


THE 2016 SERBIA REPORT: **NO SURPRISES?**

COUNTRY ANALYSIS | SERBIA

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THE 2016 SERBIA REPORT: NO SURPRISES?



Serbia received the European Commission's annual report as a country negotiating the EU accession (since 2014), with four chapters of the *acquis communautaire* already open,¹ and two more under preparation for opening at the time.² In general terms, the Commission's tone was "between positive and neutral,"³ and, despite the anticipation resulting from the changes in reporting methodology, it brought no major surprises.

The 2016 assessment brought very few new findings, given that an extensive part of the report is a reiteration of what has already been stressed in the previous years.

On the one hand, Serbia was commended for public administration reform efforts – one of the pillars of the EU enlargement, but also for progress within the more delicate political matters, such as regional cooperation and normalisation of relations with Kosovo. As a specificity of the reports on Serbia, in 2015, the Commission included a section dedicated to achievements regarding the EU-facilitated Belgrade-Pristina dialogue. In this section, which is independent of the political and economic criteria, the Commission assessed that Serbia had remained engaged, but that further efforts were needed. On the other hand, Commission's criticism remained sharp in terms of the rule of law area, and particularly within the fight against corruption, fight against organised crime, functioning of the judiciary and the fundamental rights sections. Serbia's failure to tackle these issues in a comprehensive manner is even more alarming, bearing in mind that these topics are scrutinised within Chapters 23 and 24. These chapters are crucial for the overall negotiation success, as talks in other chapters could be suspended in case of no progress in these two areas. Nevertheless, the 2016 assessment brought few new findings, and the report is largely a reiteration of what was already stressed in the previous years.⁴

Another specificity of the Serbia report (alongside the Macedonian one) is a stronger emphasis on the circumstances related to the refugee and migration crisis. The Commission thus recognised Serbia's efforts shown to date, and highlighted its "very constructive role in managing mixed migration flows", while at the same time calling for further engagement. However, although the Commission considers these issues as strategically relevant for the enlargement policy,⁵ it is not quite clear how to read the Commission's assessment on this matter. Namely, the report does not link this subject explicitly to any of the enlargement criteria nor does it provide any reference to the related chapters 24 (covering migration and asylum policies) and 30 (dealing with development policy and humanitarian aid). In other words, it remains questionable whether the assessments on this topic should be taken as part of accession conditionality at all.

A somewhat neutral tone to the numerous challenges in the EU accession process instigated reactions from the expert public, which has over the years been increasingly involved in providing inputs to the Commission during the drafting of the report.

1 23 - Judiciary and Fundamental Rights; 24 - Justice, Freedom and Security; 32 - Financial Control; and 35 - Other issues: Relations with Kosovo

2 5 - Public Procurement and 25 - Science and Research

3 Milena Lazarevic and Sena Maric, (Non)critical European Commission: Analysis of 2016 Findings and Reporting Effects, p.1 http://cep.org.rs/images/cep_insight/noncritical_eu_commission.pdf [23.3.2017]

4 See the analysis of the 2015 Serbia Report, produced by the European Policy Centre, available at: <http://cep.org.rs/images/regional%20analysis/serbia.pdf>

5 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, p. 4 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_strategy_paper_en.pdf [23.3.2017]

Parts of the public were shocked by the fact that the report failed to mention the recent “Savamala” controversy in the parts analysing the rule of law issues.⁶ As this case caused outrage among the citizens, some civil society representatives accused the Commission of reporting according to its political interests, rather than paying attention to the actual cases of human rights violations.⁷ In addition, while a part of the civil society provided a general overview of the report and its key points,⁸ others made a point that the 2015 and 2016 assessments do not differ much as the same areas lacked progress.⁹ Furthermore, in addition to emphasis on the poor results in political criteria, such as the fight against corruption and crime, media censorship and political pressure on judiciary,¹⁰ civil society representatives also commented on more technical matters, i.e. unresolved problems in the areas of agriculture and rural development, including food safety.¹¹

Despite a highly critical approach of the civil society, an opportunity for a meaningful discussion with the parliamentarians on the Commission’s findings was made impossible for the first time in over a decade, thus breaching a long-standing practice. Namely, the Delegation of the European Union to the Republic of Serbia was unable to present the report to the Members of the European Integration Committee of the National Assembly, after several political parties protested because the report was to be presented in English.¹² Simultaneously, reactions of the political elite to the Report have been predictably positive. The Prime Minister stated that Serbia showed progress “in almost all chapters”¹³ and that he did not have to agree with everything that had been written in the report,¹⁴ while the official government press release was optimistically titled “Serbia achieves significant progress in the European integration process”.¹⁵

Furthermore, although the achievements in the rule of law area had been unequivocally criticised, the Minister of Justice offered a view that “Serbia recorded progress in the judiciary”.¹⁶ Additionally, while the Minister of Foreign Affairs was “satisfied

6 Namely, there have been allegations of involvement of the top city authorities in the serious breach of human rights that happened at the Savamala district in Belgrade. For more information, see: Sasa Dragojlo, “Serbian Protesters Say Authorities Were Behind Demolitions”, *Balkaninsight*, 12 May 2016, <http://www.balkaninsight.com/en/article/thousands-serbians-protest-accusing-authorities-for-masked-demolition-05-12-2016> [23.3.2017].

7 J. Diković, “EU prećutala slučaj Savamala” [The EU silent over the Savamala case], *Danas Daily*, 11 November 2016, http://www.danas.rs/politika.56.html?news_id=332021&title=EU+pre%C4%87utala+slu%C4%8Daj+Savamala#st-hash.9q49Xrlm.dpuf [23.3.2017].

8 See, for example: Danijela Božović “Izveštaj Evropske komisije za 2016: Jaka dvojka za Srbiju” [European Commission 2016 Report: A Strong D for Serbia]” http://eupregovori.bos.rs/progovori-o-pregovorima/ahiva-vesti/291/2016/11/11/izvestaj-evropske-komisije-za-2016_-jaka-dvojka-za-srbiju.html [23.3.2017]

9 “Evropski pokret u Srbiji o izveštaju EU: Napretka nema u istim oblastima kao i 2015.” [European Movement in Serbia on the EU report: Same areas lacking progress as in 2015], *Blic daily*, 9 November 2016, <http://www.blic.rs/vesti/politika/evropski-pokret-u-srbiji-o-izvestaju-eu-napretka-nema-u-istim-oblastima-kao-i-2015/r0xydm6> [23.3.2017].

10 “Izveštaj EK: Nedovoljan napredak u borbi protiv kriminala i korupcije” [EC report: insufficient progress in the fight against crime and corruption], *KRIK*, 11 November 2016, <https://www.krik.rs/izvestaj-ek-bez-napretka-u-borbi-protiv-kriminala-i-korupcije/> [23.3.2017].

11 S. Gluščević, “Izveštaj Evropske komisije o napretku: Nismo rešili IPARD, GMO...” [Progress report of the European Commission: IPARD, GMO... still unresolved], *Agrosmart*, 12 November 2016, <http://www.agrosmart.net/vesti/izvestaj-evropske-komisije-napretku.html> [23.3.2017].

12 The Delegation of the European Union to the Republic of Serbia “First time annual Report not presented in the Parliament”, 10 November 2016, <http://europa.rs/first-time-annual-report-not-presented-in-the-parliament/?lang=en> [23.3.2017].

13 “European Commission publishes Serbia progress report”, *B92*, 9 November 2016, http://www.b92.net/eng/news/politics.php?yyyy=2016&mm=11&dd=09&nav_id=99644 [23.3.2017].

14 Ibid.

15 Government of the Republic of Serbia, “Serbia achieves significant progress in European integration process”, 9 November 2016, http://www.srbija.gov.rs/vesti/vest.php?id=119369&change_lang=en [23.3.2017].

16 Srbija danas, “Kuburović: U izveštaju Evropske komisije zabeležen napredak u pravosuđu” [Kuburović: The European Commission’s report recognises progress in the judiciary], 10 November 2016, <https://www.srbijadanas.com/vesti/srbija/kuburovic-u-izvestaju-evropske-komisije-zabelezen-napredak-u-pravosuđu-2016-11-10> [23.3.2017].

with the Commission's report,¹⁷ the Minister in charge of EU integration considered the report as a positive signal for opening additional chapters.¹⁸ These affirmative proclamations could be added to the correspondingly encouraging words by the diplomatic community: the Austrian Minister of Foreign Affairs stated that he was "satisfied with the positive report on Serbia", while the European Parliament's Special Rapporteur on Serbia expressed strong support and trust in the current government.¹⁹ Lastly, the official address of the head of the EU Delegation to Serbia during the presentation of the report was generally supportive,²⁰ so the public was left with an image of Serbia as an exemplary candidate country that provides good results based on the Commission's recommendations and committedly approaches its EU membership bid.

All things considered, it is comprehensible why the European and the local officials put emphasis on the parts of the report which praise Serbia's performance: the European Commission, on the one side, wishes to keep this policy alive and attractive both in Serbia and "at home", whereas the Serbian officials consider the positive findings as an opportunity to gain additional political points. However, when one reads the report thoroughly, it becomes more obvious that Serbia's progress is much less obvious, bearing in mind that a number of issues and recommendations keep reappearing, year in, year out.

17 "Dačić: Zadovoljan sam izveštajem Evropske komisije" [Dačić: I am satisfied with the European Commission's report], Radio Television of Serbia, 9 November 2016, <http://www.rts.rs/page/stories/sr/story/9/politika/2520727/-dacic-zadovoljan-sam-izvestajem-evropske-komisije.html> [23.3.2017].

18 "Izveštaj Evropske komisije o Srbiji: Pohvale za ekonomiju, sporan Hag" [European Commission's Report on Serbia: Commemations for Economy, the Hague disputable], Večernje novosti, 9 November 2016, <http://www.novosti.rs/vesti/naslovna/politika/aktuelno.289.html:634185-Vucic-Izvestaj-Evropske-komisije-realistican-i-dobar-EK-Srbija-ekonomski-napredovala-korupcija-i-dalje-problem> [23.3.2017].

19 Ibid.

20 "European Commission publishes Serbia progress report", B92, 9 November 2016, http://www.b92.net/eng/news/politics.php?yyyy=2016&mm=11&dd=09&nav_id=99644 [23.3.2017].

THE COMMISSION'S FINDINGS

POLITICAL CRITERIA

The assessment of Serbia's progress against the political criteria for accession to the EU deserves high attention not only by the public and specifically by the civil society organisations, but also by the government, since these criteria include rather horizontal elements that are of crucial importance for the overall success in the negotiation process. Moreover, these issues are closely linked to chapters 23 and 24 of accession negotiations, which are already pointed out as instrumental for the general dynamics of the negotiations. However, seeing a large number of repetitions over the years of the Commission's reporting on the political criteria, it is clear that the assessment has not yet received the adequate attention by those in charge.

The assessment of political criteria is not as harmonised, as the Commission proclaimed it would be. This raises a question of consistency of the report and hinders the desired comparability between the countries.

The improved assessment and reporting methodology of the Commission is yet to be fully implemented. Namely, the upgraded methodology from 2015 envisaged, among other things, "more harmonised assessment scales" to achieve greater comparability between the enlargement countries and provide "an incentive to intensify reforms."²¹ However, a general observation and a concern is the fact that not all areas covered by the political criteria are assessed using clear descriptive grades (such as "some progress", "good progress", "moderately prepared"), as is the case with the economic criteria or with the negotiating chapters. In other words, the assessment of political criteria has not been entirely harmonised, although it was intended to be. This raises a question of consistency of the report and hinders the desired comparability between the countries.

An illustrative element of the Serbia report is the complete section on democracy, together with the sections on fight against terrorism, human rights and the protection of minorities, and regional issues and international obligations, all of which give an overview of the current situation and fail to mention the exact level of progress of the country in meeting the given recommendations. In other words, out of the 13 sections within the chapter on political criteria, only five feature unambiguous grades.²² This has been the case in both the 2015 and 2016 reports. The reasons for making this exception in the political chapter remain unclear and the Commission has never commented on the issue. Could it be assumed that results in these particular areas are more difficult to measure, given that they cover rather delicate topics concerning the functioning of the state? On the other hand, could it be inferred that the Commission is simply not interested in comparing countries within these areas? Ultimately, the fact is that the Commission has only piloted this approach in 2015 and that further adjustments are likely, and one can hope that they will be based on the lessons learned from the last two reports.²³

21 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Enlargement Strategy, November 2015, p. 31 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf [23.03.2017]

22 These five are public administration reform, functioning of the judiciary, fight against corruption, fight against organised crime and freedom of expression.

23 Milena Lazarević, Sena Marić, Dragana Bajić, The 2015 Enlargement Package: What is New and How it Helps the Enlargement Countries, Cep Insight, European Policy Centre, November 2015, p. 4 http://cep.org.rs/images/cep_insight/enlargement_package_eng.pdf [23.3.2017].

Within those chapters that are clearly assessed, **the grades remain identical to those from 2015**, with the exception of the area of fight against corruption, where absolutely **no progress** in implementing the previous recommendations has been made, which effectively represents backsliding compared to 2015. In fact, this is the only part of the report where the Commission's tone was principally reproachful, characterising corruption in Serbia as "prevalent in many areas" and "a serious problem", after which the report goes on to list shortcomings and unfulfilled recommendations from the previous reports. In addition, as already mentioned, the Commission is especially strict in the rule of law section, where no significant progress has been made either, particularly in the areas of the functioning of the judiciary, organised crime and fundamental rights. The freedom of expression remains particularly concerning, since there have been no positive developments in years, resulting in the Commission's disapproving reiterations.

Public administration reform scores the highest grades within the political criteria. Although Serbia has been commended for the efforts made in modernising public administration, a recent independent analysis has questioned the Commission's objectivity and sharpness and has outlined a series of deficiencies in the area, which, the authors argue, have been overshadowed by the more positive overall tone.²⁴ Some of those issues include the underdeveloped human resources management in the public administration, high politicisation of the civil service and deficiencies regarding evidence-based policy development.

ECONOMIC CRITERIA

Unlike the 2015 report when the Commission noticed improvements in the economic sphere compared to 2014, the 2016 report did not take note of any significant economic developments that could surpass those from 2015. The Commission remains confident in the Government's economic reforms despite the fact that Serbia has remained at the **same stage of progress and preparedness** as in 2015. However, the Report does not state this stagnation explicitly, even though economic governance is one of the fundamentals for fulfilling the Copenhagen and Madrid criteria.

The Commission remains confident in the economic reforms although Serbia remains at the same stage of progress and preparedness as in 2015.

According to the Commission, Serbia is **moderately prepared** in both the existence of a functioning market economy, and the capacity to cope with competitive pressure and market forces. Within the former area, the country shows **good progress**, especially in regard to the budget deficit, while the latter area has seen only **some progress**. This particularly applies to the support to SMEs and entrepreneurship.

24 See Vladimir Mihajlović and Milena Lazarević, (Un)success of Public Administration Reform in Serbia, CEP Insight, European Policy Centre, http://cep.org.rs/images/cep_insight/unsucess_of_par_in_serbia.pdf [23.3.2017].

In general, it can be noticed that the Commission's tone varies from commending the efforts to highlighting some negative aspects of Serbia's economic performance. While some statements stress the fact that the country "remained committed", "reduced imbalances", "improved", "advanced", etc., a roughly equal number of concerns have been raised, too, focusing, for example, on the high government debt, youth unemployment, underdeveloped private sector, education system that does not match societal needs, and an unfavourable environment for SMEs. Several remarks have been repeated compared to the previous year (e.g. the need to sustain fiscal consolidation or the demand for increased focus on human capital policies). In addition, there is a number of predominantly neutral statements, only expressing the facts or emphasising the country's potential for further advancement. Nevertheless, a general impression is that the Commission continues to be predominantly encouraging, despite the concerns mentioned above and without looking back to the previous years' results.

Graph 1. Comparative overviews of the levels of progress and preparedness in 2015 and 2016, for the economic criteria.



ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP

Serbia records an overall lower score in terms of progress, but is more prepared for membership than in the previous assessment year.

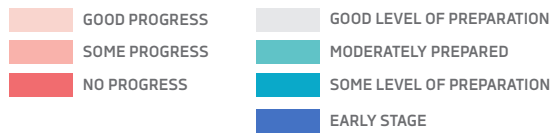
Starting from the 2015 assessment, the European Commission uses uniform 5-point scales to assess the level of progress of the enlargement countries towards the EU, as well as their preparedness for taking on the membership obligations, within 33 negotiating chapters. When comparing 2015 and 2016 reports, Serbia records an overall lower score in terms of progress, but is slightly more prepared for membership than in the previous assessment year.

Table 1. Overview of the progress and preparedness levels according to the Commission's 2015 and 2016 reports



Chapter	Progress		Preparedness	
	2015	2016	2015	2016
1. Free movement of goods	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
2. Freedom of movement for workers	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
3. Right of establishment and freedom to provide services	SOME PROGRESS	NO PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
4. Free movement of capital	SOME PROGRESS	NO PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
5. Public procurement	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
6. Company law	SOME PROGRESS	SOME PROGRESS	GOOD LEVEL OF PREPARATION	GOOD LEVEL OF PREPARATION
7. Intellectual property law	SOME PROGRESS	NO PROGRESS	GOOD LEVEL OF PREPARATION	GOOD LEVEL OF PREPARATION
8. Competition policy	SOME PROGRESS	NO PROGRESS	MODERATELY PREPARED	SOME LEVEL OF PREPARATION
9. Financial services	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
10. Information society and media	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
11. Agriculture and rural development	SOME PROGRESS	SOME PROGRESS	EARLY STAGE	SOME LEVEL OF PREPARATION
12. Food safety, veterinary and phytosanitary policy	SOME PROGRESS	NO PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
13. Fisheries	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
14. Transport policy	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	GOOD LEVEL OF PREPARATION
15. Energy	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
16. Taxation	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
17. Economic and monetary policy	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
18. Statistics	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
19. Social policy and employment	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
20. Enterprise and industrial policy	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
21. Trans-European networks	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
22. Regional policy and coordination of structural instruments	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED

Table 1. Overview of the progress and preparedness levels according to the Commission's 2015 and 2016 reports



Chapter	Progress		Preparedness	
	2015	2016	2015	2016
23. Judiciary and fundamental rights	SOME PROGRESS	SOME PROGRESS	SOME LEVEL OF PREPARATION	SOME LEVEL OF PREPARATION
24. Justice, freedom and security	SOME PROGRESS	SOME PROGRESS	SOME LEVEL OF PREPARATION	SOME LEVEL OF PREPARATION
25. Science and research	SOME PROGRESS	SOME PROGRESS	GOOD LEVEL OF PREPARATION	GOOD LEVEL OF PREPARATION
26. Education and culture	SOME PROGRESS	SOME PROGRESS	GOOD LEVEL OF PREPARATION	GOOD LEVEL OF PREPARATION
27. Environment and climate change	SOME PROGRESS	SOME PROGRESS	EARLY STAGE	SOME LEVEL OF PREPARATION
28. Consumer and health protection	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
29. Customs union	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	GOOD LEVEL OF PREPARATION
30. External relations	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
31. Foreign, security and defence policy	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
32. Financial control	SOME PROGRESS	SOME PROGRESS	MODERATELY PREPARED	MODERATELY PREPARED
33. Financial and budgetary provisions	NO PROGRESS	SOME PROGRESS	EARLY STAGE	EARLY STAGE

A general comparison between 2015 and 2016 shows a total of **19 chapters** that have preserved the exact same scores, whereas **only 6 chapters²⁵ made a step forward** (meaning that there has been a positive change in terms of either progress or preparedness). This is particularly significant for agriculture and rural development and environment and climate change, since these areas have for a long time been at an early stage of preparedness. Moreover, the field of environment and climate change has achieved a particular success with this assessment, given that, at the beginning of the negotiation process, this chapter was identified as fully incompatible with the acquis. Despite the introduction of the clear grading system, two chapters (Competition policy and Transport policy) gained an intermediate score for preparedness, which means they are somewhere in between the defined marks. However, the absolute stars of the 2016 assessment are chapters 14 and 29 (pertaining to transport policy and customs union respectively), as these two chapters report the highest progress and preparedness grades two years in a row, compared to all other chapters.

PROGRESS

Although there is **no backsliding** within any chapter, the top grade – **very good progress** – remains unreachable in 2016. Unlike the previous assessment year, when Financial and Budgetary Provisions was the only area identified as not progressing

²⁵ Economic and monetary policy, Agriculture and rural development, Environment and climate change, Transport Policy, Customs union and Financial and budgetary provisions.

according to the Commission's recommendations, **five chapters show no progress** in 2016. At the same time, **good progress** is made in only four chapters, which is another decrease compared to 2015.

The tendency of the responsible institutions to cease the hard work once they have been commended is a warning sign and a potentially dangerous practice that could have a spill-over effect in other policy areas.

Worse results compared to the previous year are identified within eight chapters: a backslide from “some progress” to “no progress” was made in five of them,²⁶ while three areas (public procurement, financial services and financial control) shifted from “good progress” to “some progress”. The case of financial control (no. 32) is particularly interesting, considering that this chapter was opened in December 2015, as a result of which a sustained reform momentum was expected. The tendency of the responsible institutions to cease the hard work once they have been commended is a warning sign and a potentially dangerous practice that could have a spill-over effect in other policy areas.

On the other hand, the chapters that have made good progress two years in a row are those that address transport policy, statistics and customs union. In addition, economic and monetary policy and financial and budgetary provisions showed improvement compared to 2015.

If all these descriptive grades were transformed into numerical values, the average score for Serbia would be 0.87 out of maximum 3,²⁷ which indicates that Serbia has not achieved even one third on the progress bar in 2016. In addition, it indicates backsliding compared to the previous year, when this average grade was 1.1.

PREPAREDNESS

In terms of the level of preparedness for EU membership, the 2016 report makes a positive assessment compared to 2015. Serbia is very close to being overall **moderately prepared** to take on the obligations of membership. And while the **well-advanced** level of preparedness continues to be unattainable, only one chapter has remained in the **early stage** (33 – Financial and Budgetary Provisions). This is a positive outcome compared to 2015, when three chapters showed the lowest score. Moreover, comparing all chapters, Serbia is most prepared within the following fields in 2016: company law, international property law, science and research, education and culture, transport policy, customs union. It is also worth mentioning that unlike the progress assessment, no chapters have a decreased level of preparedness compared to the previous year.

All things considered, if we transform the descriptive grades into numerical values,²⁸ the average score for Serbia's preparation for EU membership would be 2.76 out of maximum 5, which is a slightly better result compared to the 2.5 calculated for 2015.

26 Right of establishment and freedom to provide services, Free movement of capital, Intellectual property law, Competition policy, Food safety, veterinary and phytosanitary policy.

27 The method of conversion of descriptive grades into numerical values is given in the BENCHER comparative regional analysis “Western Balkans’ bumpy quest for EU integration” page 38.

28 Ibid.



**WHAT REMAINS TO BE DONE:
A FOCUS ON COMMISSION'S
RECOMMENDATIONS**



One of the novelties introduced in 2015 in the Commission's reporting methodology refers to the provision of "more guidance on what the countries should focus on".²⁹ In other words, the intention was to target the specific issues and outline clear expectations from the enlargement countries, so that the candidates and potential candidates have clear recommendations of what needs to be done to move further on the progress and preparedness scales. Accordingly, monitoring the fulfilment of these straightforward recommendations and assessing whether the institutions have properly addressed them was expected to demand employment of less efforts.

However, a number of questions has been raised in this regard. First, although this brings greater clarity, it remains open how the recommendations provided in the annual country reports link to the concrete benchmarks provided in the screening reports for countries already negotiating membership.³⁰ In addition, recommendations seem to be differently valued,³¹ since some of them have been specifically selected and highlighted in a textbox, whilst others could be found within the analytical part. Furthermore, the Commission's recommendations differ in the clarity and some of the recommendations are somewhat vague or have low specificity.³² As can be seen, it is not clear who they are addressed to or against which tangible indicators their implementation should be measured. This creates unnecessary ambiguity and a further risk that some less emphasised issues would remain overseen. While these concerns persist, the following lines refer to the general observations regarding the Commission's recommendations for Serbia.

Commission's recommendations differ in the clarity and some of the recommendations are somewhat vague or have low specificity. This creates unnecessary ambiguity and a further risk that some less emphasised issues will be overseen.

Overall, the Commission seems to have increased the number of recommendations in 2016 compared to the previous assessment year. Unsurprisingly, the largest number of recommendations is provided within the chapters 23 and 24, and this relates to both 2015 and 2016 reports.

A large number of recommendations – more than a third – have been repeated almost word-for-word, addressing the same unresolved questions and indicating the government's continuous failure to tackle these issues in a proper manner. A significant part of the 2016 report is consisted of new recommendations (some of which are products of emerging circumstances on the national, regional and European level).

29 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Enlargement Strategy, November 2015, p. 31 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_strategy_paper_en.pdf [23.03.2017]

30 Milena Lazarević, Sena Marić, Dragana Bajić, "The 2015 Enlargement Package: What is New and How it Helps the Enlargement Countries, Cep Insight", European Policy Centre, November 2015, p. 1 http://cep.org.rs/images/cep_insight/enlargement_package_eng.pdf

31 Milena Lazarevic and Sena Maric, (Non)critical European Commission: Analysis of 2016 Findings and Reporting Effects, p.1 http://cep.org.rs/images/cep_insight/noncritical_eu_commission.pdf [23.3.2017]

32 For example: "Overall institutional structures and infrastructure require substantial strengthening" or "Ensure conditions for the full exercise of freedom of expression".

The report also mentions previous recommendations that have not been implemented, without a further reference to them as repeated recommendations. This creates a possibility for misinterpretation, since it cannot be concluded whether these recommendations are still valid in 2016.

It should be noted that some previously recommended actions have been completely omitted in the 2016 report, which does not tell much about Serbia's progress nor does it help in pointing out the shortcomings. In other words, the government might have implemented more recommendations than the report is showing. Alternatively, it could mean that the Commission does not consider these recommendations as relevant as they used to be.

On the other hand, the EU pointed out those 2015 recommendations that have in fact been implemented – some 10% of total number of recommendations, although some of them require further work.



CONCLUSION AND RECOMMENDATIONS



The European Commission's 2016 Report on Serbia brought no surprises in terms of the assessment of Serbia's progress and preparedness for the EU membership. In fact, an extensive part of the report refers to the issues that have already been stressed during the previous years and most of the received grades match those from the 2015 assessment. Although the report outlines the biggest challenges concerning the political criteria, economic criteria and the ability to assume membership obligations, it can be argued that Commission's criticism remains on the margins of the report³³ while positive assessment (especially in terms of political criteria) stays under the spotlight.

Comparing 2015 and 2016, the number of Commission's recommendations keeps rising. On the one hand, this may imply that the number of problems Serbia is facing is increasing, and on the other hand, it can be a signal of the Commission's more demanding evaluation and grading.

A large number of issues continue to be unaddressed by the government and there is no explanation by those in charge as to why Serbia showed no commitment to solving problems that have been pending for years. Clarifications would particularly be helpful bearing in mind the recently spotted tendency of stagnating in those areas that were initially very positively assessed. On the contrary, the public has not seen any kind of official commentary or a thorough analysis of the Commission's findings that would provide justification for the current results or at least give a clue of the challenges that the government faces in implementing the Commission's recommendations. On top of that, the failed attempt to present the Report to the members of the Parliament and a consequent lack of parliamentary debate further hamper the potentials for a meaningful discussion on Serbia's achievements or a lack thereof in the EU accession process. Simultaneously, superficial interpretation of the report has been dominating the public sphere, where positive assessment has been highly emphasised across the media, both by the national politicians (attempting to raise the public support) and EU officials (trying to keep the enlargement policy alive). The only effort towards analysing Serbia's performance in the accession negotiation process has so far been demonstrated by the civil society and the professional public, who not only produce analysis and shadow reports, but also regularly send their contributions to drafting of the Commission's annual country report.

Comparing 2015 and 2016, the number of Commission's recommendations keeps rising. On the one hand, this may imply that the number of problems Serbia is facing is increasing, and on the other hand, it can be a signal of the Commission's more demanding evaluation and grading. At the same time, careful examination of the 2016 report opens several questions regarding the Commission's reporting methodology. Namely, the assessment of the political criteria is not entirely harmonised as it is supposed to be, which questions the consistency of the report and hinders the desired comparability between the countries. In addition, the link between the Commission's recommendations and the benchmarks for candidate countries given in the screening reports is not yet clear, while recommendations themselves cause a number of concerns and create difficulties in interpretation. Finally, while the increased number of recommendations demonstrate the Commission's detail-orientation, it is hard to avoid the impression that annual country reports, despite an increased focus on the state of play, are not sufficient for analysing all the accomplishments of the Serbian government, since the focus of the report is on what has yet to be achieved, rather than on what has already been done.

³³ Milena Lazarevic and Sena Maric, (Non)critical European Commission: Analysis of 2016 Findings and Reporting Effects p.1 http://cep.org.rs/images/cep_insight/noncritical_eu_commission.pdf [23.03.2017]

For national authorities

The Government should take the findings of the civil society organisations as a well-intentioned critique, instead of tending to observe them negatively. Open and constructive dialogue between the government and the public is one of the key principles in the accession process which indirectly obliges the government to take the CSOs inputs into consideration.

The Government should stand behind its actions and provide the public with more substantiated information on the state of play and progress achieved in the EU accession process, as well as justification for and explanation of the lack thereof. Transparency of the accession process requires responsibility of the executive to respond to public demands for more robust data.

EC's positive assessment in certain areas should not be interpreted as a call for relaxation. Dedicated efforts need to be demonstrated both in the areas which are negatively assessed, as well as in those where progress has been achieved.

The National Assembly should play a greater role in the EU accession process through its EU Integration Committee. In the future, it should take measures to ensure that the parliamentary session reserved for presenting the report and discussing the Commission's findings proceeds without hindrance or obstruction. In addition, it should dedicate more time and resources for consideration of inputs provided by the National Convention on the European Union, the only institutionalised mechanism for CSO involvement in the accession process.

To the EU

Assessment of the political criteria should be further harmonised so that clear descriptive grades are given to all subareas, which would in turn ensure the desired comparability between the enlargement countries, and consequently achieve a positive peer pressure among them.

Since the reports are not entirely consistent and as such put the CSOs at risk of wrongly understanding its messages, the Commission should open up its peer review/expert reports to the public. These reports would help CSOs hold the governments more accountable by creating positive pressure to deliver results. Moreover, it would represent a useful tool for informing the wider public, in the absence of government's willingness to share and discuss its achievements more openly.