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## Last EU Membership Train Leaving for 2025 – Will Serbia be On-board?

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Since the EU's Enlargement Strategy was presented in early 2018 with a roadmap for Serbia's possible entry to the EU by 2025, the consensual narrative was that with a bit of hard work and pushing along, Serbia could fulfil that deadline. At that point in time, a deal on Kosovo seemed to be approaching a final phase, the Serbian government was still undertaking some reforms, especially in the area of rule of law and constitutional amendments, and it seemed, at least declaratively, to hear the constructive criticisms presented by the European Commission when it came to issues with democratic institutions and the freedom of expression.

Fast forward to the middle of 2019, and it is very hard to see how Serbia's entry to the EU could be completed by 2025. Procedurally speaking, if Serbia were to sign an accession treaty to join the EU so that it could become a member by the end of 2025, it would need to complete all accession negotiations by the end of 2023. As seen with the most recent enlargement, when Croatia joined in 2013, on average it takes EU Member States and the European Parliament up to two years to ratify the accession treaty, since each Member State has their own parliamentary procedures on how to do so.

To complete all of the accession negotiations by the end of 2023 means that realistically Serbia has no more than 4 and a half years left to do this. While this might sound like a lot of time remaining, for a country like Serbia, which has so far only opened 16 (and provisionally closed two) out of 35 Chapters, it becomes increasingly difficult to see how 19 other Chapters can be opened or how a total of 33 Chapters can be closed in such a short period of time. Keeping in mind that Serbia's current pace of opening Chapters has been around four per year (with 2017 having the most Chapters opened – six), it would take at least four years to open all the remaining Chapters. Even if we consider the process a technical exercise that could be accelerated to six per year, and leaving aside all the benchmarks, reforms and legislation which need to be adopted and implemented, that's still two and half years needed just to open all the Chapters.

Yet the current trend is going in the opposite direction, with less and less Chapters being opened per intergovernmental session/EU Presidency. According to the latest progress report on Serbia, no progress has been made in the key area of freedom of expression, the functioning of the Parliament and implementing free and fair elections are major concerns, and limited progress has been made in the areas of rule of law and the fight against corruption<sup>1</sup>. The economic part of the report offers somewhat better results, but even there it returns to the problems of rule of law, corruption and judicial inefficiency. Overall, this can be considered one of the most negative progress reports that Serbia has received since the opening of the accession negotiations and offers a clear message on how the European Commission sees the progress and commitment of the current SNS-SPS government in Serbia towards the EU.

Hence the slow pace of opening the Chapters; it is the European Union's way of saying they are displeased with Serbia's progress and that it does not deserve to have more Chapters open. This is partially a political decision (which is also used to put more pressure on Serbia to increase its commitment toward the accession progress, and especially the issue of Kosovo, as all Chapters are linked to progress in negotiations between Belgrade and Pristina), but more concretely, it is a result of Serbia's

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1) European Commission, Serbia 2019 Report, Brussels, 29.5.2019

failure to show meaningful progress in some of the key areas, which the EU can no longer be silent about. This displeasure is clearly indicated by the language of the progress report, in which the Commission used the words “concerns” and “serious concerns” 23 times throughout the report in all segments: political influence over the courts and senior civil service positions, efficiency of the judiciary, corruption, public administration, freedom of expression/media freedoms, financial sustainability, and gender violence.

This means for the foreseeable future, the speed of opening Chapters will most likely not increase to six per year. Even keeping it at four per year seems to now be a maximum, with much debate swirling about whether Serbia will open one, two, or no Chapters at the upcoming June intergovernmental meeting. While Serbia certainly has the capacity to immediately open half a dozen Chapters, it is the lack of progress in the key areas of rule of law, media freedoms, and independent institutions that are holding back the tempo of accession negotiations. The issue of Kosovo, and Serbia’s continued decline of alignment with the EU’s foreign and security policy, together with its open embrace of Russia and China, is also not very helpful. Many EU Member States are not convinced that the current SNS-SPS government is committed to Europe and to European values and would like to see Serbia take concrete steps in communicating those values directly to its citizens; the process of EU accession is not only about adopting the *acquis communautaire*, but also lies in showing solidarity with European partners, making difficult decisions which are in the interest of Europe as a whole, and demonstrating that Serbia can be a mature and reliable friend and ally.

Serbia’s “schizophrenic” European and foreign policy, where government ministers consistently blast the EU, either directly or vis-à-vis pro-government tabloids and rush to Moscow for their first official visits, while simultaneously making speeches towards EU audiences which check all the necessary boxes and strike the tone Brussels would like to hear, will no longer be able to provide cover for Serbia’s lack of commitment and progress. Notwithstanding the difficulties that Kosovo presents, Serbia has 34 other Chapters where it can show real and genuine commitment to the European accession process, if it really wants to. Instead of attacking the legitimacy and objectivity of the Progress Report, Serbia’s leadership should embrace it and commit themselves to an ambitious action plan that will act upon the Report’s recommendations. By taking a proactive approach in the next six months in the area of rule of law, the fight against corruption and by implementing all of the recommendations regarding free and fair elections, as well as allowing the proper functioning of Parliament, Serbia would strengthen its case that it is committed to the European path while also easing the concerns of EU Member States that it is sliding into an authoritarian “ill-liberal” society. To further cement that momentum, Serbia could also align itself with some of the EU’s positions on third states, such as Venezuela, to show that it is committed to the EU’s values-based foreign policy approach. And while Kosovo presents a real problem to the accession process, being on Europe’s “good” side will certainly help in that case as well.

As things currently stand, there is little indication that the current SNS-SPS ruling coalition will move in that direction. If it misses the six month window till the end of the year to show real progress and commitment, then mathematically it will become nearly impossible for Serbia to become an EU member state by 2025. Even if there is an agreement with Kosovo by the end of 2019, which also now seems unlikely, northern EU states will not budge on key values, and Serbia will not be awarded EU membership in exchange for Kosovo. It will most likely then be put in the same waiting group as Albania and North Macedonia, a seemingly never ending accession purgatory; the last membership train for the foreseeable future is quickly leaving, with or without Serbia.