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ROADMAP FOR ACCESSION TO THE EUROPEAN UNION

TWO SCENARIOS FOR KOSOVO



Pristina, Kosovo

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Introduction

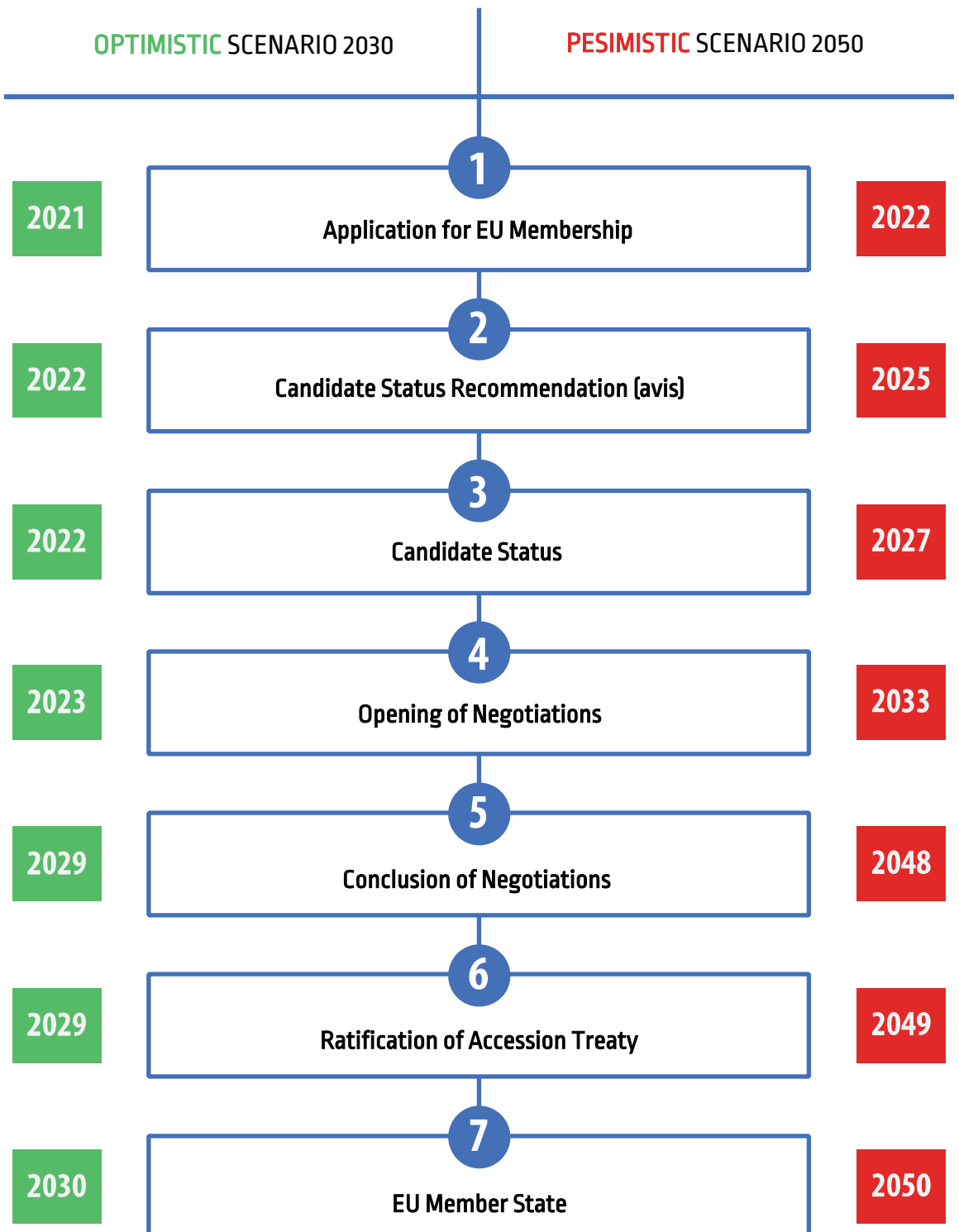
Kosovo is at the beginning of the EU integration process. The Stabilization and Association Agreement (SAA) entered into force in April 2016, which is the first contractual agreement between Kosovo and the EU and represents the first formal step towards EU accession. The EU accession process is a very complex and challenging undertaking. European reforms require unwavering political will, sufficient financial resources, professional public administration and broad diplomatic support within the EU. In this light, the goal of this roadmap is to explain each step of the EU integration process for Kosovo and key information about EU accession.

In this EU accession roadmap, we have tried to present two possible scenarios of Kosovo's timelines for EU accession, the optimistic and pessimistic scenarios. Under the optimistic scenario, Kosovo can become an EU member state by 2030. This would be extremely ambitious but would be in line with Croatia's EU accession experience. This would require an unwavering will for reforms in the rule of law, progress in the dialogue with Serbia and full co-operation with the Special Court. The chances for Kosovo to implement this scenario are extremely thin. While under the pessimistic scenario, Kosovo can become an EU member state by 2050. This would be in line with integration experience of Albania and the countries that are still in the negotiation process (Montenegro and Serbia).

However, beyond the timelines, everything will depend on Kosovo and in this light unfortunately experience is not in our favor. Four years have passed since the SAA has entered into force. Kosovo is facing challenges in meeting the obligations deriving from the SAA. Seeing the current trend of political will, the pessimistic scenario is almost certainly guaranteed. We should also recognize a number of external factors – like the lack of appetite within the EU to speed up the enlargement process. Kosovo is not yet recognized by five EU member states. While until today the EU institutions have found a practical legal solution to avoid the veto of five non-recognizing member states, future steps on our integration path will require recognition by the five EU member states. This gloomy political context will affect Kosovo's European path. We cannot know what the future will be, so we only hope that this publication will provide some new information that will help us to better prepare for the future that is ahead of us.

Roadmap for EU membership

Two timelines for EU membership



1. Application for EU Membership

In accordance with Article 49 of the EU Treaty, the Prime Minister of Kosovo submits the application for EU membership to the Presidency of the Council of the EU. The application takes the form of an official letter. The letter should express Kosovo 's commitment to respect and promote the values on which the European Union is founded and to take all necessary steps for meeting the criteria for EU membership.

Prior to formal submission of the application, institutions must ensure that there is necessary political will within the EU to review and approve the application. This is because in a pessimistic scenario, it may happen that the Council will not review the submitted application at all.

In the optimistic scenario, following the submission of the request, EU General Affairs Council will review the application and send it to the European Commission. The Council will invite the European Commission to prepare an opinion (*avis*) on the merits of application of aspiring country.

In the optimistic scenario, Kosovo will be able to submit the application for EU membership during 2021. Such a scenario would require significant progress in the rule of law, dialogue with Serbia, avoiding the blockades by five non-recognizing EU member states and cooperation with the Special Court.

In the pessimistic scenario, Kosovo will not make significant progress in any of the mentioned areas and consequently the application could not be able to be submitted until 2022.

2. Candidate Status Recommendation (avis)

The Council of the EU is an EU institution that has the mandate to approve the application for EU membership and subsequently to offer the Status of Candidate Country to the Republic of Kosovo. The decision of the Council of the EU is based on the opinion of the European Commission. Opinion or "avis" is an analytical report that assesses the fulfillment of the Copenhagen Criteria, over 33 chapters of EU *acquis communautaire*.

In order to prepare the opinion, European Commission starts preparing the Questionnaire for Kosovo. The questionnaire is a formal instrument through which the Commission assesses the readiness of the applicant country to move forward in the accession process, namely to be granted the candidate country status. The last questionnaire in the case of Bosnia had 3,242 questions. The Commission will give Kosovo a deadline to complete the Questionnaire.

Kosovo must formally submit the answers to Questionnaire to the European Commission, while Commission reserves the right to additional questions depending on the responses received. At the same time, the Commission will conduct necessary consultations with various international institutions and civil society organizations. After receiving the answers, Commission submits its Opinion to the Council of the EU for a political decision regarding the application for membership of Kosovo.

In the optimistic scenario, Kosovo would be able to finalize the answers to the questionnaire during 2021, which would pave the way for the positive recommendation for candidate country status in 2022. Such a time dynamic would be in line with Croatia's integration experience. Of course, such a scenario would require broad diplomatic support from all 27 EU member states.

While in the pessimistic scenario, Kosovo's journey will be characterized by many difficulties. The main reason would be the lack of political will to take on the obligations arising from the integration process. The rule of law will continue to be weak. There will be no progress in the dialogue with Serbia. Meaningful reforms such as electoral reform and public administration reform will continue to stagnate. Such a political environment will delay Kosovo's EU integration journey. Consequently, it will be impossible for Kosovo to receive the recommendation for candidate status by 2025. Such a timeline would be in line with Albania's integration experience.



3. Candidate Status

In its opinion, European Commission will give its advice on whether Kosovo should be granted the status of a candidate country or Kosovo should meet additional criteria before receiving the status of a candidate country. The final decision rests with the decision-making body or European Council, assisted by the EU General Affairs Council. The European Council shall take the decision to grant candidate status unanimously.

In the optimistic scenario, if member states are satisfied with the progress achieved by Kosovo and with the opinion of European Commission, then Kosovo could receive the candidate country status within a few months following the recommendation of European Commission. This would be in line with Croatia's experience with the integration process.

In the pessimistic scenario, European Commission will not recommend granting candidate country status, but will set out additional criteria that Kosovo must meet before receiving the candidate country status. Also, Kosovo's continued stagnation in moving forward with European reforms will cause continued dissatisfaction among EU member states. All this will affect Kosovo not to get the status of candidate country until 2027. Such a timeline would be similar to Albania integration experience.

4. Opening of negotiations

Following the decision of the European Council to grant candidate country status for Kosovo, Kosovo will aim at the next step, namely to open accession negotiations. Following the satisfactory level of implementation of obligations arising from the SAA and other instruments of this process, EC will recommend to open accession negotiations for Kosovo.

The European Council, assisted by the General Affairs Council, shall decide to open negotiations unanimously. Accession negotiations take place between ministers and ambassadors of the governments of the EU and Kosovo through Intergovernmental Conferences. The subject of negotiations is the conditions and deadlines for transposition and implementation of the entire EU legislation (acquis). The acquis is divided into 33 chapters, plus chapter 34 on institutional arrangements and chapter 35 for any other matter not covered in the 34 chapters.

The technical negotiations are conducted for 35 chapters grouped into six thematic clusters: (1) Fundamentals first; (2) Internal market; (3) Competitiveness and internal development; (4) The Green Agenda and interconnectivity; (5) Resources, Agriculture and Cohesion; (6) External Relations.

The group of chapters dealing with the rule of law or "fundamentals" is the first to open for negotiations and the last to close. The speed of negotiations depends on the speed of reforms and approximation of national laws. Negotiations on any chapter are not considered closed until every EU government is satisfied with the candidate country's progress in that chapter, in line with the EC assessment. The whole negotiation process is considered completed only when the negotiations for each chapter are closed. Throughout the negotiation process, Commission keeps the Council of the EU and European Parliament informed.

In the optimistic scenario, based on the experience of Croatian integration process, Kosovo will be able to start accession negotiations in 2023, or a few months after receiving the candidate country status. In the pessimistic scenario, based on the experience of Albania's integration process, Kosovo will not start accession negotiations until 2033.

5. Conclusion of negotiations

Following the conclusion of negotiations for each negotiating chapter, European Commission prepares a specific report which assesses the readiness of the candidate country to take on the obligations arising from EU accession. At the same time, the report proposes conclusion of accession negotiations.

The report is further reviewed by Council of the EU which approves the formal conclusion of negotiations and which is to be formalized in the Final Intergovernmental Conference. The Council also proposes signing of the Accession Treaty, as well as the date of accession.

The agreement at EU Council level takes final form in the framework of conclusions of the summit of European Council or heads of state/ government of EU member states. Until the European Council confirms the conclusion of negotiations on all negotiating chapters, there is a possibility of reopening negotiations for any negotiating chapter - in case of insufficient progress by the candidate country.

Results of accession negotiations are formalized within the Treaty of Accession and the Act of Accession. These documents provide all the details and conditions for accession of candidate country, such as: accession date, results of negotiations, transitional periods, financial arrangements, institutional arrangements, etc.

The Treaty of Accession is an international bilateral agreement between EU member states and candidate country. Once signed, the treaty begins the ratification process within the EU member states and must also be approved by the European Parliament.

Until the Treaty of Accession enters into force, the candidate country participates in the work of the EU institutions as an observer. In this way, the candidate country is enabled to closely monitor the process of adopting EU decisions. The candidate country is also expected to rigorously continue with approximation and implementation of the EU legislation.

In the optimistic scenario, based on the experience of Croatian integration process, Kosovo will be able to conclude accession negotiations in 2029, or six (6) years after opening them. In the pessimistic scenario, based on the experience of Montenegro's integration process, Kosovo will not be able to conclude accession negotiations until 2048.



6. Ratification of Accession Treaty

The Treaty of Accession shall be signed by all member states and Kosovo, it is approved unanimously by the European Council, while the European Parliament shall give its consent. The Treaty is ratified by Kosovo and each EU member state according to the respective constitutional rules.

Following the ratification of Accession Treaty, each EU member state must deposit the Instrument of Ratification with the Government of the Italian Republic.

Upon completion of ratification process of the Treaty of Accession by all EU member states and the candidate country, the Treaty shall enter into force on the date specified in the Treaty.



7. EU Member State

Festive ceremony of Kosovo's accession to the EU. Kosovo assumes all the rights and obligations arising from being an EU member state.

Kosovo organizes elections for Kosovo members of the European Parliament. Kosovo institutions appoint their representatives in EU institutions and bodies. Kosovo begins to benefit from EU funds reserved for EU member states. Citizens of Kosovo begin to enjoy equal rights as the EU citizens.

The Democracy for Development (D4D) Institute was established in April 2010 by a group of analysts who were increasingly concerned that the state-building exercise had neglected democracy.

D4D vision is to promote an active and educated citizenry that fully participates in the public space and utilizes the public arena of representation and decision making to discuss and build consensus over smart, efficient, and sustainable resource allocation which bring equitable development.

D4D influences specific policies, promotes a cross-sectoral approach in problem solving, and addresses the institutional decision-making routine by recommending gradual improvements and acts with maximum effectiveness in order to fully promote Kosovo's stabilization and democratic development.

For more information about D4D activities, please visit our website: www.d4d-ks.org.