

# Aspiracje Republiki Serbii wobec Unii Europejskiej – zarys problematyki

## Streszczenie

Podstawowym celem niniejszego opracowania jest próba określenia w jakim stopniu Republika Serbii jest przygotowana do pełnego członkostwa w Unii Europejskiej. W tym celu zostały zbadane kryteria określone przez Unię Europejską dla krajów aspirujących do członkostwa, w szczególności kryteria kopenhaskie z roku 1993. Została również uwzględniona rezolucja Parlamentu Europejskiego z dnia 18 kwietnia 2013 r. Pod wieloma względami Republika Serbii nie jest w pełni przygotowana do członkostwa w Unii Europejskiej, niemniej jednak 20 stycznia 2014 r. rozpoczęły się negocjacje w sprawie przystąpienia Serbii do UE. Ich rezultat będzie uwarunkowany przebiegiem negocjacji w sprawie normalizacji stosunków między Serbią a Kosowem. Oczekuje się, że data ewentualnego przystąpienia Serbii do Unii Europejskiej to 2020 r.

*Słowa kluczowe: Republika Serbii, członkostwo w Unii Europejskiej, kryteria kopenhaskie, Rada Europy, Proces Stabilizacji i Stowarzyszenia*

## Abstract

The primary purpose of this paper is to ascertain the degree to which the Republic of Serbia is ready for full membership of the European Union. Therefore the criteria set by the European Union for the countries aspiring to membership have been examined, including in particular the Copenhagen criteria of 1993. The assessment expressed in the European Parliament resolution of 18 April 2013 has also been taken into account. In many respects, the Republic of Serbia is not yet fully prepared for membership in the European Union, but on 20 January 2014 negotiations started on Serbia's accession to the EU. Their results will be conditional on the course and pace of the talks concerning the normalisation of relations between Serbia and Kosovo. The date of Serbia's eventual accession to the European Union is expected to be 2020.

*Key words: Republic of Serbia, membership in the European Union, Copenhagen criteria, Council of Europe, Stabilisation and Association Process*

*Ewa Bujwid-Kurek*

*Wydział Studiów Międzynarodowych i Politycznych, Uniwersytet Jagielloński*

## **EU aspirations of the Republic of Serbia – an overview**

### **Introduction**

At the beginning of the 21<sup>st</sup> century, there have been several cases where states with a federal structure have decomposed. An example here is the Socialist Federal Republic of Yugoslavia, from which successive republics started to gradually “detach” in 1991; even in 2008, one autonomous province (*pokrajina*) that had formerly constituted part of the Republic of Serbia, Kosovo, separated. When individual republics (Slovenia, Croatia, Macedonia, Bosnia and Herzegovina, Serbia and Montenegro) became fully independent states, they were forced not only to determine their future political systems but also to select their external partners and to make decisions concerning their participation in integration groupings. From the very moment they became independent, almost all post-Yugoslav countries evinced interest in becoming members of the European Union. Some of them, e.g. Slovenia (from 1 May 2004) or Croatia (from 1 July 2013), are already full members. The others, including Serbia, are currently striving to become accepted as the EU member states.

Determining the degree to which the Republic of Serbia is prepared for integration with the European Union appears to be an interesting research problem. Therefore, it should be determined which criteria for future member states have already been met, and in what areas Serbia is still struggling. It should be recalled that the conditions set by the European Union have been formulated in the form of so-called Copenhagen criteria, which constitute a list of requirements to be met by the states interested in joining the European Union. Those criteria were adopted by the European Council at one of its summits, which was held in June 1993 in Copenhagen. The criteria are usually divided into two groups: political and strictly economic ones. Among the political cri-

teria, respect for the rule of law deserves special attention. When it comes to economic issues, it is not a secret that the European Union is primarily interested in these states that really abide by the principle of freedom in its broad sense (as opposed to these that only pay lip service to it). These countries that boast developed market economies are also given priority in the admission process. Moreover, the EU is only really interested in these countries that are already sufficiently prepared to compete in the common European market.

The Republic of Serbia remains (as of 2014) among the regions that exhibit very low stability in the economic and political as well as social senses. Since the European Union is concerned about this state of affairs, and especially about the security situation in the Western Balkans, it has made far-reaching changes to the *status quo* one of its main priorities in the region. Therefore the EU's interest in the countries of the region, including the Republic of Serbia, which is the subject of this paper, is fully justified. In the context of our political science examination, it should be recalled that the European Union first established relations with the countries of the region, including with Serbia, in 1996. This occurred in the context of the so-called regional approach whose main purpose was to introduce the principles of democratisation in the countries subject to transformations of their polities. The approach took into account, without limitation, such important principles as the rule of law, ensuring respect for the rights of national minorities and human rights as well as the recovery in economic activity (Szeląg 2008: p. 28).

Already on 20 June 2000, five post-Yugoslav countries became potential candidates for European Union membership as a result of the decisions made at the European Council in Feira (town in the Aveiro district of Portugal). This moment is considered to have given rise to further efforts aimed at much deeper cooperation between European Union member states and post-Yugoslav countries. The next stage was initiated in November 2000, when the Stabilisation and Association Process (SAP) was established at Croatia's capital Zagreb. The essence of SAP was to support the development and transformation of the countries in the region and to stimulate regional cooperation, both economic and with respect to broadly understood systemic changes. The Stabilisation and Association Process also provided for closer cooperation with the European Union. The assumption behind the Process was clearly that agreements with individual countries of the Western Balkans would be concluded and negotiated under different circumstances. Therefore those agreements differed in their contents and even with respect to the fulfilment of their various functions. When it came to Serbia and Montenegro (before the Republic of Serbia became an independent state, it had existed in

a dualistic structure within a state called Serbia and Montenegro, Bujwid-Kurek 2008: p. 182–193), the negotiations expressly provided for in the Stabilisation and Association Process could only begin in 2005 (it was also the case with Bosnia and Herzegovina). In this respect, Serbia and Montenegro was undoubtedly a special and even a unique case for the European Union. That uniqueness resulted from the complicated and fairly difficult political situation as well as from the international legal standing of the federation of Serbia and Montenegro itself and the uncertainty and unpredictability surrounding the adoption of a very demanding (as it turned out later – for Serbia only) Stabilisation and Association Agreement.

### **The Republic of Serbia in the context of the Copenhagen criteria**

The decision to enlarge the European Union to include the countries of Central and Eastern Europe had been made much earlier – on 11 and 22 June 1993 at the European Council summit in Copenhagen. It was during that summit that the so-called Copenhagen criteria that have already been mentioned were formulated. These criteria include strict conditions to be met by the countries that aspire to become the European Union member states. The main criteria are, first, those associated with achieving the stability of democratic institutions; second, the rule of law; third, the respect for human rights; fourth, the protection of national minorities; fifth, supporting a functioning market economy; sixth, the readiness to meet the competition rules of the European Union; seventh, demonstrating the ability to fulfil the obligations arising from membership; and eighth, adopting the *acquis communautaire*. Moreover, during the said summit a condition was stipulated that only concerned the European Union – it stated that each decision to admit a new member state would depend on the EU's actual ability to accept new members. The rationale behind this was that maintaining the pace of development of the European Union remained a matter of interest not only to the European Union itself and could not be disregarded or ignored by the candidate country as well. At the same time, the European Union included an important reservation that the acceptance of any individual country as a member state must not in any case disrupt and undermine the European integration process.

In assessing the aforementioned criteria, it should be noted that they are certainly general enough to be treated as vague guidelines only. In the author's opinion, this vagueness may have both advantages and disadvantages. On the one hand, the European

Commission expressed the criteria in such a manner that they could be used as grounds for rejecting a country, particularly when it came to objections to the pace of progress in adapting by candidate countries to the criteria set by the EU, which could undoubtedly be used to delay the start of talks with the country concerned. On the other hand, the Associated Countries could also take advantage of the lack of precision in specifying the criteria. That would be particularly applicable to any charges levelled by the European Commission without any basis in law. Moreover, the vague nature of the criteria also makes them susceptible to a very dangerous phenomenon, which is the considerable leeway available to interpret them. Thus any imprecision in the criteria makes it possible to present a subjective interpretation and there is a threat that such interpretations may only be beneficial to the interested party.

The Copenhagen criteria were intended to be used by the European Commission to assess the degree to which individual aspiring countries were prepared to join the European Union. Such an assessment was supposed to be based on evidence consisting of the results of examination of the economic development level in the country in question. The Commission drew up a so-called *Avis* for each individual candidate, i.e. its opinion on the ability of the candidate country in question to act as a full member of the European Union. Only the precise wording of the *Avis* forms the basis for commencing negotiations between the parties concerned, i.e. the European Union and the candidate country in question in this case. Only a free, independent, sovereign, democratic European country that has a developed market economy capable of competing in a single, common internal market may become a member of the European Union.

The European Union drew up a special CARDS (Community Assistance for Reconstruction, Democratisation and Stabilisation) programme for Western Balkan countries whose main purpose was to support reforms there within the framework of the aforementioned Stabilisation and Association Process. The legal basis for the programme was Council Regulation 2666/2000 of 5 December 2000 (Nowak-Far 2012: p. 48). Assistance under the CARDS programme consisted of grants made by the European Union, which amounted to EUR 4.6 billion in total and were intended to be used within six years, i.e. starting in 2000 and ending in 2006. One of the most important funding areas under the programme was the expenditure allocated to reconstruction, and especially assistance in securing the return of refugees and displaced persons as well as in the stabilisation of the entire region. A priority under the programme was also the establishment of an institutional and legislative framework for strengthening democracy and the rule of law, safeguarding human rights and minority rights and achieving

reconciliation as well as strengthening law enforcement and introducing measures to combat organised crime. Moreover, it was supposed to contribute to steady economic growth and economic reforms aimed at establishing market economies in the individual countries covered by the programme. Therefore these priorities as expressed here are almost identical with the Copenhagen criteria, which are important factors in the preparation of any single country for European Union membership.

The basic objectives of the Stabilisation and Association Process differ slightly from those of the Europe Agreements. This is the case with the Republic of Serbia, which is discussed in this paper. Of special interest here is the Interim Agreement on trade and trade-related matters, which was signed in Brussels on 16 December 1991 (Nowak-Far 2012: p. 51). In the case of the Republic of Serbia, such goals were specified as: first, support for individual measures by Serbia that would seek to strengthen democracy and the rule of law; second, contributing to political, economic and institutional stability in Serbia as well as to the stabilisation of the entire Western Balkans region; third, initiating a political dialogue conducive particularly to the development of political relations between Serbia and the European Union; fourth, aligning Serbia's legislation with *l'acquis communautaire de l'Union* (this is the legal order of the European Union, i.e. the set of almost all legal principles of the EU, further supplemented by the case law of the Court of Justice and the Court of First Instance. The acceptance of this legal order by candidate countries demonstrates that they have fulfilled one of the basic conditions of accession to the European Union, Kovačević 2009: p. 253–260), particularly with respect to the development of economic relations, both internal and international, in accordance with EU standards; fifth, adopting measures aimed at the rapid conclusion of the economic transition from a command and control economy to a privatised free market one; sixth, the rapid finalisation of a free trade area between Serbia and the European Union (in order for these assumptions to become realistic, the EU must first support the steady development of the Serbian economy); and seventh, fostering regional cooperation, especially in the areas that are covered by the Stabilisation and Association Agreement (SAA)<sup>1</sup>, which is modelled on the Europe Agreements dating back to the 1990s.

In the context of this paper, it appears appropriate to draw attention to the body that supervises the implementation of all Stabilisation and Association Agreement (SAA) provisions, i.e. the Stabilisation and Association Council, and particularly the body that is meant to assist it, i.e. the Stabilisation and Association Committee. Article 122 of the

<sup>1</sup> These goals are expressed in Article 1. Document CE/SE/en 1, final

Stabilisation and Association Agreement specifies the composition of that subsidiary body. Pursuant to Article 122, the Committee is to be composed of representatives at the appropriate level of the Council of the European Union, of the European Commission and of the Government of Serbia. In interpreting this Article, it is clear that the EU constitutional legislator attaches particular importance to the intergovernmental nature of the European Union's relations with Serbia. In the context of this paper, one should certainly mention the institution that is most distinctive for the association treaties concluded by the European Union, which is the Stabilisation and Association Parliamentary Committee (SAPC). The competences of the Committee include, *inter alia*, conducting political dialogue, exchanging information and initiating cooperation between members of the European Parliament and MEPs representing individual member states (Nowak-Far 2012: p. 60). Members of the European Parliament and members of the national parliament of the country that is party to the SAA are obliged to participate in the work of the Parliamentary Committee. In the case of Serbia, the latter is the unicameral parliament called the *Narodna Skupština* (National Assembly). A stage that is supposed to bring the Western Balkan states (including the Republic of Serbia) closer to membership in the European Union is the so-called Thessaloniki Agenda (From 19 to 20 June 2003, European Council summit was held in Thessaloniki, during which integration strategies with the European Union were established for countries such as Albania, Bosnia and Herzegovina, Croatia, Montenegro and Serbia) (Thessaloniki Summit 2003). This is a particularly important document that includes the conclusions related to the ongoing Stabilisation and Association Process. Generally speaking, the process that is supposed to soon result in the European Union membership of Western Balkan countries, including the Republic of Serbia, has been assessed favourably; however, states from the region have been obliged to consistently introduce further multi-faceted democratic political reforms, which should eventually guarantee stability and peace in the entire Balkans.

The provisions contained in the Thessaloniki Agenda are not just a restatement of the Copenhagen criteria that must be implemented but go a little further, namely touching on such important issues as the respect for the principle of inviolability of borders, peaceful settlement of disputes and cooperation in the region, which appears particularly important in the context of the unilateral announcement of Kosovo's independence on 17 February 2008 (Bujwid-Kurek 2012b: p. 81–85), especially that the European Union fully accepts the possibility of recognising Kosovo as a full member. Emphasis has also been placed on topical issues such as e.g. combatting terrorism,

extremism and all kinds of violence. In addition to a number of provisions resulting from the summit and the Thessaloniki Agenda, the financial commitments that support the process of integration of Western Balkan countries are also noteworthy. In this regard, the eventuality of Western Balkan states taking out loans from the European Investment Bank has been considered very seriously. EUR 11.5 billion have been allocated to the implementation of activities under the European Union Instrument for Pre-Accession Assistance between 2007 and 2013. Among the more interesting provisions of the Agenda, the intensification of activity aimed at promoting regional cooperation should be singled out. This is one of the fundamental strategic objectives included in the Stabilisation and Association Agreement (Nowak-Far 2012: p. 64–65).

The Republic of Serbia, which shows a keen interest in joining the European Union, is trying to meet all the conditions arising from the Copenhagen criteria. As concerns the first of the requirements listed, namely the existence of institutions that guarantee a stable democracy, attention should be paid, first, to the definition of such institutions, and second, whether they have a legitimate position in the political system of the Republic of Serbia. A handbook definition of institutions that guarantee a stable democracy suggests that such institutions include the parliament, which should reflect at least two fundamental constitutional principles, namely the principle that the nation is the sovereign and the principle of political representation. They also include the ombudsman and courts, i.e. institutions that safeguard the rule of law. Given the above, it should be stated that the Serbian constitutional legislator has paid sufficient attention to the institutions that are required to guarantee the stability of the democratic system. Moreover, these institutions have found an appropriate reflection in the provisions of the 2006 Constitution of the Republic of Serbia.

The principle that the nation is the sovereign has been enshrined in Article 2 (Sovereignty holders), which reads: “Sovereignty is vested in citizens who exercise it through referendums, people’s initiative and freely elected representatives. No state body, political organisation, group or individual may usurp the sovereignty from the citizens, nor establish government against freely expressed will of the citizens” (Bujwid-2012a: p. 95, 206). According to this provision, state authority in Serbia is exercised by the citizen (or rather a collection of citizens – individuals, i.e. the nation in the constitutional sense rather than a collection of people categorised by ethnicity). This article, in addition to stipulating the entity in which the state authority is vested, also points to the basic forms of exercising this authority. The referendum is mentioned as one possible form of direct democracy. The indirect form consists of the fact that it is the Nation that

elects its representatives to the *Narodna Skupština* (parliament), which consists of 250 deputies elected directly by secret ballot in accordance with Article 100 of the 2006 Constitution of the Republic of Serbia. In Article 2 of the Constitution, the principle of political representation is enshrined, which is based on the theoretical principles of representative democracy (Fleiner 2010: p. 177–184). Pursuant to Article 98 of the Constitution, the *Narodna Skupština* is the “supreme representative body and holder of constitutional and legislative power in the Republic of Serbia” (in Article 99, paragraphs 1–12 and subsequent paragraphs 1–6 concern the participation of the National Assembly in government, i.e. the competences of the legislative branch). Therefore the Constitution of the Republic of Serbia provides for a representative system that is properly constructed in terms of the relevant categories adopted by modern polities aspiring to be perceived as democracies.

The principle of democratic rule of law, which is clearly expressed in Article 3 (Rule of law) of the Constitution of the Republic of Serbia, is entirely compatible in this respect: “Rule of law is a fundamental prerequisite for the Constitution which is based on inalienable human rights. The rule of law shall be exercised through free and direct elections, constitutional guarantees of human and minority rights, separation of power, independent judiciary and observance of Constitution and Law by the authorities”. Thus it is clear that the legal basis for the functioning of the state is of fundamental importance to the Serbian constitutional legislator. This applies to almost all public authorities in the Republic of Serbia. There is a universal principle stating that in a country where the rule of law is observed, public authorities can only be established pursuant to the law. It should also be recalled that where the principle of democratic rule of law is observed, the law takes precedence over the state – the law precedes the state and it is the law that determines the profile for the political organisation of society. In such a state, there are appropriate authorities that are authorised to audit whether the state (read: the bodies and institutions established within the state) operates in compliance with the letter of the law. For instance, in the Republic of Serbia such powers are reserved to the Constitutional Court (Articles 166–175) whose decisions have priority in the hierarchy of judicial authorities in the Republic of Serbia, are final and enforceable by law; if necessary, they may be enforced by the government of the Republic.

The principle of division of power and the balance between powers provides a solid basis for the stability of democratic institutions in the state. Article 4 of the Constitution of the Republic of Serbia (“Division of power”) stipulates as follows: “Government system shall be based on the division of power into legislative, executive and judicia-

ry. Relation between three branches of power shall be based on balance and mutual control. Judiciary power shall be independent”. The contents of this Article suggest that the Serbian legislator intends to adopt Montesquieu’s idea of separation of powers that is characteristic of democratic states in a manner as literal as possible. As concerns subsequent provisions typical of democratic states included in the Serbian catalogue of constitutional principles, it should be stated that these are in no way inferior to the constitutional provisions found in states with mature democracies.

As far as courts are concerned, the Constitutional Court appears to deserve special attention if only because the Serbian constitutional legislator raised it to the rank of a constitutional authority by allocating to it the entire Chapter VI of the Constitution, which includes 9 articles (Articles 166–175). Pursuant to Article 166 of the Constitution of the Republic of Serbia: “The Constitutional Court shall be an autonomous and independent state body which shall protect constitutionality and legality, as well as human and minority rights and freedoms. The Constitutional Court decisions are final, enforceable and generally binding” (Biševac 2000: p. 57–60). Of particular note is also the fact that in many cases decisions of the Constitutional Court in the Republic of Serbia are precedents that determine the outcome of interpretation disputes concerning legal doctrine and practice.

### **The European Parliament’s resolution of 18 April 2013**

The political system of the Republic of Serbia also includes the institution of the Ombudsman. Provisions related to the Civic Defender (this is the proper name of the Ombudsman’s office in Serbia) are included in Article 138 of the Constitution of the Republic of Serbia. Pursuant to this Article the Civic Defender is an independent state body tasked by the Serbian constitutional legislator with protecting human and civic rights and freedoms and investigating the breaches of individuals’ laws in interactions with state institutions. Although the Constitution of the Republic of Serbia includes only one article on the Civic Defender, this does not mean that this office is depreciated in the political system of the Republic of Serbia.

In terms of the institutional base it appears that the position of institutions designed to guarantee the observance of democratic principles and stability does not raise major doubts, at least in theory. On the other hand, if we assess the extent to which constitutional principles are implemented in the political practice of this relatively young Balkan

state, a serious problem should be highlighted, which is the still insufficient political culture of both the political elites and the public and the underdeveloped civil society. It should be noted that institutions in Serbia are not designed in a holistic manner; although they are given a legal basis by including them in provisions of a basic law, they do not operate in practice. E.g. Vučina Vasović believes that the most important phenomena that destabilise the political system of the Republic of Serbia are the failure of political elites, the personalisation of political power and the still insufficiently transparent policy, which clearly promotes manipulation and pathological (corrupt) behaviour (Orlović 2008: p. 79; Vasović 2010: p. 73–84). The European Union has voiced almost identical objections.

Apart from the aspects that have already been mentioned, it should be recalled that since 2002, the European Commission has published its enlargement strategy almost every autumn and has also expressed its assessments in the form of periodic reports. The framework for the European Union's cooperation with the countries of the Western Balkans in 2012 is determined by so-called enlargement conclusions (Saczuk 2012). The conclusions concerning, among others, Serbia were also included in the summary drawn up after the summit of Heads of State and Government held on 9 December 2011. As far as Serbia was concerned, the relations with Kosovo were and remain one of the main obstacles. In this case, after the unilateral declaration of independence by Kosovo on 17 February 2008, differences emerged among European Union member states – the disagreement between those that unreservedly recognised Kosovo's independence and those that still cannot accept such a status was by no means the only one.

The German CDU/CSU ruling coalition also pronounced on this contentious matter, setting seven conditions for Serbia that must be fulfilled if it wishes to join the European Union. Among those of special interest, I believe, are those associated precisely with the relations between Serbia and Kosovo. First, the implementation of existing agreements in dialogue with Pristina (the capital of Kosovo) is expected as well as the continuation of that dialogue and also initiatives on the issues hitherto unregulated in agreements, e.g. energy and telecommunications. One of the conditions is also a commitment by the authorities of the Republic of Serbia to implement these agreements in such a manner that the Serbian population living in the northern part of Kosovo becomes more active in cooperating with the peacekeeping forces (EULEX and KFOR) stationed there. Another condition is the requirement to abolish parallel Serbian government structures in Kosovo and put an end to their funding. On 19 April 2013, the

Prime Minister of Serbia Ivica Dačić and the Prime Minister of Kosovo Hashim Thaçi came to an agreement on the normalisation of relations, which will undoubtedly allow Serbia's accession negotiations with the European Union to open.

According to reports by the European Commission Serbia has been assessed quite favourably with respect to meeting the Copenhagen criteria, and particularly the achievement of full cooperation with the International Criminal Tribunal for the former Yugoslavia. In summer of 2011, the last two leaders against whom very serious allegations of war crimes had been levelled – General Ratko Mladić and Goran Hadžić – were apprehended. This was considered a breakthrough, eliminating one of the most serious obstacles to Serbia's EU membership. It must also be remembered that in accordance with the conclusions reached at the EU member states' summit in December 2011, the European Council, appreciating the progress made in dialogue with Kosovo, returned to the issue of granting candidate status to Serbia in February 2012 and thus supported its efforts aimed at membership in the EU. On 1 March 2012, the European Council decided to grant Serbia the status of candidate country.

The start of accession negotiations will be the next step bringing Serbia closer to its final objective that is accession to the EU (Saczuk 2012). Before this happens, however, the Republic of Serbia is obliged to take into account the reservations expressed in the European Parliament resolution of 18 April 2013 on the 2012 Progress Report on Serbia (European Parliament 2013). The European Parliament, having regard to many documents (communications, resolutions, declarations, agreements, reports, regulations or decisions), expressed the opinion that Serbia has taken numerous steps towards the normalisation of relations with Kosovo (European Parliament 2013: point C). The most recent of these is the already signed agreement of 19 April 2013 on the normalisation of relations between Serbia and Kosovo concluded between the Prime Ministers of the Republic of Serbia and the Republic of Kosovo (For the Republic of Serbia, the agreement was signed by Prime Minister Ivica Dačić and for the Republic of Kosovo it was signed by Prime Minister Hashim Thaçi). It is also pointed out that the new Serbian government has affirmed its commitment to continue to pursue European integration (European Parliament 2013: point H), being fully aware of its obligations to implement all reforms set forth, *inter alia*, in the Copenhagen criteria.

Serbia's significant progress towards meeting those criteria, and especially political ones, was welcomed, which was reflected in the European Commission 2012 Progress Report. Emphasis has also been placed on continuing the reform process, and in particular on guaranteeing democracy and the functioning of democratic institutions,

upholding the rule of law, ensuring respect for human rights and the equal and committed protection of all minorities throughout Serbia according to European standards, maintaining good-neighbourly relations and regional cooperation (Delević 2009: p. 241–253), including peaceful resolution of bilateral issues, as well as on improving the functioning of the market economy’ (European Parliament 2013: point 4). It has been recognised, moreover, that the Serbian constitutional legislator has made the rule of law one of the overarching principles of government (European Parliament 2013: point I). The implementation of the criteria set by the EU with respect to the political system of the Republic of Serbia is also reflected by the favourable assessment of the parliamentary elections, local and early presidential elections held in May 2012; according to observers from the OSCE/ODIHR, these were held with respect for fundamental rights and freedoms although a recommendation was made to enhance the transparency of the election process (European Parliament 2013: point 2).

The European Parliament also welcomed Serbia’s cooperation with the International Criminal Tribunal for the former Yugoslavia, while calling on Serbian political leaders to refrain from statements and actions that undermine the authority and integrity of the Court (European Parliament 2013: points 11 and 12), which is related to the disappointment of the public opinion after the recent acquittals in the Ante Gotovina, Mladen Markač and Ramuši Haradinaj cases (the defendants were suspected of having committed war crimes). In many places in the 80-point Resolution, it is stated that the judiciary has not been sufficiently reformed, which raises concerns about the respect for the principle of the independence of the judiciary (European Parliament 2013: points 15 and 16). The need for a thorough reform of the public administration is also pointed out (European Parliament 2013: point 17). Consistent efforts to combat corruption are urged (European Parliament 2013: points 14, 29 and 30). A call on Serbian authorities is reiterated to continue their efforts to eliminate the legacy of the former Communist secret services, as a step in the democratisation of Serbia (European Parliament 2013: point 22). Concern is also expressed regarding the autonomy of Vojvodina in connection with statements by the parliament of this province; the European Parliament calls on the Serbian government to abjure “centralising measures and to start immediate negotiations with the government of the Autonomous Province” (European Parliament 2013: point 19).

Of particular note is the reservation expressed by the European Parliament in the resolution in question, which concerns ‘police brutality and abuse of office, particularly in the towns of Kragujevac, Vranje and Leskovac; recalls that the independence and

professionalism of state institutions are part of the Copenhagen criteria; calls on the authorities, in this respect, to take all necessary measures to restore public trust in the police and prosecute all perpetrators of alleged incidents' (European Parliament 2013: point 24). It is also stated that "vigorous, professional and independent media constitute an essential element of a democratic system" and as such must be in place (European Parliament 2013: point 31). As concerns cooperation in the region, Serbia is assessed favourably, especially with respect to its activity in contacts with post-Yugoslav states (with the exception of Kosovo, which has already been stated) and cooperation in various areas (European Parliament 2013: points 57, 58 and 59).

## Conclusions

On 20 January 2014, negotiations on the accession of the Republic of Serbia to the European Union commenced. At the same time, EU Commissioner for Enlargement Stefan Füle noted that the normalisation of relations between Serbia and Kosovo and the implementation of the relevant agreements would be crucial to the course and the pace of accession negotiations (Widzyk 2014). The agreement on the normalisation of relations between the two countries (Serbia and Kosovo) was signed by the prime ministers of Serbia and Kosovo Iвица Dačić and Hashim Thaçi in April 2013 after being negotiated with the participation of the EU. This agreement paves the way for Serbia's negotiations with the EU and does not provide for the formal recognition of Kosovo's sovereignty by Serbia, only pointing out to the need to regularise the situation in northern Kosovo where a Serbian population of 40,000 lives. Both sides (Serbia and Kosovo) have also committed not to interfere with each other's efforts aimed at membership in the European Union (Widzyk 2014).

Summing up, it should be stated that although in many respects the Republic of Serbia is not yet fully prepared for the status of a full member of the European Union, since it has not met all the requirements included in the Copenhagen criteria to a sufficient extent, the EU legislators (cf. European Parliament 2013) are optimistic and believe that in the near future Serbia as well as other post-Yugoslav states will be able to comply with all the requirements set for the states that aspire to join the EU. It should also be noted that Serbia and the European Union are bound ever closer, especially with respect to trade and investment. In the near future, accession negotiations are expected that are planned to be finalised in 2020 (Wroński 2014).

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