



**European Committee
of the Regions**

CIVEX-VI/033

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OPINION

Enlargement Package 2018

THE EUROPEAN COMMITTEE OF THE REGIONS

- emphasises that the enlargement process must continue as an EU priority and agrees with the Commission that the rule of law, justice, fundamental rights and respect for and the protection of minorities must remain at the core of the process;
- points out that it is crucial to involve regional and local authorities (LRAs) in the process;
- emphasises that only LRAs can, by virtue of their direct relationship with the public, effectively communicate the advantages of joining the EU;
- hopes that governments in the Western Balkans will resume their movement towards the EU and will interpret the positive signals suggested by some major developments according to a realistic timescale; also hopes that people will voice their rejection of nationalism, radicalisation and inward-looking identity politics, and their support for the European ideal with renewed determination;
- hopes that Turkey will drop its emergency measures approach and turn back to the path of approximation with the EU;
- points out that the aid provided by the EU to the Western Balkans and Turkey to help them manage these flows must also reach the LRAs who are involved every day in reception and support work;
- calls on the Commission to put in place ad hoc operational methods so that the TAIEX and Twinning mechanisms can be used for cooperation between the LRAs of the Member States and of the candidate and potential candidate countries;
- urges the Commission to try bringing the Sigma programme to bear on candidate country LRAs;
- lastly, repeats its urgent call to the Commission to devote more attention and space to an analysis of the situation regarding LRAs in its next progress reports on the enlargement process, assessing progress - or the lack of progress - with regard to administrative reform in the same way as is done concerning the central authorities.

Rapporteur:

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Reference document

2018 Communication on EU Enlargement Policy - COM(2018) 450 final.

Opinion of the European Committee of the Regions – Enlargement Package 2018

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

Introductory comments

1. notes with interest the Commission's renewed commitment concerning EU enlargement, as clearly reflected not only in Communication COM(2018) 450 final under examination, but also the February 2018 strategic document on the Western Balkans (see CoR opinion 2018/00065) and the decision to move ahead rapidly with the legislative screening for Albania and the Former Yugoslav Republic of Macedonia following the Council's positive reaction towards taking a decision on opening negotiations in June 2019, on the basis of the European Commission's assessment report and provided the necessary progress has been made;
2. emphasises that the enlargement process must continue as an EU priority and agrees with the Commission that the rule of law, justice, fundamental rights and respect for and the protection of minorities must remain at the core of the process;
3. points out that it is crucial to involve regional and local authorities (LRAs) in the process, and urges the candidate countries (Albania, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey) and potential candidates (Bosnia and Herzegovina, and Kosovo^{*}) to step up their own administrative decentralisation strategies as part of an approach hinging on practical subsidiarity;
4. appreciates the fact that both the 2018 Council presidencies have included the Western Balkans among their priorities for their six-month terms, applauds the summit held in Sofia and hopes that the declaration signed on that occasion will soon be translated into practical initiatives;
5. regrets that reforms in the Western Balkans geared to EU accession have slowed down, and that this has been reflected in feelings of doubt and scepticism among people;
6. is disappointed that developments in Turkey, both before and since the June elections, have led to a continual erosion of respect for the values and principles underpinning the rule of law, and that as a result the prospects for EU accession are now diverging between the Western Balkans and Turkey;
7. trusts that the renewed impetus that the Commission's new strategy may bring to bear on the Western Balkans (and indirectly on Turkey as well) will relaunch the entire process;
8. hopes that the new dynamics of European territorial cooperation laid down in the Commission's recent legislative proposals on cohesion (Interreg) and enlargement (IPA III) will be capable of

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This designation is without prejudice to positions on the status of Kosovo, and is in line with UNSC Resolution 1244 (1999) and the ICJ Opinion on the Kosovo Declaration of Independence.

fostering close cooperation between Member State and candidate and potential candidate country LRAs;

9. emphasises that compliance with the Copenhagen criteria in their broadest interpretation is, and must continue to be, the key factor for assessing candidate countries' readiness to become EU Member States;
10. is anxious to work with the other EU institutions to support the process of preparation and future accession of the candidate and potential candidate countries;
11. trusts that the new cooperation agreement between the CoR and the Council of Europe's Congress of Local and Regional Authorities, signed in Strasbourg on 27 March 2018, will boost cooperation between the two institutions, promote synergies and avoid duplication;
12. notes that the most effective forms of assistance that can be provided for public administrations include peer-to-peer exchange initiatives; also notes that many Member State LRAs have powers regarding the application of the *acquis* that could helpfully be shared with their counterparts in the candidate and potential candidate countries;
13. point out that, in countries wishing to join the EU, society as a whole must be actively involved in thorough-going reform of values. To this end, the role played by LRAs is crucial, as individuals look to them in their everyday lives;
14. emphasises that only LRAs can, by virtue of their direct relationship with the public, effectively communicate the advantages of joining the EU and the benefits and safeguards that the EU provides for all its people, including in candidate and potential candidate countries;
15. consequently regrets that the document encapsulating the enlargement package under examination makes no specific mention of the position of LRAs, only referring incidentally to the need to strike a proper balance between the central and local levels of government.

Hopes, suggestions and recommendations

16. hopes that governments in the Western Balkans will resume their movement towards the EU and will interpret the positive signals suggested by some major developments according to a realistic timescale; also hopes that people will voice their rejection of nationalism, radicalisation and inward-looking identity politics, and their support for the European ideal with renewed determination;
17. hopes that Turkey will drop its emergency measures approach and turn back to the path of approximation with the EU, abolishing measures that have undermined respect for the rule of law and fundamental rights and restoring a balance of democratic rights at all levels: central, regional and local;

18. urges all the candidate and potential candidate countries to press ahead determinedly with administrative reforms and actively work towards decentralisation targets that are both realistic and ambitious, making appropriate budget provision for LRAs;
19. points out that economic growth and an improved standard of living for the people of the candidate and potential candidate countries must be fostered, ensuring that the effects are felt at local level;
20. notes that cooperation with the European Border and Coast Guard Agency is required to manage migration flows; points out that the aid provided by the EU to the Western Balkans and Turkey to help them manage these flows must also reach the LRAs who are involved every day in reception and support work;
21. notes that no negotiating chapter concerns the decentralisation process or public administrations and governance reform, and consequently calls on the Commission to include these issues in all bilateral meetings concerning those acquis chapters to which administrative decentralisation is relevant and to make it clear to the candidate and potential candidate countries that LRAs must be actively brought into the accession preparation process;
22. calls on the Commission to put in place ad hoc operational methods so that the TAIEX and Twinning mechanisms can be used for cooperation between the LRAs of the Member States and of the candidate and potential candidate countries;
23. calls on the Commission to consider reactivating the Local Administration Facility and the Regional Training Programme that were used for previous enlargements;
24. urges the Commission to try bringing the Sigma programme to bear on candidate country LRAs in order to define models for the reform of local governance with a view to applying the acquis;
25. urges the Commission to implement cultural and sports initiatives which can, especially in ethnically-mixed areas, directly involve the entire local population, especially young people, facilitating integration and mutual recognition of identities;
26. calls on the Commission to monitor the behaviour of public representatives of the candidate and potential candidate countries of the Western Balkans with regard to gender equality and respect for ethnic and linguistic minorities and the LGBI+ community. The European Union is a beacon of tolerance around the world and we believe that any future accession must entail solid political support for the democratic values associated with respect for people, in relation to defending freedom and equality;
27. calls on the Commission to step in and launch joint initiatives - reflecting *inter alia* the spirit of the Berlin Process - with organisations in touch with the situation of LRAs in the candidate and potential candidate countries and with whom the latter have previously implemented forms of cooperation, in particular NALAS (Network of Associations of Local Authorities of South East Europe), ALDA (European Association for Local Democracy), CEI (Central European Initiative) and RCC (Regional Cooperation Council);

28. lastly, repeats its urgent call to the Commission to devote more attention and space to an analysis of the situation regarding LRAs in its next progress reports on the enlargement process, assessing progress - or the lack of progress - with regard to administrative reform in the same way as is done concerning the central authorities.

Specific comments in respect of candidate and potential candidate countries

Montenegro

29. welcomes the significant results achieved by Montenegro in its Euro-Atlantic integration;
30. notes that considerable efforts are needed to strengthen the rule of law and the democratic institutions, working to return to full representativeness of all political forces represented in parliament;
31. is concerned at the situation regarding free speech, and in particular the numerous cases of intimidation and violence against journalists;
32. welcomes the adoption of new provisions to introduce merit-based recruitment criteria for both central and local administrations, and is pleased that almost all municipalities have adopted codes of conduct for their officials and for local elected representatives;
33. calls for the impact at local level of the new law on regional planning and construction, which changes the division of powers concerning land-use regulation, to be evaluated.

Serbia

34. welcomes the fact that, as for Montenegro, the Commission has set 2025 as a possible, albeit ambitious, date for EU accession;
35. emphasises that pursuing this objective will require extraordinary commitment and effort, particularly to strengthen the rule of law and normalise relations with Kosovo;
36. welcomes the appointment of a woman as head of government for the first time in the country's history, but notes that the law on gender equality has not yet been adopted by parliament, and that significant efforts are still required to improve the situation of Roma people, LGBTI people, people with disabilities and socially vulnerable groups;
37. acknowledges Serbia's commitment to managing migration flows crossing its territory;
38. emphasises that the fight against corruption remains one of the country's most important tasks, that the new law on the anti-corruption agency needs to be adopted as soon as possible, but that attention must also focus on preventing corruption at LRA level;

39. notes with concern that there are gaps in the LRAs' administrative capacity and that the human and financial resources allocated to them are not always commensurate with the functions to be carried out; on the other hand, welcomes the adoption in late 2017 of the law on LRA salaries;
40. calls on Serbia to implement the constitutional rules on the financing of the autonomous province of Voivodina, adopting the relevant legislative provisions as soon as possible; also calls on the government to respect the autonomy of local elected representatives, irrespective of their political loyalties;
41. points to the role that NGOs can also play at local level and hopes that criteria for access to public funding that ensure their effectiveness and transparency will be rapidly defined; hopes that freedom of expression will be consistently upheld and that the authorities will bring the full weight of the law to bear on threats and intimidation towards journalists.

Turkey

42. acknowledges that Turkey is an important EU partner, but must point out that the serious restrictions on individual freedoms, with detentions and arrests of tens of thousands of people and mass dismissals of public employees run counter to the values and principles on which the EU is founded, and in particular the Charter of Fundamental Rights;
43. indicates that the constitutional amendments aimed at introducing a presidential regime that have recently come into force have been criticised by the Venice Commission, especially with regard to the separation of powers; also notes that every candidate country is expected to respect the highest standards of democracy, the rule of law and fundamental freedoms, as well as to guarantee an independent and functioning judiciary;
44. is seriously concerned by the forcible removal from office and, in some cases, arrest of more than a hundred democratically-elected mayors, replaced from above by government appointees, and by the pressure put on the mayors of many other cities to resign from their posts;
45. hopes that the local elections to be held by March 2019 will be organised in full keeping with democratic principles and will provide an opportunity to restore the democratic representativeness of local authorities;
46. acknowledges Turkey's work to support displaced persons and refugees on its territory and highlights the EU's financial commitment to mitigate the cost of such work; hopes that a sufficient part of the funds allocated by the EU will be earmarked for those LRAs that are directly involved in managing displaced persons and refugees;
47. regrets that Turkey still refuses to comply with the provisions of the additional protocol to the association agreement with the EU and to recognise the Republic of Cyprus; encourages a fair, comprehensive and viable settlement of the Cyprus issue on the basis of relevant UN Security Council Resolutions and the EU acquis and calls on Turkey to commit and contribute to such a settlement; welcomes the progress achieved towards a mutually acceptable solution, as well as the efforts by the UN towards the resumption of negotiations;

48. calls on Turkey to commit itself unequivocally to maintain good neighbourly relations with all its neighbours; stresses the need to respect the right of all Member States to enter into bilateral agreements and to explore and exploit natural resources in accordance with the EU acquis and international law; stresses further the need to respect the sovereignty and sovereign rights of Member States over their EEZ, territorial waters and airspace;
49. calls on Turkey to begin withdrawing its forces from Cyprus and to transfer the sealed-off area of Famagusta to the UN in accordance with UNSC Resolution 550 (1984); stresses that such confidence-building measures would constitute a chance for economic, social and regional growth for both communities; notes that dialogue between civil society in local communities can foster the agreement;
50. points out that Turkey has been a candidate country since 1999 and that accession negotiations began in 2005; notes that in recent years the process of approximation to the EU has lost headway and serious reverses have occurred concerning respect for the rule of law and fundamental rights and freedoms; considers that it is now up to Turkey to assess whether and how it intends to continue on the course begun in 1987 with its request for accession.

Albania

51. welcomes the June 2018 Council Conclusions and urges Albania to step up its efforts in order to ensure a positive decision by the Council to open accession negotiations in June 2019;
52. underlines the requirement for the country to press ahead with strengthening the rule of law, particularly in the area of the five key priorities (reform of public administration, judiciary, fight against corruption, fight against organised crime, promotion of and respect for human rights, including those of persons belonging to minorities and property rights);
53. welcomes the process of re-evaluating judges and public prosecutors, which has already produced tangible results;
54. recognises that the political majority and opposition demonstrated that they were able to ensure the coordinated conduct of the 2017 elections, but highlights the weaknesses still identified by the OSCE; hopes that the appropriate changes will be made to the electoral law in time for the 2019 local elections;
55. appreciates the efforts made to reform the legislation governing LRAs, but regrets that they often fail to adopt merit-based recruitment methods and, more broadly, that the law on the civil service is not properly applied at local level;
56. in the area of fundamental rights, regrets the delay in appointing senior support staff for the new ombudsman, while blood-feuds and practices based on custom continue, together with unacceptable levels of domestic violence;

57. trusts that the country will continue on the path of reform in connection with the five key priorities, and tackle the future challenges when the screening process for the acquis gets under way with the greatest possible commitment.

Former Yugoslav Republic of Macedonia

58. welcomes the June 2018 Council Conclusions and urges the Former Yugoslav Republic of Macedonia to continue its efforts in order to ensure a positive decision by the Council to open accession negotiations in June 2019;
59. salutes the political courage of the new government in place following the Pržino agreement and the elections in late 2016, which has reached a compromise with Greece regarding the official name of the country; hopes that the necessary process of constitutional reform will be rapidly completed;
60. similarly welcomes the attitude of openness to dialogue with the other countries of the region, Bulgaria in particular;
61. hails the local elections held in October 2017 and the fact that they took place in a generally orderly fashion;
62. points out that the 2001 Ohrid framework agreement included a process of decentralisation that has still not been completed in the years since; therefore welcomes the decision to increase budget allocations to LRAs in order to ensure better supply of services to the public;
63. notes that, while inter-ethnic relations seem less tense than in the recent past, the relevant provisions of the Ohrid framework agreement need to be implemented in full;
64. trusts that the country will continue on the path of reforms geared to EU accession, and tackle the future challenges when the screening process for the acquis gets under way with the greatest possible commitment.

Bosnia and Herzegovina

65. is pleased that in February 2018 the country at last replied to the Commission's "questionnaire";
66. notes however that overall, no significant progress has been seen in implementing the reforms needed to revive the country's development and its European prospects;
67. expresses regret and concern at political leaders' helplessness in reaching an agreement on a new electoral law before the holding of national elections and at the continuing deadlock on the long-standing issue of the municipality of Mostar;
68. points to the requirement to clarify the division of powers between entities, cantons and municipalities in order to defuse conflicts and foster cooperation;

69. acknowledges the country's efforts in combating terrorism and radicalisation, and urges it to carry on with preventing and countering them; points to the importance of involving local authorities in monitoring the situation and facilitating the reintegration of radicalised ex-combatants.

Kosovo

70. notes that, in spite of difficulties of an internal and external nature, the dialogue with Serbia facilitated by the EU is continuing at the technical and political level, but underlines the need for a more whole-hearted and determined commitment;
71. is pleased that the Commission considers that all the conditions for visa liberalisation have been met;
72. welcomes the fair local elections held in late 2017 and the appointment of more than 200 mayors across Kosovo;
73. notes that relations between political forces have sometimes taken an unacceptable shape and tone and urges all the parties to safeguard the key role of the democratic institutions and ensure that they function properly;
74. urges the authorities to act to put the stabilisation and association agreement into practice for the benefit of the public and the process of approximation with the EU.

Brussels, 6 December 2018

The President
of the European Committee of the Regions

Karl-Heinz Lambertz

The Secretary-General
of the European Committee of the Regions

Jiří Buriánek

II. PROCEDURE

Title	Enlargement Package 2018
Reference(s)	COM(2018) 450 final
Legal basis	Own-initiative opinion (Article 307(1)), Rule 41b)i) RoP)
Procedural basis	Optional referral
Date of Council/EP referral	17 April 2018
Date of Commission letter	
Date of Bureau/President's decision	
Commission responsible	Commission for Citizenship, Governance, Institutional and External Affairs
Rapporteur	Franco IACOP (IT/PES)
Analysis	
Discussed in commission	10 July 2018
Date adopted by commission	20 September 2018
Result of the vote in commission (majority, unanimity)	Majority
Date adopted in plenary	6 December 2018
Previous Committee opinions	<p>(CdR 65/2018) Enlargement: inclusion of Western Balkan Local and Regional Authorities in EU's Macro-regional, Cross-border and other Transnational Cooperation Initiatives Rapporteur: Franz Schausberger (AT/EPP)</p> <p>(CdR 93/2017) EU Enlargement Strategy 2016-2017 Rapporteur: Rait Pihelgas (EE/ALDE)</p> <p>(CdR 5896/2015) Enlargement Strategy and Main Challenges 2015-2016 Rapporteur: Anna Magyar (AT/EPP)</p> <p>(CdR 5726/2014) Enlargement Strategy and Main Challenges 2014-2015 Rapporteur: Franz Schausberger (AT/EPP)</p> <p>(CdR 6834/2013) Enlargement Strategy and Main Challenges 2013-2014 Rapporteur: Arnoldas Abramavičius (LT/EPP)</p>
Date of subsidiarity monitoring consultation	N/A