

EMBEDDING RULE OF LAW IN THE EU ENLARGEMENT PROCESS: LESSONS LEARNT AND PROSPECTS FOR THE WESTERN BALKANS COUNTRIES

OPENING SPEECH, SKOPJE, December 4, 2013

It is a great pleasure for me to welcome you to today's conference on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

I am delighted and honoured that several high-ranking special guests have accepted our invitation. A special welcome goes to Their Excellencies, the Minister of Justice of the Republic of Macedonia, Mr Blerim Bexheti, and the Head of the EU Delegation, Mr. Alvo Orav.

It is also a great pleasure for me to welcome a special guest from Germany, Mr David McAllister, former Prime Minister of Lower Saxony, current state legislator and future Member of the European Parliament. We are always delighted when high ranking German politicians come to South East Europe to show their interest in this region and obtain first hand information.

I would like to welcome their Excellencies Ms. Gudrun Steinacker, Amassador of the Federal Republic of Germany, Ms. Marriet Schuurman, Ambassador of the Kingdom of the Netherlands and Mr. Fernando de Galainena, Ambassador of the Kingdom of Spain.

I am also very happy that the Director of our Country Program for Macedonia and Kosovo, Ms Anja Czymmek, is with us today. She has lived in Macedonia for several

years and therefore knows this country perfectly well.

The KAS RLP would like to thank our partner organisation in Macedonia, the Association for Development Initiatives – Zenith and its Executive Director, Aleksandar Nikolov, for the excellent cooperation that we had in the past and which we hope to continue in the future.

Today we present a study titled "Embedding Rule of law in the Enlargement Process – A Case for EU Political Conditionality in the Accession of the Western Balkan Countries." This comparative analysis of the challenges of Croatia, Montenegro and Macedonia in the area of Rule of Law (Chapter 23) aims at raising awareness and inform key institutions, stakeholders and the public on the priority reforms necessary in the field of chapter 23. We intend to support the Montenegrin and Macedonian negotiation groups for chapter 23 to anticipate intermediate, closing, and/or opening benchmarks. The study therefore examines the development of the criteria for chapter 23 imposed by the European Commission in order to enhance the knowledge of the institutions and organisations dealing with EU integration in the select countries.

The European Union is founded on common values and membership of the European Union has therefore always required that a

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state meets certain criteria. According to the Copenhagen Criteria adopted by the European Council in June 2003 "Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities". These values are also emphasized in the Declaration adopted at the EU-Western Balkans Summit in Thessaloniki in June 2003.

However, in the past the European Union twice granted full EU membership to candidate countries despite of serious shortcomings in certain areas; among them in the area of judicial reform, fight against corruption and organized crime.

In 2006 the European Council adopted the Mechanism for Cooperation and Verification. It enabled Bulgaria and Romania to join the European Union despite shortcomings in both countries while at the same time setting up benchmarks that need to be fulfilled to discontinue the CVM. The European Commission has so far published twelve progress reports on Romania and eleven on Bulgaria but it is unpredictable when the CVM will be concluded because the benchmarks have not yet been met and it is unclear when they will be met.

This is not satisfactory and consequently the European Union has endorsed a new approach.

In June 2007 the Commission presented to the member states the screening report for chapter 23 stating the specific gaps which needed to be addressed by the country that should be the next to join EU, namely Croatia, in relation to the judiciary, anti-corruption and fundamental rights. It is a special value of the study that will be presented today that it comprehensively lists all the concrete measures that were implemented in Croatia to meet the benchmarks. This is undoubtedly of great practical value for current and future EU candidate countries.

And the EU drew further consequences to learn from mistakes made in the past. In December 2011 the European Council put

the rule of law at the heart of the enlargement process. This means that candidate countries need to tackle issues such as judicial reforms and the fight against organised crime and corruption early in accession negotiations. They have to develop a solid track record of reform implementation, thereby ensuring that reforms are deeply rooted and irreversible. Thus, the accession process today is more rigorous and comprehensive than in the past.

In the case of Croatia the European Commission in its Strategy Paper published in October 2011 and in the Monitoring Report of April 2012 acknowledged the progress made by that country in its preparation for access but also identified a number of areas where further improvements were necessary. Croatia had to develop an Action Plan to follow up the findings of the reports and the implementation thereof was closely monitored by the Commission.

As a result of the new Enlargement Strategy the screening process for chapter 23 in the accession negotiations with Montenegro which started on the 29th of June 2012 was conducted first, in contrast to Croatia where it was among the last. The screening report for this chapter was delivered to the Montenegrin authorities on 25th December 2012. It contains a total of 46 recommendations and 8 sub-recommendations that need to be addressed. To achieve this the Montenegrin government adopted an Action Plan on Judiciary and Fundamental rights on the 10th of October 2013. The study shows what is expected from Montenegro, it lists up where progress has already been achieved but also comes up with concrete recommendation to meet still existing shortcomings and I consider this of high practical value.

The same is true with regard to the part of the study that assesses the accession of Macedonia. This country has substantially addressed the key priorities of the accession partnership since the Macedonian government adopted an Action Plan for implementing the benchmarks. However, due to certain problems accession negotiations have still not been opened. I can only express my hope that the High Level Accession Dialogue

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which was initiated by the European Commission and the Macedonian government in March 2012, which mainly focuses on rule of law issues, will reignite the accession process. In this context it is essential that reforms are pushed forward vigorously, the study contains concrete recommendations which steps should be taken.

Let me come to a few conclusions. In the Thessaloniki Declaration the European Union has reiterated its unequivocal support for the European perspective of the Western Balkan countries. Member states of the European Union, acceding and candidate states have in this declaration also emphasized that they all share the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy. It is in best interest of the acceding and candidate states that the European Union has meanwhile put the rule of law at the heart of the enlargement process. We all want to live in countries with an impartial and functioning judiciary, in which human and minority rights are respected and in which corruption and crime are fought with determination.

We are obliged to support the acceding and candidate states in their efforts to meet the criteria for EU membership but in this context we also need to be honest to ensure that real progress is achieved. I would like to express my respect to the authors of the study for listing up improvements that have been achieved, but also shortcoming, deficits and challenges but also very concrete recommendations.

I thank you for your attention and I look forward to the following opening addresses, presentations and discussion.