



Through Blood, Sweat and Tears Serbia could, at the earliest, enter the EU in 2018

Once again, exaggeration and unrealistic expectations of the timeline for Serbia entering the EU has taken hold. Research conducted by the Centre for Free Elections and Democracy (CESID), indicating that almost half of Serbian population believes that its country will enter the EU in less than five years, reveals the painful fact that Serbian citizens understand European integration as much as they do the game of cricket. It would be easy to blame politicians only, but the fault also belongs to the media due to its lack of competency and critical skills in regards to the work of the EU. The goal of this article is to fill this gap by providing a brief insight into the steps leading towards Serbia's fastest attainment of EU membership. In a best case scenario, without intervention of political elements that could slow the process, Serbia could not receive the status of candidate country before 2011. In fact, the earliest date for the beginning of accession talks would be in 2012, with the conclusion in 2016, which leads to the fact that Serbia could not become an EU member before 2018. Indeed, having in mind easily anticipated complications Serbia could encounter, year 2020 is the most realistic estimate.

CANDIDACY

If Serbia were to arrest general Ratko Mladić immediately, it would not be able to receive candidacy status before 2011. From the moment Mladić is arrested, the Council of Ministers will need several weeks to provide a mandate to the European Commission to form 'an opinion' about the Serbian application. The emphasis is on 'several weeks' because EU members differently interpret the specification from the 2006 enlargement conclusions of the European Commission (EC) which states that "satisfactory compliance of the Stabilisation and Association Agreement (SAA), including the trade part, is the key element for the EU to consider any request for the EU membership." One school of thought believes that the previous relates to the decision-making process on candidacy status after the EC forms the 'opinion', while the other argues that such a rule applies before the Council hands the mandate to the EC to form the 'opinion'. In that sense, the arrest of Mladić would allow Serbia to allege the 2007 European Council conclusion which states that "when Serbia fulfils the required conditions (those of the Hague Tribunal) it could accelerate the process of European integration, including receiving candidacy status." Once the EC acquires the mandate to form the 'opinion' it will need at least one year to do so. The EC will then consign the 'opinion' to the Council of the EU allowing the creation of political debate where two questions may arise. The first relates to the Hague Tribunal cooperation (in case that Goran Hadžić is not arrested by that time, or if Serbia, like Croatia, does not submit the required documentation), and the second pertains to the Kosovo issue. Until now, there have been no indications that any EU member would condition its approval of giving candidacy to Serbia with recognition of Kosovo independence. However, Serbia will have to be more pragmatic and constructive about the Kosovo issue. Also, let us not forget that all decisions related to EU enlargements are being made by consensus, so if one country votes against, the candidacy status proposal fails.

ACCESSION BEGINNINGS

Until all EU members ratify the SAA – which means that Serbia will have to wait at least two years from the moment the Council of Ministers reaches the decision about the beginning of SAA ratification - Serbia will not be able to begin the membership talks, which directly leads to year 2012. As an example, Montenegro is still missing all SAA ratifications (from Greece, Belgium and Great Britain), and the process began two years ago. The ratification process will be the biggest test for our diplomacy by demonstrating the extent of its influence on the EU member states. This could further provide for a delicate transition since the SAA is being ratified in EU members' parliaments; it is not impossible that some of them which recognized Kosovo's independence will try to condition the ratification by adjusting relations between Serbia and Kosovo, which in itself does not necessarily mean recognizing independence. However, as Kosovo could be a slowdown card for Serbia, it could as well be its stepping stone. If Serbia were to create a solution that would both satisfy the EU and Priština, such an agreement would quickly allow for the date to be set for the beginning of accession talks.

NEGOTIATIONS

Once the negotiations begin, Serbia will need to deal with another painful reality. Although it has better administrative capacity than its neighbouring countries, that fact in itself is not enough for Serbia's rapid advancement in negotiations with the EU. Keeping in mind that Serbia needs at least two and a half years until the talks begin, there will still be ample time for administrative capacities to be strengthened and for association agreements to be concluded on time, which will take four years. The agreements include thirty five chapters, among them two which do not need to be negotiated. However, compared to earlier enlargements, the negotiation procedures have been tightened. Unlike in the past, certain number of criteria needed to be fulfilled even before a given chapter is opened. Moreover, many EU states introduced the rule where both a chapter opening and closing need to be reviewed by the foreign affairs committees of their national parliaments, which further slows down the rhythm of negotiations. Additional obstacles are strict adherence to the Copenhagen criteria, legal system reforms and public administration, which is unlike the sole adoption, as was the case with Bulgaria and Romania.

FINAL NEGOTIATIONS AND ACCESSION AGREEMENT RATIFICATION

According to the prevailing 2008 EU Enlargement Strategy, the EU refrains from announcing dates of future accessions, until negotiations have been almost fully completed. In the best case scenario, Serbia will conclude the negotiations and sign the association agreements by 2016. That would be followed by one to one and a half year-long ratifications in all EU member states and the European Parliament, with membership acceptance in 2018. Moreover, even if Serbia goes through negotiations without resolving the Kosovo issue, there should be no doubt that the countries which recognized Kosovo's independence will not give a green light for the negotiations completion or ratification of accession agreements unless the Kosovo status question is resolved. No one in the EU is willing to allow another case such as Cyprus, with which they already do not know what to do, even though it is called Serbia.