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Decisions of the European Council on enlargement policy

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The European Council has not taken a decision on whether to grant candidate status to Serbia, or on opening accession negotiations with Montenegro, despite the European Commission's positive recommendations. Both issues will be addressed at a later date. In the case of Serbia, a positive decision has been made dependent on whether Belgrade has complied with the agreements it has concluded with Prishtina, principally those relating to an integrated system of border security and cooperation with the EU mission EULEX and NATO's KFOR. These issues will be considered by the General Affairs Council on 27-28 February 2012, and by the European Council on 1-2 March. As for Montenegro, consent to start negotiations will depend on a supplementary report from the Commission on the implementation of reforms concerning the judiciary and fundamental rights. This issue will be discussed in June 2012. However, the Council did take the unprecedented decision that the European Commission will review Montenegro's legislation in terms of its compliance with the EU *acquis* (screening). Previously, this process had to be preceded by the official start of negotiations.

Commentary

- Postponing the decisions on Serbia and Montenegro shows that the EU countries are taking an ever more principled position on the conditions imposed on countries seeking EU membership, which may mean a considerable extension of the accession process. At the same time, however, this will be an opportunity to improve the quality of the transformation process in those countries applying for EU membership. These states have so far automatically accepted the laws recommended by the EU, but as yet have paid little attention to implementing them.

- The Council made Serbia's further progress on integration with the EU dependent on relations between Belgrade and Prishtina improving. So far, the member states have avoided explicitly linking both issues. The change resulted from the German Chancellor Angela Merkel's visit to Belgrade in August, which made Serbia's progress in integration with the EU dependent on its policy towards Kosovo. Germany's increasingly uncompromising attitude made the Serbian government returning to negotiations with Prishtina in November. Agreement was also reached on one of the most difficult issues, joint management of the border. However, some EU member states (especially Germany) suspect that Belgrade's actions are only a temporary, tactical concession. For this reason, the call was made to postpone the decision on granting candidate status, which

should make it possible to assess Serbia's implementation of the commitments it has undertaken towards Kosovo.

- The Serbian government is striving to achieve EU candidate status before the parliamentary elections scheduled for May 2012. Therefore, it will most likely try to meet the conditions set by the EU. However, there may be a problem in stabilising the situation in the north of Kosovo, a region inhabited by a Serb minority which opposes agreement between Belgrade and Prishtina. Nevertheless, the EU will probably be more willing to make concessions in March, in order to strengthen the pro-European groups before the election.

- The unprecedented decision to hold a screening before the official start of accession negotiations with Montenegro could accelerate the process of its integration into the EU. It may also pave the way for a similar procedure to operate in relation to other countries applying for EU membership. Starting screening earlier would make it easier to assess how ready the aspirant countries are for accession, set their governments specific targets, and give a positive impetus to the ongoing process of transformation.