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# THE EUROPEAN UNION AND ENLARGEMENT

## Conditions, challenges and the case of Montenegro

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### 1. Introduction

In this contribution the following topics will be discussed, in a global and concise way:

- The conditions which have to be fulfilled in order to become a Candidate Member State of the European Union (EU);
- The significant challenges the Union is confronted with in upcoming accessions; as well as
- The perspectives – more particularly - for Montenegro's EU membership.<sup>1</sup>

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<sup>1</sup> See for the Enlargement subject matter the website of the Council [EU enlargement policy - Consilium \(europa.eu\)](#), the website of the European Commission [Enlargement Policy \(europa.eu\)](#) and the website of the European External Action Service [EU Enlargement and Neighbourhood relations | EEAS Website \(europa.eu\)](#).

Since the outbreak of the war in Ukraine on 24 February 2022, the discussion about enlargement has gained a clear impetus.

## **2. The Ukraine War: An Incentive for the Enlargement File**

Thus far, enlargement has not been a priority subject matter for the European Union. Indeed, since the enlargements of, respectively 2004, 2007 and 2013, the EU has been suffering from a sort of enlargement 'fatigue'. Politicians from the Member States prefer to give priority to the internal stability of the Union, as well as ongoing business, and not enlargement. In fact, they are worried about the consequences of enlargement for the proper working of the institutions as well as, generally speaking, of the Union itself. Moreover, the politicians are concerned about the outcome of debates in their respective national parliaments, once they have to provide an explanation about further enlargements and to submit the relevant treaty texts for approval.

In this complicated political climate, the Ukraine War has created a momentum or, rather, an opportunity. This is because, as peace and stability across the European continent are being seriously disturbed by the Russian aggression, there is a clear need for more cooperation in the security area, between countries guided by values such as democracy, respect for human rights and the rule of law.

In the given circumstances, therefore, one of the effects of the destructive Ukraine War is that basically all EU capitals have taken a more positive and constructive attitude towards further enlargements of the Union.

These positive changes in the political climate concern first of all Ukraine, Moldova and Georgia, countries which applied for membership only recently, as a direct consequence of the Russian aggression.<sup>2</sup> However, in light of the changed geopolitical climate in Europe, the candidates of the Western Balkans<sup>3</sup> must also be able to profit from the new situation, all the more so since the respective applications for EU membership of most of them date back quite a long way.

Be that as it may, the political leaders in the EU, most especially the European Commission, but also heads of state and government of the Member States, are convinced that we now have to speed up the process.

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<sup>2</sup> The European Council decided in its meeting of 23 and 24 June 2022 to qualify Ukraine and Moldova as Candidate Member States. Georgia has not been explicitly qualified as such. The European Council stated that it is ready to grant the status of candidate country to Georgia as well, once the priorities specified in the Commission's opinion on Georgia's membership application have been addressed: [2022-06-2324-euco-conclusions-en.pdf \(europa.eu\)](https://ec.europa.eu/eu-external-press/files/2022-06-2324-euco-conclusions-en.pdf), paragraph III.13.

<sup>3</sup> Respectively Serbia, Montenegro, North Macedonia, Bosnia-Herzegovina, Kosovo and Albania.

### 3. Conditions for Accession

In order to be able to accede to the EU, candidate countries have to fulfil a number of preliminary conditions of a fundamental nature:

- Subscribing to - as well as implementing and enforcing - the fundamental values of the EU, mentioned in Article 2 of the Treaty on the European Union (TEU) and also referred to in Article 49 TEU, the treaty provision describing the enlargement procedure;
- Subscribing to – and fulfilling - the so-called Copenhagen Conditions, developed by the European Council in its session of 21 and 22 June 1993.

#### a. Fundamental EU values: Article 2 TEU

Article 2 TEU reads as follows:

*'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'*

In the context of the enlargement procedure dealt with in Article 49 TEU,<sup>4</sup> in particular the values of democracy, the respect of human rights and the rule of law are of importance. This is because the EU is a rules-based community – a 'community of law' - operating democratically, in an effective and efficient way and guaranteeing access to justice to interested stakeholders, whether they are Member States, institutions or individuals.

In a situation where these values are not respected, serious consequences may follow. The undermining of the EU institutional infrastructure comes to mind, resulting in defective and qualitatively bad decisions and policies with all their - negative - consequences for the implementing texts at the national level. Moreover, the system of judicial protection, at the EU and the national level, may be compromised. Such a situation would create a real and specific threat to the credibility and reputation of the Union as well.

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<sup>4</sup> The first sentence of Article 49 TEU reads: 'Any European state which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union'.

## b. The Copenhagen Criteria of 1993

According to the so-called Copenhagen Conditions of 21-22 June 1993, candidate countries must satisfy the following criteria:

- Stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- A functioning market economy and the capacity to cope with competition and market forces in the EU;
- The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.<sup>5</sup>

The *first* group of – *political* - criteria (*stable institutions*) requires the development of an effective and democratic system of government (legislation and policy), at the national, regional and local levels, accompanied by the application of the principle of good and transparent administration, as well as the establishment of a complete and effective system of judicial protection.

In order to fulfil the *second* group of – *economic* – criteria (*a functioning market economy*) a market organisation has to be set up, characterised by the application of principles such as free movement, equal chances for participants on the market, free competition, non-discrimination/equal treatment and mutual recognition.

The *third* group of – *administrative* - criteria (*the ability* to take on and implement EU membership obligations) presupposes the functioning of a responsible administration, practising the principles of transparency and accountability, and applying effective procedures and binding decisions in order to ensure the timely and correct implementation, application and enforcement of EU law and policy.

## 4. The Absorption Capacity of the European Union

Apart from the three above-mentioned Copenhagen Criteria, there is a *fourth* element that has to be considered: the Union has to be able to receive and integrate new members; this is the so-called 'Absorption Capacity' of the EU.<sup>6</sup>

Since the Union possesses a solid institutional infrastructure, normally the fulfilment of this criterium should not cause serious problems. However, because the current Union already consists of 27 members and there are more to come in the course of time, the need for structural reforms arises.

<sup>5</sup> [Conditions for membership \(europa.eu\)](http://europa.eu).

<sup>6</sup> Again, see: [Conditions for membership \(europa.eu\)](http://europa.eu).

In this respect, it is not only the working of the institutions, but also the functioning of the Union itself that have to be discussed.

## **a. The Functioning of the Institutions**

With regard to the working of the institutions, in the first instance the composition of the institutions and the decision making requirements in the Council deserve priority attention.

### ***i. The Composition of the Institutions***

It is obvious that, in a further expanding Union, the efficiency and the effectiveness of the institutions must be secured. If not, the whole machinery will become paralysed. Therefore, the question arises as to whether Member States always have to be represented in the management of all the institutions. Here, basically, the function and the nature of the role of the institution in question is at stake.

With regard to the institutions directly involved in the policy and decision making of the EU, and the (legal) control thereof, the following comments can be made:

In their capacity as so-called 'Herren der Verträge' the *Member States* are responsible for establishing the dividing lines between the competences of the Union as a whole on the one hand, and of those of the Member States on the other. Treaty making is the primary instrument to exercise this responsibility. The implementation of the objectives, set by the Member States in treaties, has been conferred upon the European Council, the Council, the Commission and the European Parliament. All four of these institutions cooperate closely together.

Member States - when meeting (as heads of state or government) in the framework of the *European Council* and (at ministerial level) in the *Council* - are directly involved in the policy making of the Union, *inter alia* by exercising legislative and budgetary functions.<sup>7</sup> It thus is logical that all Member States are represented in both institutions.

By contrast, the *Commission* is an independent and autonomous institution looking after the general interest of the Union.<sup>8</sup> At present all Member States designate a candidate to become a member of the institution. In light, however, of the role of the Commission as the initiator of EU cooperation - on the basis of objectives set by the Member States - and the supervisor of the way Member States do implement EU decisions at the national

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<sup>7</sup> Articles 15(1) and 16(1) TEU.

<sup>8</sup> See for a description of the Commission's roles: Article 17(1) TEU.

level, it would seem that all Member States do not necessarily have to be represented in that institution.

In fact, this discussion has already taken place. The relevant treaty text - Article 17(5) TEU - reflects that discussion. According to that provision, the Commission - as of 1 November 2014 – 'shall consist of a number of members, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.' However, since the European Council decided on 22 May 2013 not to alter the current practise, at present the Commission is still composed of a number of members that is equal to the number of Member States.<sup>9</sup>

It should be clear that, once – on top of the present 27 Member States - five or more new countries accede, this discussion has to take place once more. Because, indeed, a Commission consisting of 32 members or more is not workable any more. All the more so, because in such a situation the portfolios of Commissioners will have a less than minimal content. So, instead, a rotation system has to be developed in the framework of which Member States can rotate, according to an order reflecting an alternation of big, small and medium sized Member States. At maximum the Commission should be composed of, say, 25 members.

With regard to the – directly elected - *European Parliament* it is of course evident that the populations of all Member States have to be represented. That said, the total number of parliamentarians deserves special attention. Being composed at present of at maximum of 750 members, plus the President,<sup>10</sup> it is obvious that by extrapolating that number in light of the size of the populations of incoming new Member States, an unworkable number might arise. Therefore, one idea could be to stick to that same total number, 750 plus one, even after further rounds of enlargement. In such a case, the distribution of seats between all Member States – the present and the new ones - has to be re-designed, taking into account their respective population numbers.

Finally, the *Court of Justice*, the supreme Court of the Union, is responsible for the correct interpretation and application of the law.<sup>11</sup> Of course, all Member States must at least have one judge in that institution. However, in view of the neutral and independent role of the Court, the precise number of judges (and advocates-general) should not matter that much. In that respect, it is important to note that the Court – and the same goes for the General Court – organises its sessions in practice essentially in the format of small and medium-sized chambers, and only (very) rarely in its plenary composition. So, in the majority of cases only a small minority of Member States is 'represented' at any one time.

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<sup>9</sup> [137221.pdf \(europa.eu\)](#). The decision is in force as from 1 November 2014.

<sup>10</sup> Article 14(2) TEU.

<sup>11</sup> Article 19(1) TEU.

Basically, it is the work load that should determine the precise number of judges (and advocates-general).

## ***ii. Decision making in the Council***

According to the treaties - Article 16(3) TEU - the Council acts by a 'qualified majority', except where the Treaties provide otherwise. In Paragraph 4 of that same provision, a qualified majority is defined as 'at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union'.<sup>12</sup>

Whereas qualified majority voting is at present thus the general rule for decision making in the Council, there still exist quite a number of exceptions in the context of which unanimity is required.<sup>13</sup> That being so, it must be crystal clear that in a Union composed of more than 30 Member States, unanimity as a requirement for decision making is simply no longer workable. Indeed, the requirement of unanimity or consensus grants every Member State the effective right to veto the proposals under discussion. Such a situation is a recipe for chaos and indecision. It could result in a complete undermining of the functioning of the Union, and has to be avoided at all cost.

Therefore, in anticipation of the accession of new Member States, all references in the policy chapters to unanimity should be deleted. Possibly, for certain very specific policy areas, other variants of majority voting than a 'simple' majority (for procedural matters) or a 'qualified majority' voting (for legislation) - as the situation is now - can be thought of. Such a 'heavier' requirement could take the form of a 'super'-qualified majority.<sup>14</sup> At any rate, situations wherein individual Member States can exercise a right of veto have to be avoided.

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<sup>12</sup> Another important point: according to the second sub-paragraph of Article 16(4) a blocking minority 'must include at least four Council members, failing which the qualified majority shall be deemed attained'.

<sup>13</sup> Examples – the references are to be found in the Treaty on the Functioning of the European Union (TFEU) - are the Area of Freedom, Security and Justice (Articles 77(3), 81(3), 82(3), 83(2 and 3), 86 (1 and 4), 87(3) and 89 TFEU), Taxation (Article 113 TFEU), Approximation of Laws (Articles 115 and 118 TFEU), Economic Policy (Article 126(14) TFEU), Monetary Policy (Article 127(6) TFEU), Social Policy (Article 153(2) TFEU), Environment (Article 192(2) TFEU), Energy (Article 194(3) TFEU), Association of Overseas Countries and Territories (Article 203 TFEU), Common Commercial Policy (Article 207(4) TFEU), International Agreements (Articles 218(8) and 219(1) TFEU), the Solidarity Clause (Article 222(3) TFEU) and Enhanced Cooperation (Article 329(2) TFEU).

<sup>14</sup> In order to fix the precise level of such a majority, it may be decided to increase the minimum number of Member States voting in favour respective to the percentages mentioned in Article 16(4) TEU.



In this discussion, still the question arises as to whether unanimity/consensus should be maintained for issues like treaty amendment (Article 48 TEU) or accession (Article 49 TEU).

With regard to the 'Ordinary revision procedure' of Article 48 TEU, it seems that the time has come to accept that treaty amendments can enter into force once the signature and formal approval of, say, only three quarters of the number of Member States have come in. Those Member States not (as yet) accepting such amendments, can then follow later, once they are ready and prepared to do so.

In order to allow the Union to survive and further develop, this type of flexible approach is of the utmost importance.<sup>15</sup>

However, in view of the crucial importance of the structures and competences of an organisation where you are a member, consensus still seems to be the - politically - correct approach for the admission of new members (Article 49 TEU).

## **b. The Functioning of the European Union**

As regards the functioning of the Union as a whole, the question arises of whether the present system – where all Member States participate simultaneously in all policy issues on an equal footing, and implement decisions taken at the EU level under identical conditions - is still tenable once further enlargements takes place.

### ***i. Differentiated cooperation***

If only because of the future number of Member States, this question must be answered negatively, notably in the interest of the newcomers. Instead, forms of differentiated cooperation must be considered.

Indeed, in order to make the EU cooperation process viable and sustainable, such an alternative approach imposes itself. In that context, we must keep in mind that forms of differentiated cooperation have already been introduced in practice. Examples include Schengen Area cooperation<sup>16</sup> and Euro cooperation.<sup>17</sup>

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<sup>15</sup> See for this discussion also: Jaap W. de Zwaan, *Stability and Differentiation in the European Union, Search for a Balance*, Eleven International Publishing, The Hague, 2017, ISBN 978-94-6236-785-2, paragraph 18, pages 27-31.

<sup>16</sup> Article 77 TFEU, in conjunction with Protocols 19 and 20, annexed to the TEU and TFEU.

<sup>17</sup> Part Three, Title VIII, Chapters 2, 4 and 5, notably Article 139, TEU, in conjunction with Protocols 15 and 16, annexed to the TEU and TFEU.



As such, the structure of EU cooperation should be adapted in such a way that as from a certain 'minimum' membership level – say, respect of the fundamental values of Article 2 TEU and participation in the internal market cooperation – opportunities for differentiated cooperation can be developed. Such models of differentiated cooperation can be created in policy areas once, for example, three quarters of the members of the Council - so, three quarters of the Member States – are prepared to move forward.

It is true that such an approach would complicate EU cooperation, and the EU legal order rather difficult to have access to. However, the political reality is not simple either. First and foremost, it is important to ensure peace, security and stability on the European continent. To implement these objectives in the first place the viability of the European Union as an organisation has to be ensured. How to reach that goal, is essentially a question of finding the rights instruments.

For new Member States, it would not necessarily be a problem if they are not immediately involved in all the policy areas at the same level and intensity of cooperation, compared to the other, more established Member States. Quite the opposite, we might be tempted to say. Since EU cooperation is a gradual process, so full membership of the organisation could also be achieved step-by-step.<sup>18</sup>

## **5. The State of Play in the Accession Negotiations**

With regard to the state of play in the enlargement file, the most recent information can be found in the documentation of the Commission dated 12 October 2022, including in the '2022 Communication on EU Enlargement Policy'.<sup>19</sup>

### **a. Candidate Member States and Potential Candidate Member States**

As is well known the, Candidate Member States of the EU are at present respectively Montenegro, Serbia, North Macedonia, Albania, Ukraine, Moldova, and Turkey.<sup>20</sup>

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<sup>18</sup>Again, see for this discussion: Jaap W. de Zwaan, Stability and Differentiation in the European Union, Search for a Balance, already mentioned, notably paragraphs 8-15.

<sup>19</sup> 2022 Communication on EU Enlargement Policy, COM(2022)528 final, Brussels of 12 October 2022, [2022 Enlargement package \(europa.eu\) and 2022 Communication on EU Enlargement Policy-v3 \(3\).pdf](#).

<sup>20</sup> Iceland also applied for EU membership, in July 2009, and the accession negotiations commenced a year later. However, in May 2013, Iceland put the accession negotiations on hold: [Iceland - financial assistance \(europa.eu\)](#). After following a change of leadership, Iceland's government notified in March 2015 that Iceland should no longer be regarded as a candidate country for EU membership: [The European Union and Iceland | EEAS Website \(europa.eu\)](#).

Bosnia Herzegovina and Kosovo are Potential Candidate Member States. On 12 October 2022 the Commission proposed to 'upgrade' the present 'Potential' status of Bosnia Herzegovina to that of 'Candidate' Member State. Most probably the European Council will take a decision on that proposal when meeting on 15 and 16 December 2022. With regard to Kosovo a serious problem arises from the fact that the independence of that country has not as yet been recognised by all Member States.

On 23 June 2022, Georgia was given 'a European perspective' by unanimous agreement between the leaders of all 27 Member States, meeting in the framework of the European Council.<sup>21</sup> As recalled earlier, the European Council stated at that time to be ready to grant the status of candidate country to Georgia 'once the priorities specified in the Commission's opinion on Georgia's membership application have been addressed'.

## **b. The State of Play in each Candidate Member State**

Based on the documentation of the Commission of 12 October 2022, the state of play of the Accession Negotiations in each individual Candidate Member State is as follows:

- Montenegro: the negotiations are ongoing (all 33 policy chapters have been 'opened');<sup>22</sup>
- Serbia: the negotiations are ongoing;<sup>23</sup>
- North Macedonia: the negotiations started in July 2022;<sup>24</sup>
- Albania: the negotiations started in July 2022;<sup>25</sup>
- Ukraine: the negotiations are yet to start;<sup>26</sup>
- Moldova: the negotiations are yet to start;<sup>27</sup>
- Turkey: the negotiations have been suspended (are at a 'standstill') since 2018;<sup>28</sup>

For the moment it is difficult to assess how much time will be needed to finalize the accession negotiations with each of these countries. It is clear though that for most of them it will be a question of years, if not decades.

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<sup>21</sup> [Georgia \(europa.eu\)](https://europa.eu/press-room/en/infographic-georgia-eu-candidate-country)

<sup>22</sup> [Montenegro \(europa.eu\)](https://europa.eu/press-room/en/infographic-montenegro-eu-candidate-country)

<sup>23</sup> [Serbia \(europa.eu\)](https://europa.eu/press-room/en/infographic-serbia-eu-candidate-country)

<sup>24</sup> [North Macedonia \(europa.eu\)](https://europa.eu/press-room/en/infographic-north-macedonia-eu-candidate-country)

<sup>25</sup> [Albania \(europa.eu\)](https://europa.eu/press-room/en/infographic-albania-eu-candidate-country)

<sup>26</sup> [Ukraine \(europa.eu\)](https://europa.eu/press-room/en/infographic-ukraine-eu-candidate-country)

<sup>27</sup> [Moldova \(europa.eu\)](https://europa.eu/press-room/en/infographic-moldova-eu-candidate-country)

<sup>28</sup> [Türkiye \(europa.eu\)](https://europa.eu/press-room/en/infographic-turkey-eu-candidate-country)

### **c. Meanwhile: Cooperation in Areas of Common Interest**

Having said that, in the meantime a form of structural cooperation could be started (or intensified) in domains where both sides – the European Union and the Candidate Member States - have common interests.

In this respect, we might think of policy domains like foreign policy, defence, justice cooperation, climate change/energy/environment and migration. From this list, one conclusion may be drawn: basically, this is all about security!

To start, or intensify, such cooperation can only serve the interests of all the parties involved. Moreover, starting to develop the structural frameworks of cooperation parallel to the accession negotiations would strengthen the motivation of the Candidate Member States – and their citizens - to aim to achieve full membership of the European Union. Such a psychological side effect is also of the utmost importance in a political sense.

Moreover, in principle, the same is true in the contact with the Potential Candidate Member States and Georgia. To the extent possible, therefore these countries should also be involved in EU discussions, serving to reinforce stability and security on the European continent.

## **6. Montenegro and the European Union**

Montenegro's application for EU membership dates back to December 2008. On 17 December 2010 Montenegro was qualified by the Council as a 'Candidate' Member State. The opening of the accession negotiations started in June 2012.<sup>29</sup>

The Commission's 'Montenegro 2022 Report' of 12 October 2022<sup>30</sup> provides insight in the state of play of the accession negotiations in 2022.

### **a. The Main points of the Commission Report of 12 October 2022**

It follows from the Montenegro 2022 Report that all 33 policy chapters have been 'opened', as it is officially termed. Nonetheless, there still is a lot of work to be done.

As regards the *political* accession criteria, the Commission signalled the existence of political tensions in Montenegro, polarisation, an absence of constructive engagement

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<sup>29</sup> [Montenegro \(europa.eu\)](https://europa.eu)

<sup>30</sup> See for the 'key findings' on Montenegro: [Key Findings of the 2022 Report on Montenegro \(1\).pdf](#) and [Montenegro 2022 report of 12 October 2022, the Montenegro report 2022 \(2\).pdf](#). See also: [Montenegro on its European path, 31.10.2022-factograph\\_montenegro.pdf \(europa.eu\)](#).

between political parties and the failure to build consensus on key matters of national interest.

Here, thus, the wider political climate in the country is at stake. In that context, the need for progress regarding a number of crucial democracy dimensions is underlined:<sup>31</sup>

- The rule of law (the reference here is to the Chapters 23 and 24)
- Freedom of expression
- Media freedom
- The fight against corruption
- The fight against organised crime
- The overall functioning of the judiciary
- Political stability and commitment

Basically, as also stated by the Commission, all these issues are related to the development of an adequate 'rule of law' system.

On the *economic* accession criteria, the Commission concludes that good progress has been made; however, a functioning market economy has only moderately been prepared.<sup>32</sup>

Finally, as regards the *administrative* criteria - Montenegro's ability to assume the obligations of EU membership - the Commission mentions continued work, but only limited real progress, on alignment with the EU *acquis*.<sup>33</sup>

All in all, in comparison with the state of play in other Western Balkan countries, the impression is that Montenegro has made some significant progress since the start of the accession negotiations in June 2012.

Having said that, the most important obstacle to a smooth continuation of the negotiations is related to the political instability of the country. That of course is a serious matter of concern.

## **b. Montenegro, the first incoming new Member State?**

With regard to - more specifically – the perspective of Montenegro becoming an EU member, the following elements are interesting:

- Montenegro is a small country with a population of around 630,000 people.<sup>34</sup> To compare: in 2022, the city of Amsterdam (the capital of the author's home country) counted 850.000 inhabitants, and the city of Rotterdam around 650.000. The point to

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<sup>31</sup> Pages 3-6.

<sup>32</sup> Pages 6-7.

<sup>33</sup> Pages 7-8.

<sup>34</sup> [Montenegro Population \(2022\) - Worldometer \(worldometers.info\)](https://www.worldometers.info/world-population/montenegro-population/).

make here is that it should not be too difficult a mission to integrate a country like Montenegro into the EU.

- Montenegro is the most advanced candidate when it comes to progress in the accession negotiations with the European Commission. Indeed, as already mentioned, in the course of the negotiations, all 33 policy chapters have been opened.

In light of these elements, it may be argued that Montenegro must be able to qualify relatively easily to accede to the European Union as the first new Member State.

Nonetheless, because of the criticism still existing at the European Union level, it is to be recommended, on the one hand, to radically improve the general political climate in the country and, on the other, to develop a short term - for example a five-year – programme, aiming to achieve a couple of objectives simultaneously:

- The improvement of the economic infrastructure of Montenegro;
- The implementation of the principle of free competition to facilitate the creation of a functioning market economy; and
- The combatting of corruption.

In doing so, the Montenegrin authorities must show both political will and commitment.

Now, in this discussion the, politically rather sensitive, question may arise of whether the accession of Montenegro should be made dependent of the capability and readiness of the other Western Balkan countries currently in the race to become EU member, to accede to the EU.

That question must be answered in the negative.

First of all, also Slovenia and Croatia acceded separately to the Union, as forerunners, each at different times in history.

Moreover, the case of Montenegro is fairly different compared to that of the other Western Balkan countries. Because, as mentioned already several times, Montenegro has already come a long way – actually, is the most advanced - in terms of progress in the negotiations with the Commission.

Be that as it may, it is of course wise and advisable for Montenegro to cooperate intensively with the other Western Balkan states. To that extent, the development of intensive regional cooperation in the Western Balkan region can only but facilitate successful integration, even if only in the long run, of the whole of the Balkans into the European Union.

In addition, the fact that Montenegro - once acceding to the EU as the first of the remaining Balkan Candidate Member States – will find itself in a geographically rather isolated position, should not be considered a major problem. For example, when Greece

accessed to the European Economic Community (EEC) back in 1981, that country, geographically speaking, was also not surrounded by EU Member States.

But, again, as follows from the Commission analyses of 12 October 2022, the main obstacle to the accession of Montenegro is connected to the political unstable climate in the country and, directly connected to that finding, the poor state of the 'rule of law' in Montenegro. It is the responsibility of the Montenegrin leadership to improve that situation.

## 7. Final Remarks

Enlargement is one of the main - if not the most important - achievements of European Union cooperation. The process serves peace and stability on the European continent.

The cruel and horrifying war in Ukraine, initiated by Russia on 24 February 2022, has created momentum, stimulating all the parties involved – most notably the EU and its Member States - to speed up the enlargement process.

The completion of accession of all the present Candidate and Potential Candidate Member States may take years, and in some cases possibly decades. However, what is needed here is political will on all sides, to bring that process to a positive conclusion.

It is in the mutual interest of all involved - the present EU Member States and the candidates, plus the Potential Candidate Member States - to start respectively to intensify, parallel to the accession negotiations, cooperation in a number of security areas: for example, foreign policy, defence, justice cooperation, climate change/energy/environment and migration. Such an approach is beneficial in three ways: it strengthens the mutual relationship between the countries involved; it will contribute to greater stability on the European continent; and the approach will only facilitate a timely alignment of the newcomers with the EU *acquis* in crucial and sensitive policy areas.

On 6 December 2022, a European Union-Western Balkans Summit will take place in Tirana. Let's hope that during this meeting, the urgency of the enlargement process will be confirmed by the political leaders. Furthermore, it would be welcome if, on top of such an expression of political will, the clear intention is demonstrated to make clear progress in the files of the individual Candidate and Potential Candidate Member States.

2 December 2022

PS. See for the 'Tirana Declaration' adopted on 6 December 2022 by the EU-Western Balkans Summit: [tirana-declaration-en.pdf \(europa.eu\)](#)

