Stabilisation and association process as an instrument of security in the region

Introduction

The EU is based on **democracy, the rule of law, respect of fundamental rights and functioning market economy**. These cornerstones of the EU structure have been a fundamental part of EU primary and secondary legislation and measures, adopted and implemented by its institutions and Member States. It is therefore a logical step, taken by the European Council in Copenhagen in 1993, to set clear conditions for full membership of possible future Member States. An agreement on the level of Heads of States and Governments, that **full respect of EU fundamental principles is a precondition for any country to enter the accession process** was the most important momentum for probably one of the most challenging step in the EU history: process of the accession of the countries of Central and Eastern Europe. When **Copenhagen criteria** were discussed and agreed most of the Western Balkan countries were still in the middle of devastating war or just started to recover from the armed conflicts in Ex -Yugoslavia. Only then years after the end of conflicts in Western Balkan, all the Western Balkan countries were given a clear EU perspective at the Thessaloniki European Council in 2003. As agreed in European Council Conclusions countries of Western Balkan needs to fulfil certain conditions on their path toward the EU: before mentioned Copenhagen criteria and the conditions of the **Stabilisation and Association Process** (SAP). The SAP was designed to address specific situation of Western Balkan region and to implement European Union's policy in the region.

Croatia is the first country in the region, which has finalised the Stabilisation and Association Process and met all required conditions. Following the ratification process of the Accession Treaty in all Member States, Croatia became the 28th Member State on 1 July 2013. Croatia is a good example of the transformative nature of the enlargement process as well as its stabilisation effect. The important progress made in normalisation of relation between Serbia and Kosovo in April 2013 is another example of the stabilisation nature of the EU "soft power" as enlargement process is defined by some authors in political science in particular EU foreign relations. At its meeting in June 2014, the European Council gave credit for efforts made to both Serbia and Kosovo. Serbia has opened accession negotiations with EU and the Council authorised European Commission to open the negotiations for a Stabilisation and Association Agreement with Kosovo.

The **enlargement process is one of the key instruments in EU foreign policy**. As indicated before, enlargement is an example of use of soft powers in EU foreign policy and it is one of the most powerful and successful policies. From political point of view, the importance of the enlargement process increase significantly after the fall of the "iron curtain". Enlargement negotiations have been perceived as a major driving force for reform process in Central and Eastern Europe and latter in Western

Balkan region. However, after the enlargement in 2004 and 2007 there were a lot of discussion in Brussels and in Member States as well as in candidate countries, whether current practices in enlargement process are addressing future challenges in accession process, in particular in regards to EU perspective of Western Balkan states.

Since 2004, the EU enlarged its membership from 15 to 28 states. The important difference of the latest three enlargements (2004, 2007, 2013) from previous enlargement phases was the transition of candidate/accession countries from socialism and central planning to liberal democracy and the free market economy. In this relatively short period for such transition, in particular when it comes to the 2004 enlargement, EU focused on economic development and capacity building necessary for advance market economies and according to some assessments majority of EU aid to candidate/accession countries has gone toward well establish free market economy .

Access to an internal EU market is one of the most important goals of the acceding countries. All Member States have to apply the relevant legislation to abolish possible obstacles and restrictions on free trade inside the EU. Therefore all acceding states are requested to harmonised national legislation with existing internal market acquis starting from relevant treaties provisions, secondary legislation and judgments from Court of Justice.

“For the 2004 enlargement the EU tried to proceed with reforms on the "rule of law" and other political criteria as define in Copenhagen criteria through the economic conditions in a pre-accession and accession period. Political conditionality, including the "rule of law", through the process of enlargement became s secondary concern and technical adherence to the acquis was put ahead in the process. “(Bames, Randerson, 2006)

To the certain extent, reasoning for such approach could be found in the vagueness of Copenhagen criteria and the lack of clear definition of the rule of law. A need for clear benchmarks in the enlargement process explains the EU focus on technical adjustment to “acqius communitare”. Each acceding state can be clearly measured according to scoreboards on the adoption of relevant acquis and on this basis chapters can be opened and closed.

“The 2004 enlargement saw a high degree of compliance with respect to non-controversial areas of the acquis and where there was clarity of expectations on both sides. In other areas a degree of standstill and regress on commitments can be identified. Standstill tended to occur in the area of the internal market and to certain extent reflects lessons learnt by new member states from the casual nature of existing member states to the same commitments. The process of roll back can be identified with respect to the treatment of minorities. In the terms of the 2007 – 2008 enlargements, winning back lost ground or even standstill may be difficult. The opening quote from a speech of Oli Rehn indicated much tougher and focused

approach to the issue of enlargement to Bulgaria and Romania and the same very much applied for Croatia. The Commission is evidently far more willing to address lack of progress with a threat of significant sanctions. This reflects the changed political climate in which enlargement negotiations are now being conducted with Montenegro and Serbia." (Barnes, Randerson)

The accession process has been changing through the "enlargement history" and it has become more rigorous than it was in the past. After each and every enlargement, Member States and EU institution, in particular European Commission, pay attention to challenges and difficulties but also best practises which are then incorporated in the next accession negotiations. In addition, enlargement process needs to take into the account permanent developments and upgrades of EU policies. **One of the lessons learnt in the past was, that fundamental principles of the EU need to be addressed in the early stage of enlargement process.** The rule of law has been recognised by Member States and European Commission as one of the most difficult challenges for potential candidates and therefore put ahead in the accession negotiations as well as in enlargement policy as such. Therefore candidate countries need to put their efforts in **structural reforms to fight organised crime and corruption more efficiently and accordingly ensure the reform of their justice system.**

Accession law and practices

According to the treaties European country apply for membership if this particular country respects the democratic values of the EU and is committed to promoting them further. The third country's effort in the early beginning of the process needs to focus on fulfilment of the "Copenhagen criteria", which were decided by European Council in Copenhagen in 1993 and are known as key accession criteria.

Respect of the democratic values, as defined by European Council in Copenhagen, by third countries aspired to become a full member of the EU includes establishment and functioning of stable institutions which guaranty democracy, ensure the rule of law and protection of minorities. Country must also prove the capacity to establish functioning market economy and provide evidence that particular country will be able to respect the single market requirements and in this regards follow the high EU standards when it comes to competition rules. The last of three criteria reflects the capacity of the potential Member State to start with necessary reforms and fulfil the obligations of membership, while taking into the account common goals of political, economic and monetary Union.

As indicated in the Treaties, the EU is based on the rule of law. According to the article 2 of the TEU, the Union is founded on the values of respect of human dignity, freedom, democracy, equality, the rule of law and respect of human rights, including the rights of persons belonging to minorities.

Due to a fact, that article 6 of TEU calls for EU to recognise the rights, freedoms and principles set out in the Charter of Fundamental Rights and that the same Treaty instructs the EU to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Fundamental rights guaranteed by both before mentioned documents are therefore general principles of the Union's law, and a part of requirements for candidate countries. Even more, Member States can be sanctioned for violation of fundamental rights by suspension of certain rights, granted to Member States by the same Treaty, including the right to vote in the Council structures.

The concept of "rule of law" and respect for fundamental rights is in principle and on declaratory level also fully recognised by countries with clear EU perspective i.e. Western Balkan countries. "Rule of law" is a constitutional category of the highest value in constitutional order of FYROM, Bosnia and Hercegovina, Montenegro and Serbia. However as indicated in several last Progress Reports, there is still a gap between declaration, that certain country is based on the "rule of law" and reality, although it is sometimes hard to asses, what is the real situation in the filed also due to a fact that a precise definition of the term "rule of law" does not exist. The definition of the "rule of law" has a different meanings and it is differently interpreted depending on legal systems and legal traditions. From constitutional point of view and form the statehood functions point of view, the "rule of law" can be perceived as a constitutional and institutional set up, where there is a clear division of powers between legislative, executive and judicial. Such a set up ensure the mechanism of "checks and balances" and provide certain guarantees to citizens, at least in theory, to minimize a possible abuse of powers by the state in its institutions.

The independence of the judiciary is a prerequisite for the "rule of law". All Western Balkan countries with EU perspective have signed and ratified the European Convention on Human Rights and Fundamental Freedoms. This instrument guarantees to each person the right to a trial by an independent and impartial tribunal. It is a fundamental principle in the Member States and one of the benchmarks in the pre accession and accession negotiations for all Western Balkan countries. This is clearly reflected for example in the Report on opening benchmarks assessment for Montenegro on Chapter 23 where there is an assessment on independence of judiciary, impartiality of judiciary and accountability of judiciary.

The concept of "rule of law" is also a "mechanism", which protects individuals against the state and its institutions. The main element of this mechanism is a right to legal recourse which ensure citizens protection against disproportional state's intervention in citizen's sphere.

As already mentioned, all the legislation adopted at the EU level must be based on the "rule of law". Taking into the account, that there is no clear definition of the rule of law, candidate countries are facing difficulties when transposing EU legislation in the national legislation. In addition, the lack of clear understanding, what the "rule of law"

stands for, Member States have much more space for political manoeuvring when interpreting accession requirements based on the “rule of law”. In the initial phase of negotiations for full membership candidate countries discuss and agree with relevant Commission services the conditions and time framework for the adoption, implementation and enforcement of existing EU acquis. This is also an opportunity to clarify certain requirements in the “rule of law” framework, where there is no clear acquis and enlargement requirements could be differently or wrongly interpreted by candidate countries officials. However, candidate countries do not take the advantage of this initial phase due to the lack of knowledge or understanding of certain part of the acquis concerned, as a consequence many of the questions originating from the “rule of law” requirements become relevant again in the latter stage of accession negotiations. Another reason, why certain important issues are not clarified at the beginning of the process is a subsidiary role of the candidate country in the negotiation process. Candidate countries are heading for a swift progress in accession negotiations and in certain cases do not present a credible “state of play” to the Commission services.

The Commission keeps close monitoring process over the candidate's progress in applying EU acquis and fulfilling other commitments given by candidate country, including any benchmark requirements. Such mechanism provides additional guidance for candidate countries when addressing accession requirements and in addition in an early stage of the process informs current Member States that the candidate country is meeting the conditions for full membership. The Commission regularly informs relevant EU institutions such as the Council of EU ministers and European Parliament on progress made through regular reports, which are in principle in last few years published in first half of October. Progress report is not only important document for the EU institutions and Member States, but also important guidelines for candidate countries what needs to be done in the coming year. Progress report addresses both political and technical criteria. While technical criteria are normally well describe and explained by relevant Commission services, political criteria in many cases leave a space for different interpretations in particular from the concerned Member States. On the basis of Progress Report, Council adopts every year in November Council conclusions on enlargement, where “political balancing” is put ahead before achievements reached by the candidate country in harmonisation of national legislation with technical requirements originating from EU acquis. For example, Croatia made a good progress in addressing technical requirements while cooperation with ICTY was always predominate benchmark in progress reports for this country.

SAP in practice

The Western Balkans has remained a key priority in the enlargement strategy of the European Union. The Council confirmed again the region European perspective in last two year's conclusions on enlargement in December 2013 and 2014. Clear European perspective for Western Balkan countries is still essential for region political stability as well as economic and social development. According to conclusions SAP remains the overarching cooperation framework for relations with the Western Balkans and regional cooperation as well as good neighbourly relations is essential elements of this process. However the pace of future enlargement in the Western Balkan will very much depend on the Member States "enlargement fatigue". Although not recognised in formal discussions, reluctance to further enlargement is in from time to time declared through public statements of EU sceptics from Member States, also during the campaign for 2014 election in European parliament.

Following the conclusions of the Luxembourg European Council in December 1997, the Commission has reported regularly to the Council and the Parliament on progress made by the candidate states in preparing for EU membership. The Progress Report 2005 is the first such report on **Croatia** following the decision of the European Council of 17 and 18 June 2004 that Croatia is a candidate country. In December 2004, the European Council stated that:

"The European Council noted with satisfaction the progress made by Croatia in preparation for the opening of accession negotiations. Reaffirming its conclusions of June 2004, it urged Croatia to take the necessary steps for **full cooperation with ICTY** and reiterated that the remaining indicted must be located and transferred to the Hague as soon as possible. It invited the Commission to present to the Council a proposal for a framework for negotiations with Croatia, taking full account of the experience of the fifth enlargement. It requested the Council to agree on that framework with a view to opening the accession negotiations on 17 March 2005 provided that there is full cooperation with ICTY."

However, in the absence of confirmation of the above mentioned full cooperation, the General Affairs and External Relations Council (GAERC) of 16 March 2005 decided to postpone the opening of accession negotiations and agreed that a bilateral intergovernmental conference (IGC) would be convened by common agreement as soon as the Council has established that Croatia is cooperating fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). The Council also adopted a negotiating framework for Croatia.

Following a positive assessment on 3 October 2005 from the ICTY Chief Prosecutor that cooperation was now full, the Council concluded on the same day that Croatia had met the outstanding condition for the start of accession negotiations and an IGC opening the negotiations was held. The Council agreed that less than full cooperation with ICTY at any stage would affect the overall progress of negotiations and could be grounds for their suspension.

Croatia was making a good progress in certain issues related to requirements from Copenhagen criteria including those ones relevant to the “rule of law”. In the years 2004 and 2005 a satisfactory progress was made in regards to the question of returnees and the issue of minority rights, although the relevant legislations granting rights to minorities needed improvement still. There were **concrete cases of attacks on the freedom of media**, however, all those were properly investigated and prosecuted, also under the pressure of the EU. Croatia was also **an active member of different regional initiatives** and this was specifically recognised in a few progress reports, not only before 2005 but also in progress report after Croatia opened accession negotiations.

Nevertheless, the pre negotiation stage was very much influenced by a single issue that is a full cooperation with ICTY. Extradition of certain Croatian generals to ICTY and hand over of artillery diaries from certain period of war were a clear demands coming from Brussels based on ICTY Chief Prosecutor reports. The discussion in the Council working structures, in particular at COREPER level, and the conclusions on Croatia’s progress were in many occasions very much depending on before mentioned ICTY reports. In particular one member state had a very strict position on full cooperation with ICTY and was not ready to leave any space for manoeuvre or different interpretation of this particular political condition.

Cooperation with ICTY and the issue of war crimes can be interpreted as a part of “rule of law” requirements. As mentioned before, there is no clear definition of the rule of law concept in the enlargement process and at the same time, there was also a lack of common understanding, what “full cooperation with ICTY” meant to be. It was set as a crucial benchmark for Croatia in pre negotiation stage, without clearly defining a concept of “full cooperation with ICTY”. Croatia was for example trying to prove, that its law enforcement is trying to do at most to fulfil requirements, while certain members states were opposing Croatia position and claiming that more could be done in tracing the accused generals and to find artillery diaries. The lack of clear benchmark, although political, to the certain extend prolong the accession path of Croatia toward the EU and influenced the latter stages of Croatia accession as well.

Montenegro is the first country where so called **new approach on Chapter 23 and 24** has been applied. The new approach is based on lessons learned during the negotiations with Croatia and on the specific characteristics of Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, freedom, security), where the establishment of a solid track-record is considered essential for closing the negotiations. **Chapter 23 stems from the political criteria, which need to be sufficiently met for overall negotiations to begin. It is largely based on broad EU principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. It covers issues under four main headings: judiciary, fight against corruption, fundamental rights, including freedom of expression, EU citizens' rights. Chapter 24 covers the Schengen rules, border control and visas, as well as migration, asylum, judicial cooperation in criminal**

and civil matters, police cooperation, the fight against organised crime and terrorism, cooperation in the field of drugs and customs cooperation.

Taking into account the acquis in this chapter, and on the basis of the available information, including that provided by Montenegro during the bilateral screening meeting and the information Montenegro provided, the Commission noted that Montenegro has reached a partial level of alignment and implements some of the acquis and EU best practices in these two chapter.

More efforts will be needed to address the weaknesses in judicial system, which still suffers from many structural weaknesses and a number of reforms aiming at aligning with EU best practices and international standards are at an early stage, despite the implementation of a Judicial Reform Strategy between 2008 and 2012. With respect to anti-corruption, Montenegro's legislation is partially aligned with the EU acquis. A domestic anti-corruption (and organised crime) strategy is being implemented. However, corruption remains prevalent in many areas and acts as a facilitator for organised crime. Considerable efforts are still needed to establish a track record of effective investigation, prosecution and court rulings accompanied by final decisions on asset confiscation in cases of corruption, including for high level corruption. Legal provisions for the protection of fundamental rights are mostly in place but the national legislation still needs some further alignment with the acquis. Cases of torture and ill treatment still occur and their handling remains slow. Some progress was made to address the problem of overcrowded prisons but further efforts are required. Freedom of expression is generally respected, but cases of intimidation of journalists continue to occur and some serious cases of violence and a murder still need to be successfully investigated. Data protection legislation needs further alignment with the acquis. Finally, as regards access to justice, particular efforts are needed to guarantee free legal aid, in particular for socially vulnerable groups and minorities.

Serbia has been trying to keep its policy on Kosovo separated from its ambitions to join the EU. However, the EU has made it clear that Serbia’s progress toward accession depends on Belgrade improving its relations with Kosovo. As decisions on enlargement are based on consensus promoting this position does not require the agreement of all 27 EU Member States. In fact, it is possible for individual member states to impose their own conditionality in this regards. Thus, it was the visit of the UK and German foreign minister to Belgrade that convinced Tadic to abandon the initiative in the UN General Assembly to reopen status talks and it was the German Chancellor, Angela Merkel, who in August 2011 clearly linked Serbia’s candidate status with progress on improving relations with Pristina.

Council Conclusions in December 2012 urged for further progress in the **normalisation of relations between Serbia and Kosovo** including irreversible progress towards delivering structures in northern Kosovo which meet the security

“There is certain logic in the notion that Serbia EU’s aspirations and its policies on Kosovo need to be seen together. The development of positive relations with

neighbours has always been an important aspect in EU enlargement in particular when it comes to Western Balkan. EU Member States also obviously had no interest in importing unresolved territorial disputes and frozen conflicts into the EU. Moreover, the EU perspective extends to the Western Balkan as a whole. It would become counterproductive in terms of EU's policies toward the region if Serbia were to become a new member state and blocks Kosovo's further progress toward the EU. A specific Kosovo related conditionality for Serbia's progress toward the EU makes sense. However the progress toward normal relations with Kosovo should require each step of the way, in parallel with Serbia advancement toward the EU. It is highly unlikely, that the EU will accept Serbia as a member if it does not have normal, neighbourly relations with Kosovo. On the other side, the implementation of Ahtisaari plan and the overall situation of the Serb minority will obviously be important criteria for assessing Kosovo's fulfilment of the political requirements for accession." (Lehne, 2012) and justice needs of the people.

In this context, the EU-facilitated dialogue continued at an accelerated pace in 2013 with a focus on addressing the issues related to northern Kosovo, which constituted the most difficult and sensitive part of the dialogue. A landmark agreement was reached on 19 April and an implementation plan was adopted a month later. The main elements of the agreement concerned particular arrangements for northern Kosovo and the Kosovo Serb majority municipalities in Kosovo, and provided for the integration of all structures (municipal, police and security, and justice) into the Kosovo legislative framework. The agreement also foresaw the holding of local elections in the northern municipalities for the first time according to Kosovo law. Local elections were held successfully on 3 November 2013 in northern Kosovo (and the second round on 1 December) with good participation of the local population.

According to Progress Report 2013 the European Council of March 2012 granted the status of candidate country to Serbia. In April 2013, finding that Serbia had met the key priority of taking steps towards visible and sustainable improvement of relations with Kosovo, as set out in its 2011 opinion on Serbia's membership application, the Commission recommended to the Council that accession negotiations be opened. In her report to the Council on 16 December, the HR/VP underlined that all the elements of the April agreement were being implemented in substance. In accordance with the objective of the dialogue that both Serbia and Kosovo can advance on their European perspective, EU leaders decided to open accession negotiations with Serbia and to start negotiations on a Stabilisation and Association Agreement with Kosovo

The European Council decided on opening accession negotiations with Serbia on 28 June 2013. It endorsed the Council's recommendation that the Commission submit without delay a proposal for a framework for negotiations in line with the European Council's December 2006 conclusions and established practice and incorporating the new approach to the **chapters on the judiciary and fundamental rights and**

justice, freedom and security as well as steps towards normalising relations between Belgrade and Pristina.

The **Former Yugoslav Republic of Macedonia (FYROM)** has been fulfilling relevant political criteria and has continued with harmonisation of national legislation with acquis. The Stabilisation and Association Agreement remains a legal framework for cooperation with the EU and FYROM is implementing requirements originating from the agreement. The EU membership is a priority for the government and activities of public administration are very much focused in the EU matters. **Due to the dispute on the name with Greece** and Greece opposition at the Council to open accession negotiations the High Level Accession Dialogue (HLAD) with the Commission serves as a motivation for accelerating reforms and has contributed to substantial progress in a number of key policy areas. The government has adopted proposals for improvement of the legislative framework for elections and, in the area of freedom of expression, for the decriminalisation of defamation. The first government review of the implementation of the Ohrid Framework Agreement provides a tool for strengthening inter-community dialogue. Taking into the account the new **Commission approach on Chapter 23 and 24,** including the freedom of expression and inter-ethnic relations remains on the top of the agenda of the government. FYROM is also making a good progress in regards to an inclusive approach with civil society.

As recognised by the Commission, FYROM made a good progress in a last few years, but still, due to a blockade of one single Member State this country cannot start with negotiations. Tangible results has been achieved through high level accession dialogue in all areas and this was not only recognised by the Commission and majority of the Member States, but also by the European parliament, which called for start of negotiation with FYROM in through few resolutions in last three years. The “name issue” is not linked to any political or other enlargement criteria; it is a unilateral issue between the candidate country and a single Member State. This particular case is another example of “balance of powers” between relevant stakeholders in enlargement process where clearly Member States remains a “key decision maker”, depend less of all established enlargement procedures and practices. EU institutions, including Commission, European Parliament and a few Presidencies to the Council of EU, tried to find an agreement on the “name issue”, however all attempts failed and is now being dealt in the framework of UN.

Bosnia and Herzegovina as other countries of Western Balkan participates in the Stabilisation and Association Process. All EU Member States have ratified the Stabilisation and Association Agreement (SAA) signed in June 2008, but the Council has refrained from taking a decision on its entering into force due to the country’s failure to implement the **Sejdic-Finci ruling** of the European Court of Human Rights. The current constitution and the electoral law prevent Jews, Roma and other national minorities from standing for election to the House of Peoples (second chamber of the Parliamentary Assembly) and for the State Presidency. These institutions are

reserved only for persons belonging to the three constituent peoples Bosniaks, Croats and Serbs. The ECHR ruled in 2009 that this amounts to discrimination, and breaches electoral rights of Mr. Sejdic and Mr. Finci. The High Level Dialogue on Accession Process (HLDAP) was launched by Commissioner Füle in June 2012 with the aim of facilitating the cooperation among Bosnia and Herzegovina's political leaders to move the country forward on its EU path. Within the HLDAP, political leaders committed themselves to a road map towards the implementation of the ECHR ruling in the Sejdic/Finci case.

As indicated in Progress Report 2013 the commitment to implement the Sejdic-Finci judgment by 30 November 2012 was not respected. Despite intensive facilitation efforts by the EU, Bosnia and Herzegovina's political leaders have not been able to reach agreement on how to address this case regarding discrimination against citizens on the grounds of ethnicity. Furthermore, the requirement to establish an effective EU coordination mechanism has not been met. The EU has continued to implement its strategy vis-à-vis Bosnia and Herzegovina as set out by the Council Conclusions adopted in March 2011. Only limited progress was made by Bosnia and Herzegovina towards meeting the Copenhagen political criteria and the requirements of the roadmap for the entry into force of the Stabilisation and Association Agreement as well as for a credible membership application. Amending Bosnia and Herzegovina's constitution to remove incompatibilities with the European Convention on Human Rights ruling remains a critical first step forward. Also, no progress was made in establishing more functional, coordinated and sustainable institutional structures.

In December 2013, the Council expressed its concern regarding the limited progress made by Bosnia and Herzegovina on its EU path, particularly due to the lack of political will among Bosnia and Herzegovina's political leaders. As a result, the country lost a significant part of funds foreseen for the country in 2013 under the EU Instrument for Pre-Accession Assistance (53% of Bosnia and Herzegovina's IPA funds in 2013 were reallocated to the Regional Housing Programme and Kosovo).

After social unrests in February 2014 and several failed attempts to move on Sejdic – Finci case, Council in April adopt new set of conclusions. So **called new approach focuses more on economic development and cooperation with civil society and to the lesser extend stress the importance to find a solution on Sejdic – Finci case**.

The Commission presented the report on **Albania's progress** in June 2014 and on this basis GAC had a discussion on the possibility to grant a candidate status to Albania. Due to a continued progress made and strong commitment of the current and previous government GAC took a decision to grant Albania candidate status, which was than endorsed by European Council in its conclusions at the meeting on June 24, 2014. Following the granting of candidate status, Council underlined that Albania must continue with all relevant reforms, in particular should Albania ensure

an implementation of all recommendations prepared by the Commission in its latest report. Among others, the Albanian government should focus and intensify its efforts in the **field of public administration reform, reform of judiciary, the fight against organised crime and corruption, the protection of human rights and anti-discrimination policies including in the area of minorities and their equal treatment as well as implementation of property rights**.

Council specially stressed the need to make a progress in regards to fight against corruption. Albania should implement its **anticorruption strategy and action plan, strengthen cooperation between law enforcement agencies and establish a solid track record of investigations, prosecutions and convictions in cases of corruption and organised crime.** In addition more efforts should be put in fight against money laundering, drug cultivation and prevention of human trafficking. In regards to fight against corruption, independence, transparency and accountability of the judiciary need to be strengthen. This would ensure greater legal certainty for economic operators and increase investor confidence.

Conclusions

The process is designed to stabilise the region politically and to primarily facilitate transition to market economy. One of the important elements of the stabilisation and association process is to enhanced regional cooperation, which is specific in enlargement policy. The process has been developed on the basis of close partnership between the EU and Western Balkan countries where countries of the region enjoys certain privileges such as duty free access to internal market, financial assistance and assistance in reconstruction and development. The cooperation between EU and Western Balkan countries in the framework of stabilisation and association process is defined in stabilisation and association agreements.

As indicated in concrete cases, SAP is not focusing only on issues related to marker economy, but it is rather focusing on the issues, which are preconditions for functioning market economy.

“Rule of law” became a predominated element not only in accession talks, but also in the process before accession talks starts.

Taking into the account that special focus in the context of “rule of law” is given to the fight against organised crime and corruption, judicial cooperation in criminal matters and enhanced law enforcement cooperation, in the long term, SAP contributes to better security situation in candidate countries and consequently to the whole region.

SAP also addresses the highly sensitive political issues such as Belgrade – Pristina relations, the issues of minority rights and fundamental rights (Sejdic - Finci). Such efforts in the framework of SAP and processes before contribute to more stable political and “reform” friendly environment.

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