Council conclusions on Enlargement and Stabilisation and Association Process

GENERAL AFFAIRS Council meeting
Brussels, 17 December 2013

The Council adopted the following conclusions:

“ENLARGEMENT STRATEGY

1. In line with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006, and the Council conclusions of 11 December 2012, the Council welcomes the communication from the Commission of 16 October 2013 on the Enlargement Strategy and Main Challenges 2013-2014 (Copenhagen Twenty Years On, Fundamentals First – Rule of Law, Democracy and the Economy) and the progress reports on Turkey, Montenegro, the former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina and Kosovo*, as well as the report on Iceland, and takes note of the conclusions and recommendations therein.

2. Enlargement remains a key policy of the European Union. It continues to promote peace, democracy and stability in Europe and allows the EU to be better positioned to address global challenges. Twenty years ago, the EU agreed on the Copenhagen criteria for the entry of future Member States in the EU. Ten years ago at the Thessaloniki Summit of 2003, the EU reiterated its unequivocal support to the European perspective of the Western Balkan countries. These countries will become an integral part of the EU, once they meet the established criteria. Both the accession of Croatia to the EU as the 28th Member State on 1 July 2013, as well as the historic agreement reached by Serbia and Kosovo in April 2013, are a strong and visible testimony of the transformative and stabilising effect of the enlargement and stabilisation and association process.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.
3. Coherent implementation of the renewed consensus on enlargement, which is based on consolidation of commitments, fair and rigorous conditionality, better communication, combined with the EU’s capacity, in all its dimensions, to integrate new members, with each country being assessed on its own merits, continues to be crucial for the success of the enlargement process. The Council welcomes that the new approach to negotiations on judiciary and fundamental rights and on justice, freedom and security, starting with Montenegro and building on the experience of previous accession negotiations, has put rule of law issues at the heart of the enlargement process. This is essential to ensure a solid track record in the fight against corruption and organised crime. In this regard, the Council looks forward for further cooperation with Europol in these areas, as well as the closer interaction with Member States, and the Commission's intention to reinforce its assessments and reporting to the Council on organised crime for each Western Balkans country, on the basis of specific contributions prepared by Europol. The rule of law is also key for economic development and creating a favourable business environment and investment climate. The Council welcomes the Commission's proposals to strengthen dialogue on economic governance with enlargement countries, in order to help them meet the economic criteria and be better prepared in terms of economic reform, competitiveness and job creation. In this regard, the Council looks forward to discussing further how to improve bilateral and multilateral dialogue with enlargement countries, including through cooperation with major international financial institutions, building on the current enlargement framework and structure.

4. In line with relevant Council conclusions, the Council reiterates the importance of tackling with determination early in the enlargement process existing key challenges in enlargement countries. The Council takes note of the initiatives the Commission intends to take forward in this regard. The key challenges include, in particular, the rule of law, the functioning of institutions guaranteeing democracy, political inclusiveness, fundamental and human rights, including the freedom of expression and the rights of persons belonging to minorities, the non-discriminatory treatment of national minorities in enlargement countries, as well as tackling discrimination of vulnerable groups such as the Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Furthermore, regional cooperation and good neighbourly relations, remain essential parts of the enlargement process. They contribute to prosperity, stability, reconciliation and a climate conducive to addressing open bilateral issues and the legacies of the past.

5. The Council welcomes the support for the enlargement process through financial assistance, in particular in the form of the Instrument for Pre-Accession (IPA). It looks forward to the launch of the new IPA, which will form the new framework for providing pre-accession assistance under the 2014-2020 multiannual financial framework, as well as to its implementation in a more strategic and coherent way. The role of civil society should also be enhanced both in programmes implemented through government bodies and as direct beneficiaries of EU assistance.

6. The Council continues to attach great importance to the credibility of the enlargement process, which remains key to maintaining the momentum of reform in the countries concerned and public support for enlargement in the Member States.
7. The Council reaffirms the importance it attaches to EU relations with Turkey. Turkey is a candidate country and a key partner for the EU with a dynamic economy that provides a valuable contribution to the prosperity of the whole European continent. Active and credible accession negotiations which respect the EU's commitments and established conditionality, along with all the other dimensions of the EU-Turkey relationship addressed in these conclusions, will enable the EU-Turkey relationship to achieve its full potential. In this context, the Council welcomes the recent opening of Chapter 22 - Regional policy and coordination of structural instruments. The regained momentum in the accession negotiations should be sustained in the interest of both parties. The EU should remain the anchor for reforms in Turkey, especially in the areas of rule of law, and fundamental rights and freedoms. Turkey will be able to accelerate the pace of negotiations by advancing in the fulfilment of benchmarks, meeting the requirements of the Negotiating Framework and by respecting its contractual obligations towards the EU.

8. The Council recalls the important regional role of Turkey and its active involvement in its wider neighbourhood. It underlines the strategic location of Turkey, including for the EU's energy security. In this regard, the Council underlines the importance of further developing dialogue and cooperation on foreign policy issues of common interest and welcomes the intensification of the regular political dialogue between the EU and Turkey. In particular, the Council recognises Turkey's role on Syria, especially with regard to the important humanitarian support provided to Syrians fleeing violence across the border. The Council also welcomes the active counter-terrorism dialogue between the EU and Turkey. This cooperation will be further enhanced by the adoption by Turkey of further relevant counter terrorism legislation. The Council recalls that the PKK is on the EU list of terrorist organisations. In line with the Negotiating Framework, the Council continues to encourage Turkey to develop its foreign policy as a complement to and in coordination with the EU, and to progressively align with EU policies and positions.

9. The Council welcomes the important progress on reforms that has been made in Turkey, including Turkey's continued commitment to the political reform agenda. It continues to encourage Turkey to work on reforms which should provide for adequate checks and balances fully guaranteeing freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. The Council reiterates that implementation in line with European standards will be key. The Council also takes positive note of the growing and active civil society in Turkey, which should be supported and encouraged as a legitimate stakeholder.

10. The Council also welcomes other important positive developments such as the Ombudsman and National Human Rights institutions becoming operational, measures taken in the field of women's rights and gender equality, further implementation of the third judicial reform package, the adoption and start of the implementation of the fourth judicial reform package, further consolidation of civilian oversight of the security forces, as well as the continued implementation of the Law on Foundations. The recently adopted democratisation package also holds out the prospect of further positive reforms.
11. Further sustained efforts will be required, particularly as regards improving the observance of fundamental rights and freedoms in law and in practice in Turkey, including in the areas of freedom of expression, freedom of assembly, freedom of religion, property rights, and enhancing implementation of all the judgments of the European Court of Human Rights. Excessive use of force against protestors by law enforcement bodies needs to be addressed and investigated effectively. The restrictions in practice on the freedom of the media, including the large number of legal cases launched against writers, journalists, academics and human rights defenders, frequent and disproportionate website bans, as well as broad application of the legislation on terrorism and organised crime, have also raised serious concerns. Consolidating the independence, impartiality and efficiency of the judiciary remains of particular importance. The Council underlines the need for Turkey to ensure that reforms, including on a new constitution are prepared and implemented in line with European standards, so as to meet fully the Copenhagen political criteria.

12. With regard to the situation in the South East of Turkey, the Council strongly supports the ongoing peace process launched by the Turkish Government, and hopes that this initiative will bring an end to terrorism, pave the way for a political solution to the Kurdish issue, and facilitate economic and social development in the region. The Council encourages further engagement by all parties to move the process forward.

13. The EU welcomes the signing of the readmission agreement, as well as the initiation of the dialogue on visa liberalisation between the European Commission and Turkish authorities. It looks forward to the swift ratification of the readmission agreement and its full and effective implementation vis-a-vis all Member States. Progress in the dialogue on visa liberalisation will be founded on a performance based approach and conditioned on effective and consistent implementation by Turkey of the requirements in the visa roadmap vis-a-vis the EU and its Member States. Recalling that Turkey is one of the key transit countries for illegal immigration to the EU, adequate implementation of existing bilateral readmission agreements and readmission provisions contained in similar agreements remains a priority. In this context, the adoption of the Law on Foreigners and International Protection represents significant progress in the area of migration and asylum.

14. In line with the Negotiating Framework and previous European Council and Council conclusions, the Council reiterates that Turkey needs to commit itself unequivocally to good neighbourly relations and to the peaceful settlement of disputes in accordance with the United Nations Charter, having recourse, if necessary, to the International Court of Justice. In this context, the Union expresses once again serious concern, and urges Turkey to avoid any kind of threat or action directed against a Member State, or source of friction or actions, which could damage good neighbourly relations and the peaceful settlement of disputes. Moreover, the EU stresses again all the sovereign rights of EU Member States which include, inter alia, entering into bilateral agreements, and to explore and exploit their natural resources in accordance with the EU acquis and international law, including the UN Convention on the Law of the Sea, and also stresses the need to respect the sovereignty of Member States over their territorial sea.
Recalling its conclusions of 11 December 2006 and the declaration of 21 September 2005, the Council notes with deep regret that Turkey, despite repeated calls, continues refusing to fulfil its obligation of full, non-discriminatory implementation of the Additional Protocol to the Association Agreement towards all Member States. This could provide a significant boost to the negotiation process. In the absence of progress on this issue, the Council will maintain its measures from 2006, which will have a continuous effect on the overall progress of the negotiations. Furthermore, Turkey has regrettably still not made progress towards the necessary normalisation of its relations with the Republic of Cyprus. The Council invites the Commission to continue to monitor closely and specifically report on all issues covered by the declaration of the European Community and its Member States of 21 September 2005 in its forthcoming annual report. On this basis, the Council will continue to closely follow and review progress made, in accordance with its conclusions of 11 December 2006 and 11 December 2012. The Council reiterates its call for progress without any further delay.

As emphasised by the Negotiating Framework, the Council also expects Turkey to actively support the ongoing negotiations aimed at a fair, comprehensive and viable settlement of the Cyprus problem within the UN framework, in accordance with the relevant UN Security Council resolutions and in line with the principles on which the Union is founded. Turkey’s commitment and contribution in concrete terms to such a comprehensive settlement is crucial.

ICELAND

The Council recalls the advanced stage reached in accession negotiations with Iceland. The Council also takes note of the Icelandic Government's decision to put accession negotiations on hold.

The Council underlines its belief that Iceland's accession is a matter of mutual benefit and stands ready to continue the negotiating process in line with the requirements of the Negotiating Framework, should Iceland decide to resume the negotiations.

MONTENEGRO

The Council welcomes the progress made in the accession negotiations and on the screening of individual negotiating chapters, as well as the implementation of the new approach for the chapters on judiciary and fundamental rights and justice, freedom and security in line with the Negotiating Framework. The Council positively notes that both chapters are being addressed early in the negotiations. The Council underlines that the advancement of the negotiations will be guided by Montenegro’s progress in preparing for accession, including the fulfilment of its obligations under the Stabilisation and Association Agreement.

The Council also welcomes the progress Montenegro has made in the past year, including constitutional amendments to strengthen the independence of the judiciary and the adoption of comprehensive action plans for the chapters on judiciary and fundamental rights and justice, freedom and security. Montenegro has also continued to implement its obligations under the Stabilisation and Association Agreement, and to play an active role in the region. The Council notes with satisfaction Montenegro’s involvement in further developing regional cooperation.
21. Montenegro needs now to further intensify its reform process in order to address the shortcomings identified in the Commission's Report of 16 October 2013. Particular attention should be paid to further developing a solid track record in the area of rule of law and with respect to the fight against organised crime and corruption, including at high level. In this context, the Council looks forward to the timely and full implementation of the above-mentioned action plans for the chapters on judiciary and fundamental rights and justice, freedom and security. This will require deep and lasting political reforms. Progress in these areas will determine the overall pace of negotiations. Further efforts are also needed to implement constitutional amendments, strengthen political inclusiveness, guarantee freedom of expression and citizens' trust in public institutions, implement the public administration reform strategy including to ensure Montenegro has the capacity to apply the acquis, tackle politicisation and increase transparency, and improve the business environment.

22. The Council looks forward to the meeting of the Accession Conference on 18 December 2013 and hopes that further progress can be registered on this occasion.

WESTERN BALKANS

23. The Council reaffirms its unequivocal commitment to the European perspective of the Western Balkans, which remains essential for the stability, reconciliation and future of the region. In line with the Council conclusions of December 2012, it also reaffirms the need for fair and rigorous conditionality, in the framework of the Copenhagen political criteria and Stabilisation and Association process in accordance with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006. The Council recalls that the Stabilisation and Association process remains the common framework for relations with the Western Balkans up to their accession.

24. Regional cooperation and good neighbourly relations are essential elements of the Stabilisation and Association process. The Council welcomes the further progress made by the Western Balkans regarding regional cooperation and reconciliation, while stressing that the inclusiveness of this process must be ensured by all parties concerned. It fully supports the work of the South-East European Cooperation Process and the Regional Cooperation Council, its operational arm, as an inclusive platform, coordinating and monitoring implementation of the SEE 2020 Strategy, in particular by developing a public monitoring mechanism to measure progress, including under national action plans. Parties concerned in the Western Balkans must ensure that any disputes between them do not have a detrimental effect on their shared goal of progress towards EU membership. Outstanding disputes and issues should be solved in line with international law and established principles, including through implementation of legally binding agreements, inter alia Agreement on Succession Issues. In line with existing provisions in Stabilisation and Association Agreements, the Council also encourages the conclusion of bilateral conventions on regional cooperation.

25. The Council notes that issues including war crimes, missing persons, refugee return and the protection of all minorities as well as ensuring equal rights for all citizens remain key challenges to stability and need to be fully addressed. As regards war crimes, the Council underlines the need to address impunity and ensure accountability, as well as fully cooperate and support the work of ICTY and the EULEX Special Investigative Task Force.
26. While recognising in particular the importance of visa liberalisation for citizens, the Council encourages the Commission to continue to closely monitor the implementation of all conditions set for visa liberalisation, through its follow-up mechanism. The Council underlines the importance of further work towards the socio-economic integration of minorities in the region. The Council urges the authorities of the Western Balkans countries concerned to take all the necessary measures in accordance with international human rights obligations against the abuse of visa free travel regime in order to ensure its unrestricted continuation and encourages those countries to continue the constructive cooperation in the field of the management of migration flows.

27. The Council underlines the importance of rule of law, in particular the fight against organised crime and corruption, which is now firmly anchored at the heart of the accession process, as well as economic governance and competitiveness, including policies to improve the business environment and public financial management. The Council stresses the need for sustained implementation of reforms in those areas.

**SERBIA**

28. In line with its conclusions of June 2013 as endorsed by the European Council of 27-28 June 2013, the Council welcomes the Commission's Progress Report of 16 October 2013 and the assessment as set out in the letter of the HR/VP of 16 December 2013 on the implementation of the agreements reached in the framework of the EU facilitated dialogue.

29. The Council adopts the General EU position on accession negotiations with Serbia, including the negotiating framework. The first intergovernmental conference will take place in January 2014. The Council will continue to monitor closely Serbia's continued engagement towards visible and sustainable progress in the normalisation of relations with Kosovo, including the implementation of agreements reached so far, so that Serbia and Kosovo can continue on their respective European paths, while avoiding that either can block the other in these efforts and with the prospects of both being able to fully exercise their rights and fulfil their responsibilities.

30. In this new phase and recalling all previous conclusions, the Council calls on Serbia to pay particular attention to the rule of law, notably the reform of the judiciary and the fight against corruption and organised crime, public administration reform, the independence of key institutions, media freedom, further improving the business environment and the rights and inclusion of vulnerable groups, particularly the Roma, as well as to the effective implementation of legislation on the protection of minorities, the non-discriminatory treatment of national minorities throughout Serbia and tackling discrimination on the basis of sexual orientation or gender identity. Serbia should also continue to constructively engage in regional cooperation and strengthen relations with neighbouring countries. The Council is looking forward to a swift and transparent implementation of the recently initialled Protocol to the Stabilisation and Association Agreement.

31. Serbia should continue to cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate.
FORMER YUGOSLAV REPUBLIC OF MACEDONIA

32. The Council notes that the political crisis which followed events in parliament late last year exposed deep divisions among political parties, affecting the functioning of parliament, and demonstrated the need for constructive politics in the national interest. The Council welcomes the fact that the EU agenda remains the country’s strategic priority and that it has made further progress in improving its ability to take on the obligations of membership. The Council also welcomes the contribution of the High Level Accession Dialogue to progress in most priority areas, including the elimination of court backlogs and in the fight against corruption.

33. The Council underlines the importance of effective implementation and enforcement of existing legal and policy frameworks. Particular attention should be paid to the rule of law, including the independence of the judiciary and achieving further results in the fight against corruption and organised crime. Freedom of expression and the media situation in general also remain issues of concern. The review of the Ohrid Framework Agreement, particularly important for inter-ethnic relations, must be completed and its recommendations implemented. The Roma Strategy needs to be proactively implemented. The blurring of the distinction between state and party needs to be addressed, as highlighted by the OSCE/ODIHR in the electoral context. High unemployment needs to be tackled and public financial management strengthened.

34. As set out in the European Council conclusions of June 2008 and the General Affairs and External Relations Council conclusions of December 2008, maintaining good neighbourly relations, including a negotiated and mutually accepted solution to the name issue, under the auspices of the UN, remains essential. There is a need to bring the longstanding discussions on the name issue to a definitive conclusion without delay. The Council takes note of the recent contacts with the UN mediator. In light of the overall importance of maintaining good neighbourly relations, the Council notes the continued high level contacts between the former Yugoslav Republic of Macedonia and Bulgaria and looks forward to their translation into concrete actions and results.

35. The Council broadly shares the Commission's assessment that the political criteria continue to be sufficiently met and takes note of the Commission’s recommendation that accession negotiations be opened with the former Yugoslav Republic of Macedonia. With a view to a possible decision of the European Council to open accession negotiations with the former Yugoslav Republic of Macedonia, the Council will revert to the issue in 2014, on the basis of an update by the Commission on further implementation of reforms in the context of the High Level Accession Dialogue, including the implementation of the 1 March political agreement and on tangible steps taken to promote good neighbourly relations and to reach a negotiated and mutually accepted solution to the name issue.
ALBANIA

36. In December 2012, with a view to deciding whether to grant candidate status, the Council invited the Commission to report as soon as the necessary progress had been achieved, also taking into account the further action taken by Albania to fight corruption and organised crime, including by proactive investigations and prosecutions of such cases. In this regard, the Council welcomes the adoption by Albania of the relevant key judicial, public administration and parliamentary reform measures with cross-party consensus as well as the successful conduct of the parliamentary elections in June. The Council welcomes the further action taken in the fight against corruption and organised crime, the commitment of the new government and commends its intensified efforts in these areas and encourages the authorities to maintain this new momentum. The Council will examine, on the basis of a report to be presented by the Commission, continued implementation of anti-corruption and judicial reform strategies and of recently adopted relevant legislation as well as a continued trend of pro-active investigations and prosecutions, including in the area of organised crime. In the light of this report, and on the understanding that Albania continues to build on the encouraging progress made so far, the Council looks forward to a decision regarding granting candidate status to Albania in June 2014, subject to endorsement by the European Council.

37. In line with its 5 December 2011 conclusions, the Council notes that the opening of accession negotiations will be considered by the European Council, in line with established practice, once the Commission has assessed that Albania has achieved the necessary degree of compliance with the membership criteria. Further to the Commission’s 2010 Opinion and recalling the conditions set out in its 11 December 2012 conclusions, the Council underlines that Albania will need to meet the key priorities for the opening of accession negotiations. The Council underlines in particular the need to intensify efforts in the rule of law area, particularly reform of the judiciary, fight against organised crime and corruption and protection of human rights and anti-discrimination policies, including in the area of minorities, and their equal treatment, and implementation of property rights. Sustained implementation of reforms will also be required. The Council welcomes the launch of a high level dialogue on the key priorities.

38. The Council underlines that constructive and sustainable dialogue between the government and the opposition on EU-related reforms will be vital in securing Albania’s EU future. It encourages the Albanian government to pursue its policy aimed at improving economic governance and investment climate. It welcomes Albania’s continued constructive engagement in regional cooperation and good neighbourly relations, which remains essential.
BOSNIA AND HERZEGOVINA

39. The Council reiterates its unequivocal support for Bosnia and Herzegovina’s EU perspective as a sovereign and united country enjoying full territorial integrity. To that end, the Council reaffirms the March 2011 and subsequent Council Conclusions and the strategy they set out.

40. The Council expresses serious concern that the EU integration process has stalled due to a lack of political will on the part of the Bosnia and Herzegovina political leadership and that the use of divisive rhetoric has continued. As other countries of the region make progress, Bosnia and Herzegovina is lagging behind. Bosnia and Herzegovina’s leaders need to reach, without further delay, agreement on the implementation of the Sejdic-Finci judgement of the European Court of Human Rights in order to move forward on the EU path. A credible effort in this regard remains necessary for the entry into force of the Stabilisation and Association Agreement. Full implementation of the Sejdic-Finci ruling is a key element for a credible membership application to be considered by the EU. Bosnia and Herzegovina also needs urgently to establish a co-ordination mechanism on EU matters so that it can speak with one voice on the EU agenda. The Council notes that the Commission has had to postpone further discussions on IPA II in the absence of such a mechanism. It regrets that the inability of the leaders to meet EU requirements has already led to a loss in IPA funds for Bosnia and Herzegovina this year.

41. The proper handling of war crimes cases is a crucial endeavour. Justice needs to be guaranteed for the victims and their families and to support the broader efforts towards reconciling societies within Bosnia and Herzegovina, as well as in the whole region. All individuals suspected of war crimes must be brought to justice. In that context, the Council expresses concern at the handling of certain recent cases, in which persons who had been convicted of war crimes and genocide were released.

42. The Council notes that a number of recommendations issued by the Commission in the framework of the Structured Dialogue on Justice are being implemented. It welcomes the smooth conduct of the long awaited census, made possible by thorough preparations at all levels, supported by the EU and other international organisations and looks forward to publication of results and their contribution to policy planning in particular in the socio-economic field.

43. The country is faced with major challenges. Increased attention is needed on the rule of law, including judicial reform and the fight against corruption and organised crime, war crimes, public administration reform, freedom of expression, including addressing intimidation of journalists, and on tackling discrimination, including of Roma. Further economic reforms are needed to improve the weak business environment and create a single economic space in the country.

44. The Council calls on Bosnia and Herzegovina to revise its position urgently so that an adaptation of the Interim Agreement/Stabilisation and Association Agreement can be finalised as soon as possible based on Bosnia and Herzegovina’s traditional trade with Croatia.
KOSOVO

45. In line with its conclusions of June 2013 as endorsed by the European Council of 27-28 June 2013, the Council welcomes the Commission's Progress Report of 16 October 2013 and the assessment as set out in the letter of the HR/VP of 16 December 2013 on the implementation of the agreements reached in the framework of the EU facilitated dialogue.

46. The Council notes the opening of negotiations for a Stabilisation and Association Agreement (SAA) and takes note of the intention of the Commission to conclude the negotiations in the course of 2014, without prejudice to Member States' positions on status. The Council will continue to monitor closely Kosovo's continued engagement towards visible and sustainable progress in the normalisation of relations with Serbia, including the implementation of agreements reached so far, so that Kosovo and Serbia can continue on their respective European paths, while avoiding that either can block the other in these efforts and with the prospects of both being able to fully exercise their rights and fulfil their responsibilities.

47. The Council calls on Kosovo to focus on the implementation of the reforms to meet its obligations under the proposed SAA. The Council invites Kosovo to reform its legal framework building on European and international practices sufficiently in advance of the general elections next year. Particular attention should be paid to tackling organised crime and corruption, pursuing judicial and public administration reforms, ensuring the protection of human and fundamental rights and rights of persons belonging to minorities and addressing trade issues. In this regard, the Structured Dialogue on the Rule of Law, the visa liberalisation dialogue and the Stabilisation and Association Dialogue play an important role in guiding Kosovo's reform efforts. The Council calls on Kosovo to increase its efforts on economic reforms.

48. Kosovo should continue to cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate."