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The EU enlargement package

Can one bad apple spoil the whole barrel?



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In early October, the European Commission published its annual enlargement package, assessing the progress made by (potential) candidate countries to join the European Union.¹ Among those is Turkey – a candidate that, since 2016, has structurally moved away from the democratisation reforms expected by the EU. Yet, despite the lack of any realistic prospect for accession,

and negotiations effectively having been halted, no efforts are being made towards formally suspending the country's accession talks. This sends the wrong signal to those candidate countries, notably Serbia, for whom negotiations are ongoing but which have in past years also stagnated or even regressed in terms of democratic reforms.

In this Alert we argue that if the EU wants to remain credible, it should start by formally suspending the accession process with Turkey. Such a step is needed to send a clear signal to all candidate countries that discarding the spirit of European integration has clear consequences.

¹ Accession negotiations have been opened with candidate countries Montenegro (2012), Serbia (2014), Turkey (2005), North Macedonia (2020) and Albania (2020). Bosnia and Herzegovina and Kosovo are potential candidate countries.

It's the first year that the Commission has assessed countries against the bar of the so-called revised enlargement methodology. This document has been adopted to address the declining efficacy of the accession process over the past decade and the growing disenchantment among both EU member states and candidate countries. While the revised methodology will not automatically apply to all candidates², the Commission announced in its enlargement package the ambition to provide clearer and more precise recommendations for all. In the form of political steering, the Commission wants to ensure greater clarity on what the EU expects of enlargement countries, but also what the negative consequences would be if countries show of a lack of progress. The October reports were, in that sense, a litmus test. Did the Commission succeed?

In the case of Turkey, the country report is firm. The EU's serious concerns on continued negative developments in the rule of law, fundamental rights and the judiciary have not been credibly addressed by the country – so it states.³ Yet, the report and its summary remain vague on crucial elements, such as freedom of press. It does mention the various restrictions imposed on journalists and writers, and highlights the fact that this has a negative effect on the exercise of their freedoms, but reality shows that the situation goes beyond that. Journalists and writers are not only restrained from doing their jobs, the Turkish state is currently pursuing a policy that aspires to the *elimination* of the free press. At the time of writing, more than one

hundred journalists are in prison, most Turkish media outlets are controlled by the government and countless websites are not accessible. It is one of the many examples of why Turkey is no longer a credible candidate for EU accession, but the report fails to call a spade a spade. In fact, while 'ending the accession talks' should be the answer, the Commission, in its report, concludes that, 'Turkey has continued to align with the EU *acquis* [albeit at a very limited pace and in a fragmented manner].'

In the case of Serbia, the report provides a more detailed assessment compared to previous years. However, it fails to articulate the country's democratic fall in the past years, which has led to its downgrade from a semi-consolidated democracy to a hybrid regime in the eyes of the respected NGO Freedom House.⁴ The Commission report speaks of 'very limited progress' in the area of the 'judiciary and fundamental rights', concluding that the country has 'some level of preparation'.⁵ Such diplomatic language does not reflect the actual situation in the country, where politicisation of the public administration up to the point of state capture and a clampdown on freedom of expression and the media have become ever more apparent.⁶ The stagnation noted by the Commission in several crucial areas for a number of consecutive years has made it painfully clear that the current leadership in Serbia – as in Turkey – is not planning on moving towards EU expected reforms despite benefiting from broad EU support.⁷ While President Vučić declared EU solidarity a 'fairy tale' earlier this year, the Commission's country report diplomatically speaks of 'EU sceptical rhetoric by high-ranking state officials'.⁸ In particular, the

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- 2 It is important to mention here that the negotiating frameworks for both Serbia and Montenegro will not be officially amended, but the proposed changes could be accommodated within the existing frameworks with the agreement of these two countries. Serbia has signalled its willingness to apply the full revised methodology, although the decision to do so has not been formally taken by its government. Turkey is officially not part of this revised enlargement methodology. Nonetheless, the European Commission has stated that '[all] annual reports are presented together with clearer and more precise recommendations and guidance on the next steps for those partners, in line with the enhanced enlargement methodology'.
 - 3 European Commission (2020). [Turkey 2020 Report](#), p. 21.

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- 4 Freedom House (2020). [Nations in Transit 2020 – Serbia](#).
 - 5 European Commission (2020). [Serbia 2020 Report](#), p. 18.
 - 6 See: Open Society Foundations (2018). [When Law Doesn't Rule: State Capture of the Judiciary, Prosecution, Police in Serbia](#); Freedom House (2020). [Nations in Transit 2020 – Serbia](#); Maja Ruge & Janka Oertel (2020). [Serbia's coronavirus diplomacy unmasked](#), *ECFR Commentary*.
 - 7 See European Policy Centre (2020). [Serbia's Progress and Preparation for EU Membership](#), infographic.
 - 8 European Commission (2020). [Serbia 2020 Report](#), p. 7.

Commission's failure to clearly spell out consequences to the observed lack of progress is met with bitter frustration by forces propagating the democratic development in the country.

The failure to provide a straightforward assessment in the country reports shows that the Commission has not succeeded in its ambitions of political steering, as laid down in the revised methodology. In the Turkey report, the European Commission firmly addresses backsliding regarding European norms and values, leaving one wonder why it does not dare to point to backsliding in the Serbian case. In both cases, no clarity is given on the consequences of this regression that should now follow. It therefore seems that, paradoxically, political interests from various actors have led to a watering down of the intended political steering. Political party ties between the Serbian Progressive Party and the European Peoples Party, political influences in DG NEAR, and the influence of member states on the final reports may all have been factors in this. Moreover, chances are high that the possible effects of firm actions on other, possibly more important agreements, such as the EU-Turkey Statement (on migration), have played a role. The consequence for Serbia, whose 2020 parliamentary elections were obstructed by lack of pluralistic debate and allegations of pressuring voters and vote buying⁹ – is that Turkey may be the shining example of how far it can go, and how far the Commission's boundaries can stretch.

It is unfair to equate the levels of democracy in Serbia with the levels of democracy in Turkey. In case of the latter, the situation is clearly worse and more worrisome. However, in its relations with the EU, Serbia increasingly employs a strategy of playing EU officials that is reminiscent of Turkey's cynical approach to the EU. The Serbian leadership easily alternates between positive assessments of close relations with the EU

and sceptical language up to the point of inimical declarations, such as saying the only ally the country can count on is China.¹⁰ It can do so partially because Turkey's Erdogan gets away with insults such as referring to EU member state governments as 'Nazi remnants and fascists',¹¹ while continuing to enjoy candidate status. If Serbia's concerning behaviour is not condemned now, it will become even harder to address once the country becomes a member of the EU.

It is clear the European Union needs to draw red lines. The Commission's annual reports should be better aligned with the revised accession methodology, which means providing adequate assessments of the state of play in candidate countries. Such assessments need to clearly mention backsliding in fields where it can be observed. Most importantly, the annual reports should provide conclusions on the assessment of the state of play, noting explicitly what the observed (lack of) progress means for a country's EU membership aspirations. Political games can no longer be ignored. The consequences of stagnation and regression should be explicitly named and should go further than pausing the opening and closing of negotiating chapters. In the case of Serbia, it may be time to start considering freezing negotiations and corresponding EU support in order to hold the country's leadership to account. This would also send a clear signal to democratic proponents for change who increasingly see the EU as siding with a government that lacks serious democratic ambitions.

In the end, the revised accession methodology and ongoing accession negotiations with the Western Balkans cannot be effective as long as the European Union fails to formally suspend accession talks with Turkey. A European Council decision to do so and develop a new relationship with the country based on new realities is long overdue. Not suspending accession talks with Turkey runs the risk of one bad apple spoiling the rest of the barrel.

9 See: OSCE (2020). [Republic of Serbia – Parliamentary Elections 21 June 2020 – ODIHR Special Election Assessment Mission Final Report](#); Sasa Dragojlo (2020). ['Stories of Vote-Buying and Fraud in Fight for Serbian Opposition Holdout'](#), *BalkanInsight*; Darko Janjevic (2020). ['Serbia elections: Who's left besides Vucic?'](#), 20 June, DW.

10 Milivoje Pantovic (2020). ['Serbia has rolled out the red carpet to China – but at what cost?'](#), 8 July, *Euronews*.

11 BBC (2017). ['Turkey's Erdogan calls Dutch authorities "Nazi remnants"'](#), 11 March.

About the Clingendael Institute

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