



European Economic and Social Committee

REX/453
EU Enlargement Strategy

Brussels, 18 February 2016

OPINION

of the
European Economic and Social Committee
on the
EU Enlargement Strategy
COM(2015) 611 final

Rapporteur: **Mr Ionuț Sibian**

On 10 November 2015 the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

EU Enlargement Strategy
COM(2015) 611 final.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 29 January 2016.

At its 514th plenary session, held on 17 and 18 February 2016 (meeting of 18 February), the European Economic and Social Committee adopted the following opinion by 170 votes to 14 with 11 abstentions.

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1. Conclusions and recommendations

- 1.1 The European Economic and Social Committee (EESC) supports the particular emphasis placed by the Commission on the fundamentals in the accession process, with the need for enlargement countries to prioritise reforms in the rule of law, fundamental rights, functioning of democratic institutions (including election system reform and public administration reform), economic development and strengthening competitiveness. In monitoring progress, special attention should be paid to civil society's warnings against political actions and developments that negatively affect rule of law and democratic standards.
- 1.2 The EESC strongly encourages the Commission to retain the quality of participatory democracy as one of the core political criteria to be assessed. Decisive action should be further undertaken to ensure systemic work to build effective, fully operational institutions with meaningful participation by civil society organisations (CSOs). This will help to combat the risk of state capture by political interests, heighten awareness of the accountability of all stakeholders involved and ensure inclusiveness and transparency in all reform and negotiation processes.
- 1.3 The harmonised assessment scales used in reporting and the emphasis put on both the state of play and the progress registered by each country enhance transparency, allow a targeted focus on priority areas and should be beneficial in raising awareness of the accession process. They also set the scene for increased engagement with each country, given the broader range of issues subject to scrutiny. The associated risk of deflecting attention from specific issues confronting countries should be assessed and counteracted. The consistency, regularity and outreach of the ongoing communication channels and consultation mechanisms among EU institutions and the enlargement countries are essential in this respect.

- 1.4 The EESC welcomes the Commission's clear message that an empowered civil society is a crucial component of any democratic system and acknowledges its political support for creating a much more supportive and enabling environment for civil society, including a meaningful consultation process with civil society in policy-making. This is a key component for satisfactorily fulfilling the political criteria, and could also represent a possible benchmark in the accession negotiations.
- 1.5 The EESC appreciates that the Commission, the Council and the European Parliament should intensify their communication efforts to explain the benefits and challenges of enlargement policy to European citizens, the social partners and civil society organisations should be a close partner and conveyor of messages in this process.
- 1.6 The EESC reiterates the need to increase the transparency and inclusiveness of the whole accession process¹. The Commission should set an example by facilitating further access to negotiation documents, such as mission reports, expert opinions on national legislation, TAIEX (Technical Assistance and Information Exchange) reports, and publicising the achievements and results of EU financed projects in the region. This will provide a means of raising awareness of the effects of EU assistance and building on experiences already acquired in the region.
- 1.7 The Commission should provide for a substantial increase in financial support, including from projects under the Civil Society Facility, aiming at strengthening the capacity of civil society organisations (including the development of policy expertise and support to increase monitoring capacity) and promoting the professionalism and independence of the media. Regional cooperation and networking should be further supported, capitalising on good experiences that already exist in the region, including instruments to facilitate cooperation and joint work among non-governmental organisations (NGOs) and the social partners (including business organisations), with civic dialogue and the learning perspective as common ground.
- 1.8 Strengthening the social partners' capacity to participate actively in social dialogue should become a priority of EU assistance programmes. Assistance is needed to facilitate their access to financing opportunities and develop their ability to participate effectively in all economic, social and legal issues, including in EU accession negotiations. Their organisational structures, internal communication and capacity to serve their members should be strengthened.
- 1.9 The EESC calls for strengthening the role of civil society Joint Consultative Committees (JCCs). JCCs should attempt to fill "empty niches" which are not covered by other bodies in the negotiation process and focus on a selected number of areas. In this respect, the EESC

¹ Detailed recommendations are included in the 2014 EESC Opinion on *Enhancing the transparency and inclusiveness of the EU accession process* ([OJ C 451, 16.12.2014, p. 39](#)).

asks for better exchange of information between JCCs and the Commission, the Council and the European Parliament.

- 1.10 The EESC asks governments in the region to support the social partners and other civil society organisations on an equal footing and involve them closely in their national strategies, policies towards EU accession and negotiation structures, and in the programming and implementation of EU-funded projects. Regulatory impact assessments (RIAs) when preparing national negotiating positions and legal harmonisation should be carried out in order to identify adjustment risks. Engagement of non-state actors, including the business community, trade unions and representatives of the social groups concerned, is essential.
- 1.11 All countries in the region should set up national councils for European integration that would bring high-level political authorities and key civil society organisations together on a regular basis with a view to making the process of EU integration more transparent and publicising it more widely.
- 1.12 The positive steps registered in some countries with regard to the framework and mechanisms of dialogue and cooperation between government and CSOs are not sufficient. Effective implementation of legislative provisions, transparency and consistency of the consultation processes should be acknowledged as priorities by national governments and progress monitored accordingly.
- 1.13 The EESC calls on the political authorities to work hand in hand with civil society organisations when introducing reforms and implementing legislation on key issues such as handling high-level corruption cases, better supervision of public procurement procedures and improving the legal framework for the financing of political parties. Furthermore, it calls for countries of the region to improve rules on freedom of access to information and their practical implementation, to adopt and implement laws on whistle blowing and make the system of whistle-blower protection more effective in practice. Public awareness of the possibilities for reporting corruption should be raised, and CSOs can be a reliable partner here. In addition, the tripartite social dialogue should be regulated, with the consent of the parties, in order to follow up on the agreements that are concluded.
- 1.14 Political authorities in the countries of the region should promote and support the operation of strong and independent regulatory institutions, particularly ombudsman institutions on the model of Albania and Serbia, as well as in the areas of freedom of access to information, privacy protection, fight against corruption, auditing and elections. The EESC stresses that ombudsmen can make a decisive contribution, complementing the work of civil society organisations working on fundamental rights, in particular in the protection of minorities.
- 1.15 Considering the very high level of youth unemployment in the Western Balkans, the EESC recommends extending the EU Youth Guarantee to the EU accession states in this region. This "Youth Guarantee" should be financed from the relevant EU funds. Dual education

should be established in cooperation with the social partners, including chambers of commerce and industry and other business associations.

1.16 While the EU is looking for an increased role on the part of governments in distributing EU funds, funding for civil society should not be channelled predominantly through governments as it may create situations where there is a conflict of interests. The EU should support the creation of more independent funding systems. Models of independent foundations/funds for civil society support may be a more adequate mechanism for distributing EU funds. Fundamental requirements that must be closely observed include: transparency in fund allocation and use, equal treatment and the avoidance of conflicts of interests and/or political interference in the allocation of any public funding.

1.17 Building the national capacity of CSOs (in the form of resource centres, support for coalitions, expertise development programmes, etc.), broadening the outreach of assistance (in particular outside the capital cities and reaching grassroots organisations) and promoting the participation of CSOs, according to the experience of the EESC, should continue to be Commission and national funding priorities.

2. Overall assessment of the Enlargement Agenda and the involvement of civil society organisations

2.1 The EESC acknowledges that the EU's enlargement policy plays a key role in ensuring peace, security and stability in Europe. The 2015 Enlargement Agenda sets out for the first time a medium-term perspective for the policy. Despite the unequivocal message conveyed that none of the enlargement countries will be ready to join the EU during the term-of-office of the current Commission, it is crucial for countries of the Western Balkans to maintain a clear perspective of EU membership, and for their progress and efforts to be measured, monitored and assisted, based on clear benchmarks with a forward-looking outlook as to where the countries want and need to reach.

2.2 The inclusion of civil society in a separate section within the political criteria of the country reports and, to some extent, further mainstreaming of the civil society role in the negotiations chapters represents a positive step. In monitoring the progress and assessing the state of play of the enabling environment for civil society, the Commission should follow closely the integration of its guidelines for EU support to civil society in the enlargement countries. The guidelines should also become a reference and a guide for accession countries themselves.

2.3 The EESC reaffirms that social dialogue is key for the economic development of the Western Balkans and the EU. The specific challenges faced by the social partners should be considered more systematically and in greater detail in country assessments and reports. Particular attention should be paid to protecting people's employment and social security rights.

- 2.4 The EESC appreciates the Commission's intention to place a stronger focus on employment and social challenges in the upcoming work on the Economic Reform Programmes developed by the enlargement countries. CSOs should also be a part of this process, and their opinions and expertise should be taken into consideration both at national and EU level, thereby avoiding situations where CSOs are merely informed of strategies or action plans already decided on. National authorities should be required to ensure effective CSO involvement.
- 2.5 Civil society engagement in the accession process consists of: (1) direct involvement in the actual negotiations (i.e. screening, preparation of national positions, oversight of progress); (2) social and civil dialogue related to policy formulation and legislative harmonisation with the acquis; (3) participation in the programming of pre-accession funding; (4) independent monitoring of progress and the social effects of the reform processes. The performance of these roles requires adequate financial support, through national government and EU pre-accession funding.
- 2.6 Increasing awareness of the role of civil society and including social partners in the accession process has been both a mission and a challenge for the EESC. In some countries, governments have maintained a negative attitude towards civil society and, as a result, Joint Consultative Committee (JCC) recommendations have had little resonance. Nevertheless, JCCs have created opportunities for direct exchanges between civil society, the EU and national politicians and officials, even if they have had little impact on government policies. With this in mind, JCCs would benefit greatly from stronger backing and closer cooperation with the Commission, the Council and the EP, thereby ensuring that key concerns about the national realities of accession, stemming from the civil and social dialogue in the countries, may be heard in all relevant policy-making arenas.
- 2.7 As stated by the Commission, the EESC underlines the importance of regional cooperation and of boosting regional economic development and connectivity as an essential element of the Stabilisation and Association Agreements and enlargement process. To this end, there has been a positive development in regional cooperation between business CSOs, with the signing of the Agreement on the "Chambers' Investment Forum" (CIF)². The idea behind the CIF is to involve the business community of the region, through the chambers, in implementing projects of importance for the economic prosperity of the Western Balkans, in line with the priorities of the Berlin Process.
- 2.8 The EESC raises serious concerns in view of the considerable backsliding in several countries in respect of freedom of association, of assembly and expression and independence of the

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The Chambers' Investment Forum (CIF), as a non-profit organisation of the national chambers of Commerce and Industries of the countries in the region of the Western Balkans, Slovenia and Croatia, was established on the margins of the Conference on the Western Balkans held in Vienna in August 2015.

media³ (Montenegro, former Yugoslav Republic of Macedonia, Turkey in particular but also Serbia in terms of a legislative framework for freedom of assembly). These are prerequisites for establishing solid democracies and allowing a vibrant civil society to develop. In this respect, the full implementation of the DG Enlargement Guidelines for Civil Society Development in Enlargement Countries 2014-2020 and the DG Enlargement Guidelines for EU Support to Media Freedom and Media Integrity 2014-2020 is strongly supported. One challenge that remains, however, is how to ensure media outreach to European-based audiences, who also need to be aptly informed about the meaning and dynamics of enlargement policy.

- 2.9 The CSOs' role in policy formulation and monitoring and, in general, in ensuring a functional democracy is crucial. The 2015 attacks on legitimacy and accountability of CSOs (in particular watchdog organisations and independent journalist organisations closely monitoring critical political processes and denouncing election frauds and political corruption) registered in some of the enlargement countries raise serious concerns. The EESC therefore acknowledges the need to boost communication and dialogue in all processes and in particular to reach out to citizens from both EU and enlargement countries.
- 2.10 In terms of the rule of law and fundamental rights, more focus is needed on the issue of vulnerable and disadvantaged groups and minorities, in particular the Roma. Clear results in this area, as well as further progress in inter-ethnic relations and protection of minorities and minority rights (in education, access to media, use of minority languages including in public administration, etc.), must be delivered.
- 2.11 The EESC considered the Commission's proposal for a list of safe countries of origin in its opinion of 10 December 2015⁴, and it upholds the principles set out in that opinion. Inclusion in the list of safe countries of origin must be based on a thorough assessment. In the light of current media reports of questionable returning of refugees to crisis regions, responsible dealing with the human rights of these refugees is also relevant to the issue of safe third countries.
- 2.12 The enlargement policy needs to respond fully to the challenge of informing European citizens about its vital importance for the security and prosperity of the entire continent, which could help allay the fears of further enlargement that can surface along with other forms of xenophobia, especially in times of economic crisis and the ongoing refugee crisis.

³ Balkan Civil Society Development Network, "Enabling Environment for Civil Society Development & Progress Reports and Enlargement Strategy 2015 Background Analysis", <http://www.balkancsd.net/novo/wp-content/uploads/2015/11/202-1-BCSDN-2015-Enlargement-Package-Background-Analysis.pdf>, Human Rights Watch "A Dangerous Profession: Media Under Threat", July 15, 2015, <https://www.hrw.org/node/279063>, Reporters without Borders on Macedonia <http://en.rsf.org/macedonia.html>

⁴ Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU, COM(2015) 452 final. [OJ C 71, 24.12.2016, p. 82.](http://eur-lex.europa.eu/legal-content/EN/COM/?uri=CELEX:52015DC452)

- 2.13 The EU institutions have provided several channels for consultation with civil society in order to collect evidence on the progress of accession-related reforms, including online correspondence, annual civil society consultations in Brussels, in-country meetings, briefings and public events during visits by EU officials. The Commission has also been open to independent monitoring reports prepared by civil society organisations. Yet the Commission has admittedly been much more proactive towards NGOs than towards trade unions and business associations. Hence, the EESC calls on the Commission to improve its approach and take further action, in line with recommendations from the EESC opinion *Enhancing the Transparency and Inclusiveness of the EU Accession Process* (REX/401).
- 2.14 CSOs continuously struggle to secure their financial sustainability in the Western Balkans. CSOs still predominantly rely on income from foreign grants and from state budgets, including proceeds from lotteries, while alternative sources of funding are rarely used. State support, both financial and non-financial, is all too often distributed through non-transparent mechanisms, and remains insufficient. Hence there is a continuous need for CSOs to diversify their sources of funding in order to secure their financial independence and sustainability. Relying on one or two financial resources makes CSOs over-dependent on their availability, and does not provide them with sufficient financial security and autonomy.
- 2.15 The recognition of the economic value of CSOs in the enlargement countries calls for meaningful data collection and, even more importantly, for action to promote and raise awareness of their roles. Official data and statistics about people employed and volunteering in CSOs in Western Balkans countries remain limited. In labour law, CSOs continue to be treated in an equal manner to other employers; however, they are not sufficiently included in those state employment policies creating incentives for potential employers. This discriminatory treatment of CSOs is due to the lack of state recognition of civil society as one of the sectors that generates employment. Recent efforts on the part of CSOs to collect data and assess specific barriers in each country⁵ should be carefully considered by both national authorities and the Commission when establishing priorities in the area of statistics.

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The study on the *Economic Value of the Non-Profit Sector in the Countries of the Western Balkans & Turkey*, prepared by Dubravka Velat and published in December 2015 by the Balkan Civil Society Development Network (BCSDN), is available at: http://www.balkancsd.net/economic-value-of-the-non-profit-sector-in-the-western-balkans-and-turkey/63-12-report-on-the-economic-value-of-the-non-profit-sector-in-the-wbt_final/

Brussels, 18 February 2016

The President
of the
European Economic and Social Committee

Georges Dassis
