, but the Russian aggression in Ukraine awoke the EU - the risk of Russia meddling with the politics and security of the Western Balkans remains high and worrisome given that, often, the rigid bureaucratic perspective of the EU towards the region paved the way for third parties to interfere.

Amid the new geopolitical developments, in mid-July of 2022 the EU opened accession talks with Albania and North Macedonia, after Bulgaria lifted its single veto. European Union leaders also granted candidate status to Bosnia and Herzegovina on 15 December 2022, marking an important step for Bosnia and Herzegovina’s integration process. On the other hand, on the 9 March 2023, the EU Council gave its green light for visa-free travel to finally be a reality for Kosovo. Despite the visa liberalization process not being part of the EU integration process, the decision marked a very positive indicator for Kosovo’s European path. In addition to significant developments among the WB6, in June 2022 the EU made Ukraine and Moldova candidates for membership. Thus, the EU has raised its commitment and geopolitical stakes regarding another enlargement wave.

Moreover, an EU-Western Balkan summit took place in Tirana on 6 December 2022, which marked the first ever summit between EU and WB leaders to take place in the Western

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43 Associated Press, ‘EU starts membership talks with Albania, North Macedonia’ (2022) Available at: https://apnews.com/article/albania


Kosovo*%3A%20Council%20gives%20green%20light%20to%20visa%20free%20travel,in%20any%20180%20Day%20period.
This symbolic move reinforced the importance of the integration of WB6 into the EU in the light of the Russian aggression on Ukraine. As expected, the main topics discussed during the summit were security issues, such as: tackling the consequences of the Russian aggression in Ukraine, intensifying political and policy engagement, reinforcing security and building resilience against foreign interferences, as well as addressing challenges of migration. Arguably, the EU integration process now has turned more into a security priority for the Union – which consequently has moved the WB countries closer to the EU.

Notwithstanding the momentum gained since the Russian aggression on Ukraine, the Government of Kosovo should not fall into the illusion that the integration process will be easier. It remains crucial for Kosovo to deliver on the reforms and measures pertaining to the SAA, and continue progress on fulfilling the overall Copenhagen criteria.

**CONCLUDING REMARKS AND RECOMMENDATIONS**

**Conclusions**

Kosovo’s EU integration process has been so far linked only with the Stabilization and Association Agreement, which marked an important moment in Kosovo-EU relations. Although the SAA signed with Kosovo differed from those of the other WB6, it was still a very positive step as it propelled Kosovo’s European path. Seven years since the SAA entered into force, Kosovo has met certain conditions to be more able to move onto the next step – that of officially applying for EU membership.

Arguably, there is no perfect date or timeline when countries should apply for EU membership, and this applies to Kosovo as well. However, certain progress in core fields such as rule of law, democracy and functional market economy is mandatory in raising the stakes for candidate status and membership. Therefore, this Policy Analysis argues that Kosovo’s application to the EU was submitted in at a good time.

This is due to that fact that the application bid followed the positive decision of the European Council on the visa liberalization process - consequently the two processes did not overlap but complemented each other. Moreover, Kosovo recently gained some degree of positive assessment on ERA and SAA implementation by the European Commission – which makes the application more convincing and serious in the eyes of EU decision-makers. Kosovo stands very well in terms of transposition and alignment of national legislation with the EU acquis in comparison to the countries of the region. Kosovo should make these reforms visible to the EU Member States to raise the chances of being presented with the questionnaire.

As already discussed in this analysis, EU membership is never a one-way road but rather a two-way street. The willingness and the completion of political and technical criteria by Kosovo is insufficient if the EU is not ready to accept new members. However, a new window of opportunity arose for Western Balkan countries since the start of the Russian aggression on Ukraine, which sped up the enlargement process for the WB6 as well. Securitization is a dominant priority in the European Union right now, which urges for a unification of Europe as a response to the Russian aggression and the risk of further domino-effects in other countries.

Finally, Kosovo still faces many obstacles internally and externally. Despite factual progress on EU-related reforms, the European Commission Country Reports still puts Kosovo at the level of limited progress and somewhat progress pertaining to reforms in public

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47 Ibid.
administration, education, fight against corruption, and so forth. On the other hand, Kosovo faces unique obstacles from five EU Member States that do not recognize Kosovo (Spain, Greece, Cyprus, Romania and Slovakia). In consideration of the current state of affairs between Kosovo and the EU, the most viable option for the near future presents itself as the acceptance of official EU candidate status for Kosovo.

**Recommendations**

- Kosovo should argue and convince EU Member States that is a European sovereign state pursuant to Article 49 of the TEU; that it is a state as a matter of international law; that it fulfills all the Copenhagen Criteria, and that non-recognizers have committed through the SAA for European perspective of Kosovo.
- Kosovo should continue diplomatic efforts to gain recognition from the five remaining EU Member States, or at least ensure that these countries will not block Kosovo’s application in the next phases. It remains important that constant communication be developed with all EU Member States in order to avoid gridlock.
- Kosovo must seek support from its allies to be presented with the questionnaire from the EU, in particular support from countries such as Germany, France, as well as Croatia as a successful model of the region.
- Kosovo should draw lessons from the application cases of Croatia, Albania and North Macedonia to benefit from their membership process experiences. Kosovo should also draw lessons from the Council conclusion regarding Bosnia and Herzegovina’s application.
- Kosovo should utilize the EU-facilitated dialogue on the normalization of relations between Kosovo and Serbia to gain the candidate status. The major steps taken by Kosovo’s government, such as accepting the EU normalization agreement and the Implementation Annex, constitute key breakthroughs in this process.
- Kosovo should embark on a campaign of showcasing to EU Member States the EU-led reforms that have been implemented in the country.
- Kosovo, for the remaining years, should successfully implement the SAA by creating all mechanisms for its correct implementation. Kosovo should also successfully implement the European Reform Agenda as an important step to showcase reforms.
- Kosovo should undertake and finalize the Public Administration reforms by implementing all the PAR-related laws and directives. A public administration based on meritocracy and in line with laws and procedures is mandatory for EU-led reforms and for accessing the EU. PAR related reforms should therefore be prioritized.
- Kosovo should undertake serious reforms in the education sector, from primary to tertiary education. These reforms should tackle the gap between education and employment based on EU models.
- It remains crucial for Kosovo to create a free and functioning market economy. Kosovo should increase administrative capacities to ensure a competitive environment. Kosovo’s economy still falls far behind the functioning economies of the EU, thus diminishing this gap is mandatory for the accession process.
- Kosovo should continue undertaking rule of law reforms by aligning Kosovar laws with the EU acquis and creating independent and professional judiciary. Furthermore, training judges on EU law would be necessary for implementing and interpreting EU law.
• Kosovo should continue the fight against corruption and organized crime. Indictment of high-profiles persons involved in corruption and organized crime cases is important in showing a functioning rule of law system immune from external influences.
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.