

Evolution of the Relations between Serbia and the European Union

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The relations between Serbia and the European Union (EU) have passed through turbulent periods. The article follows the main stages of that evolution. Since 2008, when the two sides concluded the Stabilisation and Association Agreement, the general enlargement policy of the EU has been changing to the detriment of realistic prospects of membership. Since the emergence of the latest crisis, the EU has lost its enlargement capacity, while leaving its previous enlargement policy formally intact. The explanation for this obvious inconsistency between the declared and the actual aim of the enlargement policy is to be found in the sphere of the EU security policy. In accordance with this inclination, the EU has systematically strengthened its conditionality policy, making it quite unpredictable for Serbia. Since the present relations do not have a productive outcome for Serbia, the article recommends reconsideration of the association framework. It provides some arguments in favour of new partnership relations.

Keywords: association, accession, conditionality, crisis, enlargement, integration, membership

1. Introduction

By the end of January 2014, the European Union (EU) officially started the accession negotiations with Serbia. It was the 13th anniversary of the EU and Serbia (as a part of the former Federal Republic of Yugoslavia, FRY) establishing the first common body (Consultative Task Force) to deal with the preparations for European integration of Serbia. At the moment of opening of the accession negotiations, it might have looked like Serbia had already passed the biggest and most difficult part of its integration path. It is, however, far away from that. In the thirteen years that have passed, the process itself has become so complex and uncertain that nobody could predict its flow or its outcome. After all, in the framework document for accession, it is specifically stated that opening the talks does not guarantee either the achievement of the final goal or durability of the process. Meanwhile, both players – the EU and Serbia, but also their mutual relations – have become substantially different in comparison to the beginning of the century.

Given the huge changes that have marked the last thirteen years of the Serbia–EU relations, it is necessary to pose two questions: 1) is the EU ready to enlarge and capable of doing it in some foreseeable time, let us say in ten years, taking into account the general crisis of the Union; 2) can Serbia allow itself to take the risk of moving toward an uncertain goal – membership in the EU, subordinating its entire development to strict conditions imposed by the EU? Finally, are we today witnesses to a newly emerging process which could be named ‘accession without a membership’?

2. A short development survey

Serbia and the EU normalised their relations after the big political change in the former Federal Republic of Yugoslavia of October 2000. The newly established government considered the starting of the EU integration process a precondition for the general stabilisation and consolidation of the country. At that time, the EU was willing to assist vastly with furthering the European aspirations of Serbia (and Montenegro as the second federal unit of the FRY). From the very beginning of the process, the EU has included the FRY in the previously (1999) launched stabilisation and association process for the countries of the so called Western Balkans.

For all these countries, including the former FRY, the Thessaloniki summit of the EU (June 2003) was of utmost importance. The summit adopted a declaration which clearly opened a membership perspective for all Balkan countries capable of fulfilling the conditions of association.¹

After accepting the so called ‘double track mechanism’ (separate talks between the EU and the two constituents of the federation, Serbia and Montenegro), Serbia was preparing its own integration agenda. After obtaining the feasibility study in April 2005, Serbia was provided for and started the negotiation preparations. Negotiations on the Stabilisation and Association Agreement (SAA) were opened in the format of the double track mechanism and very soon, after Montenegro declared independence (2006), continued fully separately with two sovereign countries.

In the continuation of the negotiation process, Serbia was faced with an unexpected obstacle. It was the readiness of the Western members of the Contact Group² to recognise the Serbian Autonomous Province of Kosovo and Metohija as an independent state (as the Republic of Kosovo), violating the UN Security Council Resolution No. 1244. The association negotiations were taking place simultaneously with the negotiations of Kosovo’s status. The latter were broken without outcome (in March 2007) and the unilateral proclamation of Kosovo’s independence was accepted by most EU Member States. Since then, the association talks were steadily taking

¹ The Declaration is available at: http://europa.eu/rapid/press-release_PRES-03-163_en.htm (accessed on 1 December 2014).

² The Contact Group is an informal grouping of countries highly interested in conflict resolution policy in the Balkans, that is France, Germany, Italy, Russia, the United Kingdom, and the United States.

place under the umbrella of the newly emerged condition for Serbia – to recognise, at the beginning factually and afterwards legally, the independence of Kosovo. All crucial steps taken by Serbia since spring 2008 – signing the SAA (April 2008), implementing an interim trade agreement as a part of SAA, achieving candidate status (March 2012), and opening accession talks (January 2014) have had one ‘key priority’ (read: ultimate condition): a gradual renunciation of Kosovo and Metohija as a part of the country. All the above mentioned milestones on the road to accession talks (2008–2014), and many others on the same path, have actually been achieved first and foremost thanks to the readiness of different Serbian governments to fulfil this ultimate condition imposed by the EU.

3. Re. question 1: Is the EU ready and does it have the capability to enlarge

The period we are talking about (2008–2014) is characterised by a deep and long-lasting crisis of the EU. Although the current crisis has its origins in the Economic and Monetary Union, it strongly affects the enlargement policy of the EU as well. This problem seems to be a typical systemic one, not directly dependent of any concrete policy or personal side of the governing process. The EU of today stands before a crucial choice regarding the future model of integration. In contrast to the previous periods of its progressive economic and political development, today the long-established Monnet method of integration proves no longer capable of producing satisfactory results.³

Engaged in an intensive search for a way out of the crisis and, at the same time, fighting the consequences of the crisis, the main actors in the EU do not keep the enlargement policy as high on the agenda as they used to. As a matter of fact, the enlargement policy has been deprived of its inherent value as a single policy and instead has been included in the framework of the Common Foreign and Security Policy and the Common Security and Defence Policy. This changing mode of enlargement has produced the following systemic consequence: the enlargement process is not, as it used to be, basically the logical extension of the internal integration process (and politics) but rather a function of the EU’s security and defence policy. This means that the European perspective of the candidate countries is not being changed in terms of the formal accession process itself but in terms of membership that was once the very goal of the process. The real goal of the emerging accession process is not the membership but keeping an eye on these countries as regards the EU’s strategic

³ Similar diagnoses appeared already in the early analyses of the crisis: P. Taylor, *The End of European Integration*, London: Routledge, 2009; G. Majone, *Europe as the Would-be World Power*, Cambridge: Cambridge University Press, 2009. For more recent analyses see: J.E. Fossum, A.J. Menéndez (eds), *The European Union in Crisis or the European Union as Crisis?*, Oslo: Arena, 2014.

interests and exercising political control over them. The accession process is turning into accession without a membership.⁴

The candidate countries perceive these changes as proof of a highly unforeseeable and non-transparent conditionality policy of the EU. First of all, the gradual division between clear written conditions and grey unwritten conditions has become more apparent than ever before.

The first group of conditions consists of the well-known Copenhagen (1993) and Madrid (1995) criteria. Although very strict and demanding, these criteria could be objectively measured in terms of their implementation. Political stability can be measured through the criteria of free election, sequences of full government terms of office, the lack of political turbulences, the growing functionality of political institutions, etc. Economic stability can also be measured through the indexes of economic growth, the stability of public finances and public debt, the employment rate and the level of investments. The fulfilment of the *acquis communautaire* is also visible through the quality of legislation and its effectiveness in terms of administrative and judicial efficiency. All in all, the Commission has never had any big problems with presenting in its annual report the facts regarding development of a country in terms of these well-defined criteria. Consequently, the country in question rarely had objections regarding the fairness of this kind of evidence.

The second group of conditions has established the commanding *vis maior* in the mutual relations between the EU and candidate countries. It deals with issues and ad hoc decisions of high political profile, which reflect some geostrategic priorities of the EU. For example, the EU's insistence on the systemic centralisation of Bosnia and Herzegovina has nothing to do with the apparent functional reason. In the systemically similar case of the former Federal Republic of Yugoslavia (a highly decentralised union of two member states, as it is the case with Bosnia and Herzegovina), the EU insisted on the 'double track mechanism' as the framework of association talks. But in the case of Bosnia and Herzegovina, the EU is pressing one of the units (entities) to accept the centralisation direction of the state reform.⁵ Bearing in mind that in such highly sensitive political activities the large and powerful EU Member States set the foreign and security agenda, it is never clear where exactly the real decision-making is actually taking place.⁶

⁴ The statement of the new President of the European Commission, Jean-Claude Juncker, that within his mandate (five years) none of the candidate countries shall become Member States of the EU should be read in terms of a change in both the internal and external strategy of the EU. The change of the name of the office of European Commissioner for enlargement to the office of European Commissioner for Enlargement and Neighbourhood Policy has a deeper meaning as well. It means that previously divided enlargement and neighbourhood policy has become the merged one.

⁵ Obviously, in the case of the former FRY, the EU was in favour of dissolution, but in the case of Bosnia and Herzegovina, it is in favour of maintaining the state through its centralisation.

⁶ A good example of this is the EU Member States' policies regarding the recognition of Kosovo's declaration of independence. The tone was set by the big Member States that are members of the Contact Group. Many others just followed their example, but some of them (five) still do not recognise Kosovo.

In order to continue their association and accession policies, the candidate countries should accommodate to the foreign, security and defence policy of the EU. This requirement follows from the Title II of the Stabilisation and Association Agreements (Political Dialogue). Formally, the chapter deals with some basic principles of the cooperation between the EU and the candidate country in matter of foreign and security policy. But in political reality, the EU actors demand strict adherence of the candidate countries to rules which very often go beyond the Treaty obligations of the Member States. In accordance with the fundamental Treaty, since the Treaty of Maastricht, decisions in foreign, security and defence policy are made consensually, albeit with some exceptions. This hard procedure has been somehow relaxed by the Treaty of Lisbon, allowing for the possibility of enhanced cooperation between the Member States 'within the framework of the Union's non-exclusive competences'.⁷ Since the foreign, security and defence policy belongs to non-exclusive competences of the EU, it is possible for at least nine Member States to start some cooperation in that area. The main point in this respect is that some EU Member States could have fewer obligations vis-à-vis a specific action of the EU than some candidate countries. The latter, however, do not have any impact on the decision-making process.

This point is of the biggest relevance since the adaptation of the candidate countries to the foreign and security policy framework of the EU is becoming the crucial condition in the association/accession process. However, for candidate countries, that kind of condition is totally unknown in terms of agenda setting, decision-making and decision-executing. This means that they are invited to enter into a security community without being given a chance to ask for reasons and means. The most delicate fact could be that the EU is not autonomous in creating and pursuing its foreign policy and security activities. On the contrary, it is getting more and more dependent on the older players among the North-Atlantic allies – the US and NATO.

In such circumstances, the EU is neither prepared for nor capable of actual further enlargement. An increased number of Member States would additionally increase the complexity of the already hard decision-making procedure.⁸ It would also make the economic and social composition of the EU even more heterogeneous, which could not be allowed by the governments and citizens of the Member States. Finally, another enlargement would overburden the EU budget capacity at least until 2020, which would endanger the already insufficient stabilisation mechanisms for internal aid.

⁷ See the Treaty on European Union, Article 20(1), http://europa.eu/eu-law/decision-making/treaties/pdf/consolidated_versions_of_the_treaty_on_european_union_2012/consolidated_versions_of_the_treaty_on_european_union_2012_en.pdf (accessed on 1 December 2014).

⁸ Today there are 29 players on the side of the EU vis-à-vis a candidate country. All of them (28 Member States plus the EU institutions) may veto the enlargement. Each of them can constrain the negotiation process by making some amendments. Arithmetically, this means that if each of them uses the possibility to object only once in the 35 negotiating chapters, the candidate country would be faced with 1015 conditions.

In spite of this evidence, the EU does not give up its enlargement policy in form of long-lasting, goal-escaping negotiations strategy. With its heavy internal crisis, not ready for the enlargement, it desperately tries to preserve its golden age of pan-European attractiveness. As a result, the EU's internal and external contradictions grow deeper. Pan-Europeanism presupposes primarily cultural and economic influence, which could progress, but not necessarily, towards geopolitical and security influence. However, the priorities of geopolitics and security have prevailed to the detriment of economic and cultural incentives for integration. It is precisely because of this fundamental reversal of priorities that EU enlargement has been postponed indefinitely.

4. The case of Serbia

By analysing the case of Serbia in the association process, one can clearly understand the shifting of the EU's priorities from economic, legal and institutional conditions to (high) political ones. Since mid-2008, when the two parties signed the SAA, Serbia's steps towards 'normalisation of its relations with Kosovo' have become a crucial condition (a 'key priority' after the wording used in all later annual reports of the Commission). Actually, a realistic policy of recognition has been hidden behind the euphemistic word 'normalisation'. Each further step on Serbia's path to integration has been conditioned by some concrete step of the recognition of Kosovo as a new state. This means that instead of setting the goal of full membership *ex ante*, the process has been transformed into setting the key *ex post* condition of full recognition of Kosovo's independence.

Observing that mutation, one can easily extract the stations on Serbia's counter-development path to the EU.

The first station: Immediately after signing the SAA, the Council of the EU suspended its ratification process on the EU's/Member States' side, demanding two things from Serbia: full cooperation with the Hague Tribunal and starting good neighbourly relations with Kosovo.⁹ What is more, the Council suspended the part of the Agreement that concerns trade (the biggest one), which could be implemented directly since it does not need the Member States' ratification.

In order to be rewarded by the EU, Serbia agreed to the EU initiative delivered to the UN Security Council to replace, although gradually, the UN mission in Kosovo (UNMIK) through the EULEX mission of the EU (November 2008). The essence of this change lies in the fact that not only the holder but also the mandate of the foreign presence in Kosovo and Metohija was changed. Namely, the mandate of the UNMIK

⁹ Actually, the second requirement is set in the second chapter of the SAA (Regional Cooperation), Articles 15, 16, 17, but it concerns strictly the 'neighbouring countries'. The Councils' demand for Serbia to include Kosovo in the implementation process in accordance with this chapter clearly presented a new ad hoc condition in the association process.

mission, strictly set in the UN SC Resolution No. 1244, was to preserve (keep) the peace through guarantying the territorial integrity of Serbia, establishment of an interim self-government of Kosovo and organising the talks on the political status of Kosovo. The mandate of EULEX was quite different – to ensure the carrying out of the so called Ahtisaari’s plan for establishment of an independent Kosovo.¹⁰ The political outcome was that Serbia was allowed to make a further step on its European path. In September 2009, the EU decided to let citizens of Serbia travel to the EU Member States without visas. The decision, however, has not been applicable to citizens of Serbia living in Kosovo and Metohija. Serbia got the visa liberation approval from the EU under the condition not to apply it to its citizens living in Kosovo and Metohija.

The second station: By the end of 2010, the representatives of Serbia and Kosovo (actually Kosovo Albanians) started direct talks, mediated by the EU, on four issues: mutual recognition of university diplomas, exchange of cadastre records, exchange of the birth and death registries, and governing the administrative boundaries. The last one is of outmost importance, since the ultimate requirement of the EU was that the new frontier regime must be set in accordance with the rules of the Integrated Border Management (IBM). The acceptance of such a regime would mean that Serbia agrees to recognise typical inter-state border delimitation with Kosovo. The promise of further progress in the association process was sufficient for Serbia’s representative to accept this requirement. In return, the EU granted Serbia the candidate status (March 2012).¹¹

The third station: Finally, the biggest step toward normalisation of the relations between Serbia and Kosovo (read: recognition) so far took place in April 2013 when the two sides, mediated by the EU, concluded the First agreement on principles regulating the normalisation of relations (the so called Brussels Agreement). By accepting this document, Serbia renounced its governing competences in four municipalities (inhabited by a Serbian majority) in northern Kosovo, accepted Kosovo’s legislation in its wholeness and obliged itself to full implementation of the previously agreed

¹⁰ The full name of the document is *Comprehensive Proposal for the Kosovo Status Settlement*. It is the proposal that was not accepted by the Serbian side during the talks on Kosovo’s status (2006–2007). But, actually, it was also not accepted by the Security Council. Thus, until the change took place in the Council in November 2008, it remained an illegal document. Some of its provisions dealing with the replacement of the UN mission by the EU mission have been accepted in the SC Report of the Secretary General on 24 November 2008, but such a document (report) could not be interpreted as legally binding. Hence, the whole operation still has a suspicious status from the point of view of international law.

¹¹ All of the said agreements between Belgrade and Pristina have infringed on the Constitution of the Republic of Serbia in many formal and material aspects. In that respect, a series of review initiatives have been delivered to the Constitutional Court of Serbia. Being aware that it is bound to cancel all of the agreements, the Court was not enthusiastic about engaging in activities of this kind. Nevertheless, it proclaimed as null and void the agreements on cadastre records and university diplomas but has avoided until today to do the same with the remaining two agreements. All constitutional cases with expert commentaries can be found in the collection *Нечасни мук Уставног суда поводом Косова и Метохије* [*Dishonest Silence of the Constitutional Court on the Occasion of Kosovo and Metohija*], Belgrade: Slobodan Jovanović Endeavourment, 2013.

documents.¹² In return, Serbia was given a green light by the European Council (Summit in December 2013) to formally start the accession talks on the occasion of the opening of the Intergovernmental Conference (IGC) in January 2014.

So far, the IGC has had a rather ritual character since until the end of the year (2014), the EU did not open any of the 35 chapters of the accession negotiations. What is certain, however, is the fact that Serbia is now obliged to fulfil a series of extremely tough conditions without any guarantee regarding its membership perspective. In the part of the Negotiating Framework that concerns the general position of the IGC it is clearly stated that ‘by their very nature, the negotiations are an open-ended process whose outcome cannot be guaranteed beforehand’.¹³

With respect to the conditions, Kosovo is mentioned in ten points out of a total of twenty within the material part of the Negotiating Framework. Since full membership is not guaranteed in advance, as it was already pointed out, the negotiations will ultimately lead toward the other kind of outcome. Namely, the negotiation process ‘should gradually lead to the comprehensive normalisation of the relations between Serbia and Kosovo, in the form of a legally binding agreement by the end of Serbia’s accession negotiations’.¹⁴ Asserting the ‘legally binding agreement’ as a legal form of mutual recognition between Serbia and Kosovo, the document exposed the primary political goal of the negotiation process.

For the EU this is of the utmost importance. Mutual recognition between Serbia and Kosovo would mean that the EU representatives have finally found the way out from the legally impossible situation. First of all, the Kosovo recognition process is still not finished given that five Member States still do not agree to that.¹⁵ There is the legally controversial question of how the EU started the association and stabilisation process with Kosovo given that under the internal EU legislation Kosovo is still not a (recognised) state.¹⁶ This problem could be successfully solved only through mutual recognition between Serbia and Kosovo. This way a high legal hurdle could be jumped over or better to say removed. The biggest obstacle is Serbia’s refusal to recognise Kosovo. The final goal of the entire process of accession talks is to make Serbia recognise Kosovo’s independence. What is promised as a reward is ‘an opportunity’ of membership. If the first step is completed, the second will be the relaxation of the

¹² This document is also the subject of a review by the Constitutional Court; see the collection *Dishonest Silence...*, pp. 156–176. In the preliminary public debate (June, 2014) all constitutional experts taking part in the discussion argued in favour of annulment of the document.

¹³ See: EU Opening statement for Accession Negotiation, Ministerial meeting opening the Intergovernmental Conference of the Accession of Serbia to the European Union, Point 20, http://www.seio.gov.rs/upload/documents/pristupni_pregovori/neg_frame.PDF (accessed on 2 December 2014).

¹⁴ *Ibidem*, Point 23.

¹⁵ These are Spain, Slovakia, Romania, Greece, and Cyprus.

¹⁶ In accordance with Article 49 of the Treaty on European Union and Article 217 of the Treaty on the Functioning of the European Union, the Union can start the association negotiations only with sovereign European states.

five Member States' refusal to recognise Kosovo through Serbia's positive solution. On the one hand, Kosovo's sovereignty *in statu nascendi* would be transformed in *de iure* and *de facto* sovereignty, while, on the other hand, both Serbia and Kosovo would remain permanently outside the EU.

One could argue that such a recognition policy of the EU might be appropriate for Serbia since it seems that the recognition of Kosovo is a long term process, as it is the case with the membership perspective.¹⁷ If one, however, follows the deeper political flow on the one hand, and the precise wording of the Negotiating Framework on the other, it is clear that Serbia is stepping on a path without return.¹⁸ It is becoming a path without choice, regardless of the real figures of economic development, political stabilisation and security guarantees. Precisely since 2008, Serbia has been lagging behind in all that areas.¹⁹ One cannot argue that there is a direct causal conjunction between the association process and the overall decline in the public life in Serbia. However, one could hardly deny that the rising of Serbia's dependency from the EU in the time of Union's deep crisis contributed vastly to the generally bad situation.

Moreover, Serbia is daily exposed to political pressure from EU politicians to speed up and tighten its relations with the EU in accordance with the provisions stated in the Negotiating Framework. Chapter 35 of the document presupposes that none of the other chapters can be closed or even opened without visible progress in 'normalisation of relations' with Kosovo.²⁰ The scope of voluntary interpretation of this statement and its capacity of conditionality is immense. One could easily expect also the wide space for the interpretation of Points 26 and 32 of the Framework, which state the obligation of Serbia in aligning its foreign and security policy with the EU's policies, as well as the obligation to terminate all international agreements incompatible with the EU's.²¹

The case of Serbia, although it is the extreme one, is not a single one. All countries of the so called Western Balkans which intend to go the way toward the EU cannot escape this grey area of conditionality. This clearly proves our thesis that there is a mutation of the process, which is slowly but surely becoming an association/ accession process without a membership perspective.

¹⁷ It is the popular argument on the governmental side since 2008.

¹⁸ It is strictly in line with the governmental popular slogan that the EU does not have an alternative.

¹⁹ Only during that six years the economic growth has been in permanent recession, the public debt has become doubled, budgeted deficit has been in permanent rise, unemployment rate also doubled. ... Serbia had three electoral turns, two of them were premature. It has been faced with permanent threat of the Greater Albanian movement (similar as the Republic of Macedonia), etc.

²⁰ This kind of message comes particularly from the side of German politicians of all ranks, who obviously give the basic tone of the EU orchestra in that matter.

²¹ Although the said provisions stipulate the time of final adjustment of Serbia's obligation with the EU ('in the period up to accession'), it is already today the political demand from different competent sides of the EU.

5. Re. question 2: Can Serbia allow itself to continue on the uncertain way toward the EU

Having all these facts and tendencies in mind, one could conclude that the association and stabilisation framework has become obsolete for fruitful relations between the EU and Serbia, for the kind of relations where both sides satisfy their own interests. The present-day flow shows that only one side can fulfil its interest. It is the EU who has reduced its previous comprehensive integration strategy and corresponding enlargement policy to a geopolitical one. Serbia, on the other hand, has had different expectations of this process, closely associating internal reform activities with clear prospects for membership. At least within the last six years, it has become a ‘mission impossible’. Such a diagnosis calls for an alternative way out but principally together with the EU. First of all, the whole mechanism of the SAA should be reconsidered.

Our idea of the reconsideration of the present framework starts with processes going on within the EU. It is not only the current crisis, which we presented above, but also the tendencies within the EU as some tacit response to the crisis. These tendencies indicate a kind of internal differentiation between the Member States along the lines of their views on the way out of the crisis. This is not the line that divides the northern and southern countries with regard to their internal economic and social situations. It is also not the line which divides the fifteen ‘old’ and the thirteen ‘new’ Member States. It is primarily the line that not only divides but also differentiates the states interested in deeper integration and the ones devoted to preserving the *status quo*. This crucial line of division, however, cannot hide many internal cross-cutting lines, which either divide or bind different Member States.

What is most important, such Union of ‘variable geometry’ cannot anymore resolve its crucial internal issues through compromise and consent. For the interests and strategies of its members are so different that it is impossible to reach a common political ground for the necessary reduction of the system’s complexity. As Giandomenico Majone stated: ‘instead of compromise solution that do not really satisfy anyone, genuine innovations would become possible – albeit in smaller scale – and other members of the Union could later draw lessons from the practical experience of the pioneering states (...). This is the idea of differentiated integration, interpreted in terms of the theory of clubs.’²²

Today, the EU is already divided in more ‘clubs’ consisting of different Member States. It is another issue, however, whether this state of affairs would be legalised. For Serbia as a candidate country, this is an additional reason to initiate the reconsideration of its relations with the EU. But, more than that, Serbia should properly accommodate

²² G. Majone, op.cit, p. 20. See also the same kind of reforming idea in: V.A. Schmidt, ‘Re-envisioning the European Union: Identity, Democracy, Economy’, *Journal of common market studies*, 2009, Vol. 47, p. 39.

to this new situation by following the tendencies within the EU. Based on the EU's practices of differentiated integration, Serbia could propose a differentiated association.²³ The comprehensive agreement mechanism of today (SAA), which has lost its economic rationale and deeper political sense, should be replaced by a series of agreements of mutual interest. From Serbia's side, there are many areas of mutual cooperation, for sure much more than from the EU side vis-à-vis Serbia. But it is certain that not only the Member States but the Union as a whole as well would find within many of its common policies an interest for cooperation with Serbia. Each of the fields of cooperation can be the subject of single mutual agreement and, ultimately, all of them could be composed in some ruff agreement as a framework of a new partnership.

For Serbia – as the more affected side within the current associating framework – it would be a good opportunity to establish its relations with the EU on a more realistic ground.

6. Conclusions

The case of Serbia presents the transformation of the EU's approach to enlargement from a policy of prospective integration through realistic enlargement policy to *Realpolitik*.²⁴ All three forms of the enlargement policy have been reflected in Serbia's case much brighter than in any other.

The very beginning of the association process of Serbia – from October 2000 to mid-2003 (the Thessaloniki Summit) – coincided with the preparation of both the EU and the candidate countries of Central and Eastern Europe for the 'big bang' enlargement. The outcome of the Eastern enlargement interfered considerably with the delicate consent-making process as a core procedure of the decision-making.²⁵ Some dysfunctions of the system had appeared already in the early phase of the enlarged Union, before the financial crisis broke out. That tendency warned the Union to approach the next wave of enlargement, which was promoted at the Thessaloniki Summit in 2003, more cautiously. The period between 2003 and 2008 can be marked as a period of a realistic approach to enlargement policy.

Regardless of the said modification of the EU's enlargement policy, Serbia was preparing for the association process, having resolved many of its political issues such as the peaceful dissolution of the federation with Montenegro and full cooperation with the Hague tribunal for war crimes. After taking into account these conditions, Serbia obtained the Feasibility study (2005) and opened the SAA negotiations with the

²³ See the similar idea in the article of Vivien Schmidt dealing with 'candidate states' generally, *ibidem*, p. 30.

²⁴ We use the German term *Realpolitik*, which expresses the kind of the public policy where all issues are subsumed under security issues.

²⁵ See more in: P. Taylor, *op.cit.*, pp 100–104.

EU (2006). The full break within the process took place on the occasion of unilateral secession of Kosovo in 2008 and its unilateral recognitions. Since that event, one can observe a change in the Union's approach to enlargement which can be subsumed under the label *Realpolitik*. The ultimate goal of the process had changed completely and the recognition of Kosovo by Serbia became not a mere condition but the very purpose itself. In return, Serbia received the 'opportunity' to become a Member State in the polity which actually brought its enlargement to a halt. However, the EU did not cancel the enlargement negotiation because it remained the veil for both the EU and Serbia to hide the already changed goal of the accession process.

This is the state of affairs that is the epilogue of the fourteen years of evolution of the relations between the EU and Serbia. In the article, we have pointed out that Serbia did not make any progress in terms of internal reforms, neither in economic development nor in institutional consolidation, during the *Realpolitik* phase of the process (2008–2014), even compared with the previous period (2004–2008). In that period (2008–2014), the EU lost its internal integration incentive for the enlargement generally and for Serbia particularly. On the other hand, internal Serbian politics became a *perpetuum mobile* of association/accession policy, blindly following the EU's directions in terms of almost every sector of internal affairs.

In order to avoid the accessing strategy of Serbia in a form of bad infinite, we have proposed an alternative way out. It lies beyond the real-political either/or dilemma. Serbia is allegedly facing the choice: either the West or the East, either the EU or Russia. In such circumstances, each proposal, regardless of its rationale, for reconsideration of today's grey perspective of EU membership is supposed to be a step toward entering the inexistent pan-Russian union. This seems purely manipulative and dogmatic. Unfortunately, it corresponds ideally with the prevailing state of affairs in European politics of today. That is why we find it worthy to search for alternative concepts and ideas.