

Experts react: EU progress reports 2015

On 10 November, a month later than usual, the European Commission released its annual reports on the progress achieved by EU candidate and potential candidate countries. We asked seven experts in the region to give their responses to the key points raised for each state. (If you are interested in how this compares to last year's reports, the 2014 expert reactions are available [here](#)).

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James Ker-Lindsay on Macedonia: The Commission appears to have thrown Macedonia a lifeline

The full report on Macedonia is available [here](#)

Arguably, the two most anticipated progress reports this year were those for Turkey and Macedonia. The past 12 months have seen important examples of democratic backsliding in both countries. In Macedonia, the government has been rocked by a series of scandals following the release of wiretapped phone conversations between senior members of the government.



These revealed a litany of misdeeds, ranging from illegal snooping on 20,000 citizens, including many prominent journalists, through to electoral fraud and, in a particularly disturbing case, efforts to cover up the murder of a young man by a policeman. While the government held on, even in the face of large scale demonstrations by the opposition, Prime Minister Gruevski's hold on power began to look more tenuous than ever. Eventually, he was forced to accept an EU mediated deal – the Przino Agreement – that will lead to new elections in April 2016.

All this put the Commission in a very tight spot concerning this year's progress report. Last year, the Commission had noted its grave concern about the direction the country was taking. Indeed, in what amounted to a bombshell, it even suggested that unless improvements were made to democracy and media freedoms, it might not be able to make the recommendation for talks in this report.

However, in the best traditions of the progress reports, this threat was written in such an oblique manner that it took the best part of a day for observers to finally realise the enormity of what had happened. Under its new methodology, which promised more openness, transparency and criticism, the Commission promised a clear assessment of the situation in this year's progress report.

The problem, of course, is that the last year had in fact seen evidence of massive setbacks to democracy. The revelations had revealed a government more mired in murk than anyone could have suspected. That said, the new political deal inevitably required the Commission to give a positive assessment in order to exert the necessary leverage required to keep things on track with the Przino political deal.

And so, as expected, this year's report trod a very fine line. It openly acknowledged that the political crisis, the worst the country had faced since interethnic fighting in 2001, had 'underscored' the 'serious political challenges' highlighted in its previous report. Having said this, the report also emphasised that the political agreement represented a chance for major changes, underpinned by a set of 'Urgent Reform Priorities' that have been identified by the Commission.

These cover shortcomings in the, 'areas of interception of communications, the judiciary and prosecution services, external oversight by independent bodies, elections and the media.' In other words, the Commission appears to have thrown Macedonia a lifeline. It has not rescinded the recommendation for the start of accession talks, but does appear to have made it conditional on the implementation of the measures agreed.

More generally, the report noted that the country is moderately prepared for the EU in the areas of public administration reform and that some level of preparation has been achieved in terms of the fight against corruption and organised crime. It also noted that more needed to be done to improve decentralisation within the country. On human rights, the legal framework is generally in line with EU standards.

However, more needs to be done on implementation, 'in the areas of prison reform, Roma integration, rights of the child and persons with disabilities.' It also noted that the ethnic situation remains fragile. There 'remains a lack of trust between the communities and inter-ethnic tensions persist.' That said, the inter-ethnic nature of the government has managed to ensure stability.

On a final note, the report also emphasised that the name issue needed to be resolved as a matter of urgency. There is no doubt that this is the case. Despite positive recommendations from the Commission since 2009, Greece has consistently blocked the start of the accession process. Indeed, there are many who directly blame the serious democratic backsliding in the country on the fact that it has no opportunity to begin negotiations. In past years, Greece has suggested that it is holding up talks because Skopje does not meet the required conditions. (Thereby making its own separate assessment of progress.)

Ironically, such claims will be more justified than ever before. However, reform progress is also more dependent than ever on a credible EU integration process. To its credit, the new [Syriza government](#) has shown a greater willingness to engage with Skopje than its predecessors. There may well be a chance of a breakthrough in the next twelve months. If so, this, coupled with new, open and fair elections could finally see Macedonia take the next step towards eventual EU membership.

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Olga Mitrović on Montenegro: Yet to set a track-record in the key areas of organised crime and corruption

The full report on Montenegro is available [here](#)

Three years after the start of accession negotiations, Montenegro opened 20 negotiation chapters, 8 of which were opened in the past 12 months, and provisionally closed 2.

The 2015 Report evaluates Montenegro's progress according to the Commission's new methodology, which should provide a better operational framework by assessing the current state of play in all sectors, identifying shortcomings and offering a clear set of recommendations. The adopted "fundamentals first" approach identifies the following core issues: rule of law, fundamental rights, strengthening of institutions, public administration reform, economic criteria and regional cooperation.



Montenegro scored well under this framework, in many areas better than in 2014. The country made progress in fulfilling political and economic criteria and its overall readiness for the EU's membership obligations have improved. Bilateral relations are good, and border agreements have been signed with Bosnia and Herzegovina and Kosovo. Compared to other pre-accession countries, Montenegro is praised for its notable progress by the EU officials in Podgorica, particularly for improving independence of the judiciary and adopting a Code of Ethics that will strengthen the country's anti-corruption framework.

However, the progress is predominantly a result of Montenegro's legal and institutional framework, with this optimism fading when implementation is examined. The usual weak spots of pre-accession countries remain: organised crime and high-level corruption. Montenegro is yet to set a track-record in these key areas. The report reiterates that three years after the misuse of state funds for political purposes during the country's 2012 parliamentary elections (the so-called '[audio recordings affair](#)') there is still no political follow up. This is particularly important when taking into account that the Commission insists on the full implementation of electoral legislation that was adopted in 2014, including electronic registration of voters.

The assessment of the most important negotiation chapter – Chapter 23, Judiciary and fundamental rights – cites a series of legislative developments which have not been followed through with adequate implementation. In the area of fundamental rights, many objections from the previous years are repeated. The impunity for war crimes remains a problem. The individuals charged with the killing of Kosovo Albanian civilians in 1999 at [Kaludjerski Laz](#) have been acquitted, while the charges of command responsibility, co-perpetration and aiding and abetting have not even been brought to the courts.

Media freedom is still an issue, with ongoing attacks on media and previous cases of high profile violence and attacks on journalists remaining unresolved. The recommendations for Chapter 23 thus range from ensuring independence of the public service broadcaster RTCG, to solving cases of violence against the media, ensuring effective penalties for human rights violations, and strengthening the independence, accountability and effectiveness of the judiciary.

In regard to the economic criteria, the European Commission advises Montenegro to reduce its public debt, which amounts to 59 per cent of GDP, and improve the competitiveness of its industrial and agricultural products. Concerns are raised over the [construction of a new highway](#), which is assessed as a fiscal risk that jeopardises public finances – a view shared by the IMF.

The 2016 budget bill will have a 7.15 per cent deficit due to the highway's construction. What is additionally worrying is the failure of recent attempts to establish a parliamentary committee that would monitor the construction of this project, which is the most expensive in the country and for which the government took a loan of €687 million, leaving it with no parliamentary oversight.

Interestingly enough, the lowest score was recorded in the area of the freedom of movement of workers. This is the result of a controversial new law that limits work permits for foreigners by setting a quota and imposing additional barriers on hiring foreign workers. The government justified this policy by saying that it is aiming to protect its already troubled economy. The tourism and construction industry sectors, which rely on seasonal workers from the region, strenuously opposed the move. Following pressure from employers, implementation of the law was postponed.

The Commission report has been written in turbulent times for Montenegro's government. The document begins by

acknowledging the opposition's parliament boycott in September and touches on the recent series of opposition protests that have taken place in the country. Confrontations between the police and citizens resulted in the excessive use of force, injuries and damaged property. The report calls for an investigation of these incidents and invites all political parties to continue to engage in political dialogue in the parliament.

Since September, the situation has further escalated. At the continuous anti-government protests, several thousand citizens have demanded the prime minister's resignation and early elections. In mid-October, the police used tear gas, shock grenades and rubber bullets on demonstrators, grossly violating citizens' rights. The government promised to prosecute the officers in question and has called for dialogue. Protests are now continuing and part of the opposition refuses to continue talks in Parliament.

Meanwhile, Montenegro's much anticipated and much debated efforts to achieve NATO membership, which the report identifies as a key foreign policy priority over the past 12 months, is entering its final stage. It is expected that Montenegro will be invited to join the alliance by the end of the year. Opposition leaders have repeatedly called for a referendum on NATO membership, and the public is highly polarised on the issue: a recent opinion poll showed that 51 per cent are in favour of joining while 49 per cent are against. With the next parliamentary elections scheduled for 2016, it is uncertain how the current political events will unfold and if the crisis will deepen.

In spite of the overall positive tone, the report reveals that the 'fundamentals first' areas are suffering from a lack of implementation. When summarising the findings, the Head of Unit for Montenegro at the DG for Neighbourhood and Enlargement Negotiations stated that 'If 2014 was the year of legislation, 2015 the year of institutions, then 2016 should be the year of results'.

The delivery of tangible results will thus determine the future pace of negotiations. The existing implementation gaps in Montenegro and the country's problems with corruption, the exercise of fundamental rights and rule of law, combined with the current political challenges, call into question whether 2016 will bring the required results when it comes to fulfilling the benchmarks set by the Commission.

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Jessie Hronesova and Adis Merdžanović on Bosnia and Herzegovina: There is little justification for the Commission's optimism

The full report on Bosnia and Herzegovina is available [here](#)

In his presentation of the 2015 Progress Report on Bosnia and Herzegovina (BiH) in Brussels on 10 November, the EU Commissioner for Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, deemed the country '[back on the reform track](#)'. In 2015, the Stabilisation and Association Agreement had finally entered into force and there was even 'some implementation of the Reform Agenda' passed by the domestic institutions. The positive tone about the developments in BiH is also visible throughout the progress report, especially when compared to the criticism BiH received last year.



While the 2014 report spoke of 'little progress' and concluded that there was a 'lack of genuine political support for the EU', the 2015 report uses the positive formulation of 'some progress' in several policy areas and praises BiH's parliament for starting to 'deliver on the legislative agenda'. Such a broad positive message is aimed at keeping the political momentum going, but it is hardly in line with the actual developments in the country, which provide few reasons for optimism.



The 2015 progress report package follows a new [methodology](#). The quality and detail of the

information provided has somewhat improved as the progress reports now offer more background information through an assessment of the 'state of play' and succinct guidelines on what the countries are expected to do in each policy area. Progress is assessed on a five-tier scale – very good progress, good progress, some progress, no progress and backsliding – allowing for easier cross-country and year-to-year comparisons.

The greater comparability will surely prove useful. The new methodology has led to a clearer presentation of the findings and identification of the tasks ahead. However, the reporting still follows a largely technocratic approach, which fails to prioritise specific policy areas, or aspects thereof, and may prove too stringent for properly elaborating on certain challenges within policy areas.

On a closer read, despite the positive tone of Commissioner Hahn, no policy area in BiH was evaluated as having very good progress. Good progress is noted only in the area of public procurement due to the entry into force of a new law. Several policy areas – for example governance (adoption of the reform agenda) or the judiciary (adoption of a new justice strategy) – show some progress, while there are numerous areas with none.

The most worrying areas are, arguably, those related to the media sector and freedom of expression, where actual backsliding was recorded. As the report remarks: "the institutional and political environment is not conducive to creating the conditions for full freedom of expression". The document further criticises political pressures on journalists and the lack of transparency of media ownership.

Overall, the report over-emphasises the small steps taken by the country's domestic political elites without giving proper consideration to the fact that much of the reform agenda remains declarative. The EU will have to spend significantly more political capital to ensure actual implementation.

The report's assessment of the political criteria does not reflect the seriousness of the political situation on the ground. It brushes over the renewed threat from Republika Srpska, one of BiH's two federal entities, trying to organise a referendum on the judiciary, and does scant justice to the severity of political patronage and its role during the [last elections](#), which this report assessed as held in a 'competitive environment'.

Ultimately, the overly positive message the European Commission sent out with this newest report is hardly justified given the political, social, and economic developments in the country.

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Marko Kmezić on Serbia: Protecting freedom of expression remains a key area of concern

The full report on Serbia is available [here](#)

On 10 November, after a month of delay, allegedly caused by awaiting the outcome of the Turkish elections that had gained significant international prominence in the light of the ongoing refugee crisis, the European Commission published its remodelled annual progress reports.

As previously announced, the Commission has made a number of changes to this year's enlargement package. First of all, instead of adopting annual enlargement strategy papers, the Commission has accepted an overarching strategy on enlargement policy covering the period of its entire mandate.



Second, as can be observed from this year's report on [Serbia](#), the Commission has increased strategic focus on the 'fundamentals first' approach, as strengthened reporting is now visible in areas which are closely related to the fundamentals – rule of law, public administration reform, economic development and competitiveness, as well as the three Acquis chapters (public procurement, statistics, financial control). In addition to reporting on progress in these areas, the Commission has dedicated more scrutiny on the actual state of play and preparedness for taking on the obligations of membership of the accession countries.

Third, the report provides clearer guidance for what the country is expected to do in the year to come in order to fully meet EU conditions. However, more precise mid and long-term guidance is still missing. Finally, the biggest innovation of this year's report is the introduction of a five-tier assessment scale for both the state of play and for achieved progress in each of mentioned pilot areas.

This is where the report notes that Serbia has achieved *good progress* in developing a functioning market economy; the adoption of the framework for resolution of banks and the laws on insurance and payment services; on road, rail and inland waterways; on customs, external auditing and protection of the EU's financial interests. On the other hand, *no progress* was achieved with regard to freedom of expression and financial and budgetary provisions. All other scrutinised areas were assessed as having reached *some progress*. According to the Commission's valuation, not a single area investigated in the Serbia progress report is considered to be backsliding or to have excellently progressed.

The report is now more concise, precise and concrete, while reform successes and areas for improvement are not drowned in too many technocratic descriptions. It seems that implementation is also given more weight than legal alignment and institutional framework.

Although the transparency of the overall monitoring process has increased with the adoption of recalibrated progress reports, additional efforts should nevertheless be made with regard to providing open public access to the European Commission's opinion on key legislation in accession countries, as well as on the reports of the EU's peer review missions used in preparation of the progress reports. This is important, particularly as some of the Commission's evaluations have caused scepticism in the accession countries, for example a positive assessment of terribly underdeveloped road, rail and inland waterways in Serbia.

As a final observation, it is worth mentioning that over the past couple of years a number of think tanks and experts (see [here](#) and [here](#)) have called for a new generation of progress reports, based precisely along the lines of the new changes. With its recalibrated progress reports the Commission sends out a good signal of understanding the necessity for collaboration with the civil society sector in the enlargement process.

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Gëzim Krasniqi on Kosovo: Limited progress, but Kosovo is finally on an equal footing with other countries in the region

The full report on Kosovo is available [here](#)

This year's annual report confirms Kosovo's limited progress in fulfilling a number of criteria. The European Commission repeatedly remarked that the country is at a very 'early stage' (the term is used no less than 33 times in the document) in terms of preparedness for taking on the obligations of membership.



The single most important achievement concerns Kosovo's relationship with the European Union. The signing of the Stabilisation and Association Agreement (SAA) in October, which constitutes the first contractual relationship between the two parties, finally puts Kosovo on equal footing with other countries in the region and reaffirms its European perspective.

Not surprisingly, it is remarked that Kosovo's commitment to the EU-facilitated dialogue with Serbia and to the normalisation of their relations has been instrumental in the signing of the SAA. Indeed, as of 2011, when Kosovo and Serbia started a process of dialogue mediated by the EU, the EU path of both countries has been heavily conditioned by their commitment to the dialogue.

The report points to a largely positive record regarding the political criteria. The country is praised in particular for delivering on two key international commitments – the establishment of the [Specialist Chambers](#) and the agreement regarding the [Association of Serb majority municipalities](#). And yet, the report expresses concerns about the polarisation between the government and opposition forces, which is hindering institutional functionality and democratic consolidation.

While the government continued to implement European integration priorities, it didn't achieve much progress in the judiciary and in the fight against corruption and organised crime. Despite the adoption of new laws, the overall progress is very limited, showing a very weak track record of successful prosecutions and convictions. Undoubtedly, this remains the Achilles heel in post-war Kosovo, with elites showing no political willingness to undertake comprehensive reforms.

The report notes good progress in advancing the legal and strategic framework for public administration, but politicisation remains an issue. Whereas some progress was made in the field of human and fundamental rights protection and in the integration of non-dominant communities, there hasn't been any progress in the area of freedom of expression and property rights.

With respect to economic development, although reforms received new momentum after the post-election impasse, Kosovo remains at an early stage in developing a functioning market economy. Reforms are hindered by Kosovo's persistent trade deficit, an inefficient public sector, ad hoc fiscal policy decision-making, very low employment and poor quality education. Again, the lack of political willingness to fight corruption and the grey economy remains a paramount problem and concern.

Overall, the report paints a picture of a country that has made progress in its relations with Serbia and the EU, but has failed to achieve any substantial progress in other key sectors. The overriding message is that Kosovo is at an early stage of alignment with European standards in most areas, and the path to membership is still very long.

Nevertheless, despite the overall sense of stagnation, Kosovo does not look like the odd one out anymore. This is mainly due to the signing of the SAA and to the new reporting methodology, which has increased comparability among countries.

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Didem Buhari Gulmez on Turkey: Balancing freedom and security

The full report on Turkey is available [here](#)

This year has been one of turbulence, to say the least, for both Turkey and the European Union. While Europe has been struck by the Eurozone and refugee crises, Turkey has faced increasing challenges in both the domestic and foreign policy realms. Turkey's parliamentary election on 7 June led to a hung parliament, with a snap election taking place on 1 November, where the ruling [Justice and Development Party](#) (AKP) won a landslide victory. In between, Turkey suffered several terrorist attacks, which have been blamed by some actors on either Islamic State or the [PKK](#).



Political polarisation in the country reached an alarming level, as the campaign against the so-called 'parallel structure' (the [Gülen movement](#)) ensued. Turkey still lacks credible membership prospects following the partial suspension of EU accession negotiations almost a decade ago. The 2015 EU Progress Report on Turkey was announced after the snap election and this was criticised by the leader of the main opposition party, who accused the EU of deliberately postponing the report and thus helping the ruling party to conceal its poor record on implementing reforms.

The 2015 Progress Report on Turkey emphasises that the pace of reforms slowed down and the security conditions in the country deteriorated with the end of the Kurdish peace process, the escalation of violence in the eastern and south eastern regions and the rise of terrorist attacks in the country. Although Turkey can be positively considered as a functioning market economy, it experienced significant setbacks by European standards in the area of the rule of law, freedom of expression and freedom of assembly.

The independence of the judiciary and the principle of separation of powers have been undermined, especially during the fight against the 'parallel structure' within the state, and corruption remains a serious concern. Major shortcomings remain with respect to the rights of women, children, LGBTI and vulnerable groups like Roma, non-Muslim and Alevi minorities. The normalisation of relations with Cyprus and the establishment of good neighbourly relations (especially with Greece and also Armenia) are still wanting.

Last but not least, the EU praises Turkey for currently hosting the biggest number of refugees in the world, including more than 2 million Syrian refugees for whom Turkey has spent €6.7 billion so far. It also points to the challenges associated with an influx of refugees from Syria and Iraq and praises the launch of a 'Joint EU-Turkey Action Plan for refugees and migration management'.

Turkey's ministry for EU affairs issued a public statement on the progress report, praising the new method adopted by the EU in terms of providing a general evaluation of the progress in EU-Turkey relations rather than feedback limited to last year's performance. However, it reacted negatively to the report's heavy criticism in relation to Turkey's setbacks in the areas of freedom of the media, freedom of expression and freedom of assembly, denouncing the EU's alleged mistake of 'overlooking the balance between freedom and security' in democratic states.

The ministry criticised the EU for failing to understand the necessity for Turkey to fight against internal and external enemies, including not only Islamic State but also the 'parallel state', PKK and [DHKP-C](#), among others. It also accused the EU of pursuing a one-sided, partial approach in its policy towards the Cyprus conflict, and for wrongfully claiming that Recep Tayyip Erdoğan, who was elected in 2014, had overstepped his Presidential powers. Finally, the EU affairs minister-elect was reported to have accused the EU of 'exaggerating' certain points such as the defamation cases against journalists and internet users.

To conclude, it should be remarked that the EU report correctly emphasises that the EU and Turkey face common threats, share common interests, and have to work together in order to deal with these effectively in key domains, ranging from trade to foreign policy, energy, security, the refugee crisis and the war against radical Islam. Yet the changing security-freedom nexus is likely to determine the future of Turkey-EU relations. The recent refugee crisis and the Paris attacks may turn the tables on security.

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Andi Hoxhaj on Albania: On the right track to opening negotiations in 2016 if it passes judicial reforms and demonstrates political cohesion

The full report on Albania is available [here](#)

This progress report was one of the most comprehensive yet. The EU has set out five key priorities for Albania in the recent High Dialogue meeting in March: public administration, judiciary, fighting corruption, organised crime, and protecting human rights. These five priorities formed the basis for the main contributions of the report.

In terms of the country's public administration, the report praises the recent adoption of a code for administrative procedures. However it pointed out that public administration needs to be further detached from political affiliation, the aim being to establish a proper public service.



For the second priority of improving Albania's judicial system, a reform is expected to be passed by December 2015. In order for this reform to have a real impact, it needs to be coupled with clear rules on who can have a role in public life. Most importantly those with previous criminal convictions should not be given the opportunity to run for office. This is a highly controversial point, but it is nevertheless currently being debated.

The report cites some progress in Albania's efforts to tackle corruption, praising the country's recently implemented anti-corruption action plan. It however notes that a substantive track record of high profile convictions still needs to be established. The main factors blocking progress in this area have been the lack of political will and a judiciary that is not fully independent and effective.

In addition to the recommendations of the report, it is also important to state that this action plan should be more than simply an exercise in ticking boxes to satisfy the EU. Indeed so far many of Albania's anti-corruption efforts have been little more than a façade. A highly successful [anti-corruption portal](#) was launched earlier this year, which allows citizens to report instances of petty corruption in various sectors. However, grand corruption at the level of high profile political actors has not been addressed as effectively.

The fourth priority, organised crime, has seen some progress over the last year, but Albania needs to increase its capabilities in order to achieve further results. More resources are required for investigations, better technological equipment, and furthering international cooperation. The EU has also pledged to help with funding through the IPA ([Instrument for Pre-accession Assistance](#)) programme.

In terms of human rights, problems persist with minority rights. Albania is pretty much in line with European standards and progress has been made on protecting freedom of expression. However the country should make more effective use of legislation that is already in place.

Overall, the report documents solid progress and it indicates that Albania may have a good opportunity to open negotiations with the EU in 2016. This will be conditional, however, on two crucial aspects. The ongoing reform of the judiciary must be approved and implemented effectively. But this is not enough. The EU has made it very clear that it is fundamental for all political forces, including both the government and opposition, to work together in the reform process.

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