

WESTERN BALKANS: THE DESIRE FOR EXEMPTIONS



DALIBOR ĐUKIĆ

Abstract

All five Western Balkan nations have officially obtained the status of candidate states for full EU membership. However, the pace of their EU integration varies, as some obtained candidate status over a decade ago, while others have achieved this status more recently. Formal membership negotiations have commenced with all countries, yet some have not opened any negotiation clusters to date. This paper examines the legal aspects of the European integration of Western Balkan states, with a particular focus on exceptions to the EU *acquis* requested officially by these countries. Negotiation positions for each open chapter are analysed, as they typically include requests for exemptions (derogations) from specific EU regulations or transitional periods for the full implementation of the *acquis* following accession. Such requests must be clearly defined in terms of objectives and timelines and are granted only in exceptional cases. A key challenge in this analysis lies in the fact that most Western Balkan countries have not yet opened or closed all negotiation chapters, leaving them with limited opportunities to negotiate exceptions or derogations thus far.

Keywords: EU law exemptions, transitional periods, EU enlargement, Western Balkans, candidate countries

Dalibor Đukić (2026) 'Western Balkans: The Desire for Exemptions'. In: Michal Petr (ed.) *EU Enlargement and Successful Integration: Is There a Way?* Volume I., pp. 337–359. Miskolc–Budapest, Central European Academic Publishing.



https://doi.org/10.54237/profnet.2026.mpeesitw_III.3

1. Theoretical Introduction on Transitory Periods and Derogations (Exceptions) From EU Law in the Light of EU Enlargement

The European Union has been described as a *sui generis* international organisation or supranational organisation,¹ whose features differentiate it from other subjects of international law.² As an international organisation, the European Union constitutes an association of its members, which continue to retain their status as subjects of international law. Since membership and representation are common features among international organisations,³ the EU has established its own specific criteria for admission to membership with a 'stringent and procedurally complex accession process grounded in technocratic assessments'.⁴ Criteria for admission, as with many other international organisations, are governed by the organisation's constitutive acts and treaties.⁵ The *sui generis* nature of the EU resulted in specific membership procedures and criteria different from other international organisations. Accession to the EU is a process that formally involves the EU member states and the candidate country. Over time, however, this process has evolved with EU institutions driving the enlargement policy.⁶ Nevertheless, member states have reasserted their influence over various stages of the accession process, largely in response to growing public scepticism and political resistance to further enlargement within some member states.⁷ Be that as it may, in the case of the EU, the membership criteria set out in its treaties are supplemented and operationalised through the established practices of EU institutions and bodies responsible for overseeing the enlargement process.

Accession of new countries to the EU is regulated by the Treaty on European Union (TEU) which stipulates in Art. 49 that any European state may apply for membership if it respects and promotes the values set out in Art. 2. These values include 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'.⁸ In addition to adherence to the values underpinning European identity and commitment

- 1 Bordin, 2022, pp. 48–65. Lindseth considers the EU as the leading exemplar of supranational organisations, while Mazur insists that the term 'supranational organisation' has not acquired a distinct legal meaning and was even rejected by some scholars. Mazur, 2024, p. 109; Lindseth, 2017, p. 152.
- 2 Mazur, 2024, p. 109.
- 3 Amerasinghe, 2005, p. 105.
- 4 Mazur, 2024, p. 110.
- 5 Mathias and Trengove, 2017, p. 968.
- 6 After accession, EU law is enforced and develops within the new member state. The supremacy of EU law should be also considered as one of the results of the integration process. Metzinger, 2022, p. 26.
- 7 Hillion, 2015, p. 132.
- 8 Consolidated Version of the Treaty on European Union (hereinafter referred to as: TEU).

to the values enshrined in Art. 2 TEU, some scholars added statehood as a precondition for EU membership.⁹

Art. 49 TEU prescribes a two-stage process of accession of new countries. In the first stage, the aspirant country submits a formal application to the rotating EU Council Presidency. The European Parliament and national parliaments should be notified of this application. The Council then assesses the admissibility of the application and forwards it to the European Commission and the European Parliament. The Commission conducts a thorough analysis of the applicant's legal and institutional framework, using a detailed questionnaire to assess, *inter alia*, the country's capacity to adopt and implement the body of EU law (the *acquis communautaire*). Following a positive opinion from the European Commission and the consent of the European Parliament, the European Council may grant the applicant candidate status, without giving it the automatic right to join the EU. Furthermore, after receiving the recommendation of the European Commission, the Council decides unanimously to open accession negotiations with the candidate country.

The second stage of EU accession involves the negotiation of a treaty between the candidate country and the Member States, aimed at agreeing on 'the conditions of admission and the adjustments to the Treaties on which the Union is founded'.¹⁰ The accession process implies that the candidate countries are undergoing deep reforms in order to ensure:

stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.¹¹

These conditions have become known as the 'Copenhagen criteria', since they were laid down by the European Council in Copenhagen in 1993. However, the accession does not depend only on the candidate countries fulfilment of requirements, but also on the EU's ability to absorb new members.¹² The European Council held in Madrid in 1995 added another criterion providing that 'the candidate country must be able to apply EU law and must be able to ensure that the EU law transposed into national legislation is implemented effectively through appropriate administrative

9 Hillion, 2015, p. 127.

10 Art. 49(2) TEU.

11 European Parliament, 1993.

12 The Copenhagen European Council stated that 'the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries'. See for more: Hillion, 2004, p. 2; Marktler, 2006, pp. 344–345.

and judicial structures'.¹³ Applicant countries are required to meet political, economic, and legal criteria; the legal criterion entails the adoption of the *acquis communautaire* and the establishment of administrative structures necessary for its effective implementation. This is closely connected to the process of approximation of laws in order the candidate country to align its legal system with the EU *acquis* that is 'a lengthy legal reform process consisting of adopting new and amending existing legislation so that it allows for the EU legal rules to be applicable in the country in question'.¹⁴ Certain transitional periods may depend on the envisaged approximation of laws and their implementation.

Since all state members are expected to apply the full *acquis communautaire*, permanent derogations should be generally deemed incompatible with EU membership. The rationale is straightforward: if a candidate country cannot eventually adopt the entire *acquis*, its suitability for EU membership is questionable. This stance is reflected in the Commission's criteria for the provisional closure of negotiation chapters, which, among others, include the absence of requests for transitional periods.¹⁵ It is also important to highlight that states does not negotiate the *acquis communautaire* itself, but rather the conditions of its full adoption and implementation.¹⁶ However, this strict interpretation overlooks the European reality that 'no country has ever been able to apply all the rules on the date of entry into the Union'.¹⁷ Economic disparities, political sensitivities, and legal complexities may justify the negotiation of transitional arrangements. For instance, past accessions permitted temporary exceptions in areas such as environmental regulations and market liberalisation, often mirroring phased compliance timelines granted to existing members. However, prospective members are more likely to seek and obtain temporary derogations and transitional periods than permanent exceptions.

During the accession negotiations, states may sought transitional periods and derogations from EU law under certain conditions. Transitional periods for the full implementation of the *acquis* after the accession date must be clearly defined in terms of time, scope, nature and objectives.¹⁸ For areas linked to the extension of the internal EU market transitional periods must be 'short and few'.¹⁹ Derogations are also requested by the candidate country regarding the application of a specific EU regulation or part of a regulation.²⁰ Therefore, derogations must be limited in time and scope, narrowly defined, and applied in a non-discriminatory manner.²¹ They must be accompanied by a clearly defined plan for application and full alignment

13 European Union, 2020.

14 Vlajković and Tasev, 2021, p. 86.

15 European Commission, 1999.

16 Uljarević, 2013, p. 11.

17 Nicolaidis, 1998, p. 8.

18 Nicolaidis, 1998, p. 9.

19 Çalı, 2006, p. 85.

20 Božović et al., 2022, p. 45.

21 Nicolaidis, 1998, p. 11.

with the *acquis*. Transitional periods and derogations, including safeguard clauses, may be agreed also in the interest of the EU, in line with the European Council conclusions of 16/17 December 2004.²²

Both, the transitional periods and derogations are approved only in exceptional circumstances and consider the needs of the candidate country and its ability to comply with the *acquis* in the future. Furthermore, they must not undermine or affect the functioning of the Community's internal market or lead to undue distortion of competition. It is obviously not likely that states could obtain derogations from fundamental Community principles and rules because these kinds of exceptions could change the character of the Union.²³ On the other hand, it is more likely that they will obtain derogations that do not have significance for the EU but have great social importance for candidate countries, as well as if the exceptions are applied on existing members and have been provided in primary and secondary EU legislation. However, in both cases, the candidate countries have to structure and present convincing and persuasive argumentation for transitional periods and derogations, which could be based on the existing exceptions provided by the EU legislation, the jurisprudence of the Court of Justice of the European Union, the practice in past accession negotiations, and their unique circumstances and needs. The candidate country must provide credible arguments demonstrating that the requested derogation does not conflict with the fundamental principles of the European Union, that there are no alternative means to avoid substantial costs that could cause irreparable damage or reduce its welfare, and that 'the requested derogation does not have an appreciable effect on intra-EU trade and competition'.²⁴

From previous accessions, another type of derogation can be identified, described as 'hidden derogations'. These can be agreed upon informally and later implemented through EU regulations and domestic legislation. A prominent example is the exemption from market-based allocation of network capacities for cross border exchanges in electricity in Slovenia. While the EU had adopted Regulation (EC) 1228/2003, which aimed to end the administrative allocation of cross-border capacities, the Commission included a provision in the Regulation that allowed the states to maintain or introduce measures with more detailed provisions. This enabled Slovenia to enact new regulations that allowed the allocation of cross-border capacities

22 Presidency Conclusions – Brussels, 16/17 December 2004, Council of the European Union, 6238/1/04 REV 1, 1 February 2005.

23 As stated in the General EU Position on the Accession of Montenegro to the European Union, 'Transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. In this connection, account must be taken of the interests of the Union and of Montenegro'. General EU Position Ministerial meeting opening the Intergovernmental Conference on the Accession of Montenegro to the European Union, Brussels.

24 Nicolaides, 1998, p. 11.

to the state-owned electricity generating holding. This regime was maintained for four years after the accession of Slovenia to the EU.²⁵

According to the 2020 revised enlargement methodology for the Western Balkans, the *acquis Communautaire*, previously divided into 35 negotiating chapters, is grouped into six thematic clusters, each covering a specific policy area or set of related laws that candidate countries must align with to join the EU.²⁶ The Negotiating Framework is set in the EU General Position for each candidate state. Before negotiations on a specific chapter of the *acquis* can begin, the candidate country must submit Negotiation Position for that specific chapter.²⁷ The basic negotiation position is, obviously, that the candidate country will adopt and apply the whole *acquis* as it stands at the time of accession.²⁸ However, in all past accessions, candidate countries presented requests for transitional periods and derogations. Furthermore, the EU adopts a common negotiation position, outlining its expectations and requirements for each chapter. Be that as it may, the official documents in which Western Balkan candidate countries express their requests for transitional periods and derogations are their negotiation positions for each of the 35 chapters of the European *acquis*.

2. EU Enlargement and Western Balkans

The accession of Western Balkans countries to the EU has been among the strategic goals of the EU's external policy for over 25 years.²⁹ However, the easiest way to define the Western Balkans is to describe it as a region that consists of Balkan countries that have not become members of the EU. This does not mean that the policy of EU enlargement towards Western Balkans has failed, but it implies that the region is facing obstacles on its path towards the full membership in the Union. Countries of the region have varying histories of relations with the EU and different paces of integration. This section provides a brief overview of the European integration process of the Western Balkans countries and the current state of affairs. Such an approach is deemed necessary to provide the wider context of the presence or absence of certain requests for transitional periods and exemptions from EU law.

Most countries in the Western Balkans region emerged from the breakup of the Socialist Federal Republic of Yugoslavia (SFRY). From the 1960s, the SFRY sought to establish economic ties with Western countries, leading to the signing of the Declaration on Relations between SFR Yugoslavia and the European Economic

25 Kopač and Kulaga, 2024.

26 Ministry of European Integration, no date.

27 European Commission, no date.

28 Mayhew, 2007, p. 25.

29 European Commission, 2018, p. 2.

Community (EEC), followed by two trade agreements in 1970 and 1973.³⁰ However, the dissolution of the country and the subsequent wars delayed the integration of the post-Yugoslav states into European communities. Despite these challenges, the EU maintained its interest in the region, as reflected in the conclusions of the Presidency of the European Council, which continued to monitor the situation in the Western Balkan countries.³¹ Furthermore, the French proposal for a Pact on Stability in Europe, submitted to the Copenhagen European Council in June 1993, included Albania as a possible participant, while stating, 'The countries of ex-Yugoslavia will be associated in terms of developments of the London Conference and of the situation on location'.³² However, Before the 1995 Dayton Peace Agreement the EU had not established policy of relations with Western Balkans, being focused, as many other international organisations, on preventing and ending the violent conflicts that engulfed the region.

The elements of the coherent EU policy introduced after the 1996 Rome conference, which consolidated the Dayton Peace Agreement, were the 'Royaumont Process for Stability and Good Neighbourliness in South-East Europe',³³ the EU's Regional Approach that, for the first time, coupled countries of former Yugoslavia and Albania, and the Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, and the former Yugoslav Republic of Macedonia (the so-called 'OBNOVA' regulation), which introduced principles of conditionality in EU relations with the countries of the region.³⁴ These principles were further elaborated in 1997 Council conclusions on the principle of conditionality governing the development of the European Union's relations with certain countries of Southeast Europe,³⁵ stipulating specific condition that applied to each country of the region.³⁶

With the aim of securing stability and prosperity in Central and Eastern Europe, the EU launched the Stability Pact for Southeastern Europe in 1999 as part of its Common Foreign and Security Policy (CFSP). The Pact was officially adopted on 10 June 1999 at the EU-led conference in Cologne and subsequently solemnly reaffirmed at the Sarajevo Summit on 31 July 1999. In its Common Position concerning the Stability Pact, the Council referred for the first time to the perspective of full EU membership for the countries of the region, stating:

30 Commission of the European Communities, 1979, p. 3.

31 E.g. the 1993 European Council in Copenhagen made statements and recommendations regarding the situation in Bosnia and Herzegovina and Albania. European Parliament, 1993, pp. 16 and 35–36.

32 Agence Europe S.A., 1993, p. 6.

33 Ehrhart, 1998, pp. 327–346.

34 Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, Official Journal L 204, 14/08/1996, pp. 1–5.

35 Bulletin of the European Union, 1997, pp. 132–134.

36 Delevic, 2007, p. 41.

the European Union will draw the region closer to the perspective of full integration of these countries into its structures through a new kind of contractual relationship, taking into account the individual situation of each country, with a perspective of European Union membership on the basis of the Treaty of Amsterdam and once the Copenhagen criteria have been met.³⁷

This statement marked a fundamental shift in the EU's strategy towards the Western Balkans, recognising that full EU membership could address the challenges faced by the countries in the region. Since then, the question has no longer been whether, but when and how these countries will join the EU.³⁸ The Stability Pact for South Eastern Europe in 2008 was transformed into Regional Cooperation Council, which 'has inherited the mandate of the Stability Pact to oversee the process of cooperation in South East Europe and to support European and Euro-Atlantic integration of the region'.³⁹

The accession remained linked to the fulfilment of Copenhagen criteria which is a long-term process that requires commitment of both sides: the EU and Western Balkans countries. Therefore, the EU responded by establishing more sophisticated instrument for supporting these countries on their European path. The Regional Approach was transformed into the Stabilisation and Association process (SAP) which introduced new tailor-made agreements-the Stabilisation and Association Agreements (SAAs).⁴⁰ The 2000 Santa Maria da Feira European Council confirmed that Council's 'objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilisation and Association process, political dialogue, liberalisation of trade, and cooperation in Justice and Home Affairs'. Furthermore, the Council stated that all the SAP countries are concerned as potential candidates for EU membership.⁴¹ The same was confirmed by the 2003 European Council in Thessaloniki, which underscored the perspective of the countries of the region to become members of the EU.⁴² Since then, the EU has continued to provide financial, political, and technical support to Western Balkans countries on their path towards full membership in the EU.

In February 2020, the European Commission adopted a new enlargement methodology aimed at making the accession process for Western Balkans countries more credible, predictable, and dynamic. This methodology was designed to reinvigorate the enlargement process by introducing a stronger political steer, clustering negotiation chapters thematically, and linking progress to tangible reforms, particularly

37 1999/345/CFSP: Common Position of 17 May 1999 adopted by the Council on the basis of Art. 15 of the Treaty on European Union, concerning a Stability Pact for South- Eastern Europe, Official Journal L 133, 28/05/1999, pp. 1, preamble, para. 7.

38 Friis and Murphy, 2000, pp. 767–786.

39 Racaj and Danevski, 2023, p. 36.

40 Pippan, 2004, p. 229.

41 European Parliament, 2000.

42 Council of the European Union, 2003.

in the rule of law and democratic institutions.⁴³ Building on this momentum, in November 2023 the Commission adopted the Growth Plan for the Western Balkans, which seeks to ‘integrate the Western Balkan partners into the EU’s single market, advance regional economic cooperation, deepen EU-related reforms and increase pre-accession funding in view of accelerating socio-economic convergence of the Western Balkans to the EU’.⁴⁴ Additionally, visa-free travel to the Schengen area has been granted to citizens of all Western Balkans countries, further facilitating closer ties and mobility between the region and the EU.

As was evident from the outset, the pace of European integration among Western Balkans countries was different and even a quarter of a century after the establishment of the Stabilisation and Association Process (SAP), the exact timing of each Western Balkan country’s accession to the EU remains uncertain.

Montenegro gained independence in 2006 and subsequently signed the SAA, which entered into force on 1 May 2010. The country applied for EU membership in 2008 and was granted candidate status in 2010. Accession negotiations began in June 2012, and in June 2025, all 33 negotiating chapters have been opened, with seven provisionally closed.⁴⁵ As the frontrunner in the EU accession process, Montenegro has prepared negotiation positions for all chapters, which will be analysed in the next section of this chapter alongside the EU’s common positions.⁴⁶

Albania signed the SAA in 2006, which entered into force in 2009. In the same year, Albania submitted its application for EU membership and was granted candidate status in 2014. Accession negotiations were opened in 2022. Albania has opened negotiations on clusters 1, 2, 3, and 6, covering a total of 24 out of 33 negotiating chapters.⁴⁷

The Republic of Serbia signed the SAA with the European Union in 2008, which came into force in 2013. Serbia submitted its official request for EU membership in 2009 and was granted candidate status in 2012. The European Council decided to open accession negotiations in June 2013. As of early 2025, Serbia has opened 22 negotiating chapters, with expectations that cluster 3 will be opened during the year.⁴⁸ The southern Serbian province of Kosovo⁴⁹ has been under international protection since 1999. It has signed the specific SAA with the European Union and the European Atomic Energy Community, which contains numerous noticeable differences compared to other SAAs signed with Western Balkan candidate countries. The Agreement entered into force in 2016.⁵⁰

43 European Parliamentary Research Service, 2022.

44 European Commission, 2024.

45 EU and Montenegro provisionally close public procurement chapter in accession negotiations.

46 European Commission, 2025d.

47 European Commission, 2025a.

48 European Commission, 2025f.

49 This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

50 European Commission, 2025c.

The Republic of North Macedonia was the first Western Balkans country to sign the SAA in 2001. The agreement came into force on 1 April 2004, and North Macedonia applied for EU membership in March of the same year. Candidate status was granted in December 2005. However, accession negotiations were delayed due to the name dispute with Greece and issues connected with identity, language, and history with Bulgaria. Finally, negotiations were opened in 2022, and screening sessions for all six negotiating clusters were completed in 2023, although no clusters or chapters have yet been officially opened.⁵¹

Bosnia and Herzegovina signed the SAA with the EU in June 2008, but due to delays in implementing European Court of Human Rights (ECHR) rulings, it only came into force in 2015. The following year, Bosnia and Herzegovina submitted its application for EU membership. After the outbreak of the war in Ukraine and the decision of the EU to grant candidate status to Moldova and Ukraine, in December 2023 the Council granted candidate status to Bosnia and Herzegovina. Accession negotiations were formally opened in March 2024, but there was no substantial progress.⁵²

The progress of the countries of the Western Balkan region remains unsatisfactory, even though Montenegro has made significant progress in comparison to other candidate countries. Two countries have not made any progress for years and have yet to start the most substantial and challenging part of the accession process: negotiations on *acquis* chapters. Since Bosnia and Herzegovina and North Macedonia are still in the early stages of integration, they have not had the opportunity to officially request transitional periods, derogations, or exemptions from EU law. Conversely, Montenegro, Albania, and Serbia have submitted negotiation positions on opened chapters and clusters, which include requests for transitional periods and derogations. Therefore, the next section of this chapter focuses on these requests and the responses of the EU published in its common positions on the negotiating chapters and clusters.

3. Transitional Periods and Derogations in Certain Negotiating Positions of Western Balkans Countries

3.1. Montenegro

In its negotiation positions, Montenegro has generally not requested transitional periods or derogations for most of *acquis* chapters. In the summaries of these positions, Montenegro accepts the full *acquis* under the respective chapters and declares

⁵¹ European Commission, 2025e.

⁵² European Commission, 2025b.

its readiness to implement it from the date of its accession to the EU. Furthermore, Montenegro explicitly declares that it does not seek any permanent exemptions or transitional periods for the implementation of the *acquis* covered by those chapters.

There are few significant exceptions. In the negotiation position for Chapter 33 – Financial and budgetary provisions, Montenegro indicated that it expects financial support from the EU and that

during the transitional period following accession to the Union, the use of temporary budget compensation and the receipt of cash flow assistance will be approved, meaning that the amount of funds allocated from the European Union budget to Montenegro will be equal to or greater than the amount Montenegro will be paying to the European Union.⁵³

In the negotiation position for Chapter 24, the Montenegrin government stated that the country does not expect that it will enter the Schengen Area on the day of its accession to the EU.⁵⁴ Like many other recent EU member states, Montenegro is unlikely to join the Schengen Area immediately upon EU accession, as Schengen membership requires meeting specific criteria that go beyond the general alignment achieved through accession negotiations.

Montenegro has requested transitional periods for the implementation of several EU environmental directives under Chapter 27 – Environment and Climate Change. The EU rules for which Montenegro requested transitional periods for implementation are: the Clean Air For Europe Directive 2008/50/EC,⁵⁵ Waste Framework Directive 2008/98/EC (requested period until full implementation: 31 December 2030), Directive 1999/31/EC on the landfill of waste (requested period until full implementation: 31 December 2030), Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (requested period until full implementation: 31 December 2030), Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) (requested period until full implementation: 31 December 2030), Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (requested period until full implementation: 31 December 2027), Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (requested period until full implementation: 31 December 2025), Directive 2000/60/EC establishing a framework for Community action in the field of water policy (requested period until full implementation: 31 December 2025), Directive 2007/60/EC on the assessment and management of flood risks (requested period until full implementation: 31 December 2035), Directive 91/271/EEC concerning urban wastewater treatment (requested period until full implementation: 31 December 2035), and

53 eu.me, no date a.

54 Ibid.

55 Art. 13, para. 1, requested period until the full implementation 31 December 2027.

Directive 2010/75/EU on industrial emissions (requested period until full implementation: 1 January 2030).⁵⁶

Transitional periods have been granted during the accession negotiations of new EU member states in complex areas such as waste management and air quality. It is estimated that Montenegro will require over one billion euros to achieve full alignment with the *acquis* in the field of environmental protection.⁵⁷ Given the lengthy transitional periods previously granted by the EU in this area, it is anticipated that Montenegro will also be granted transitional periods, especially considering the substantial costs and time necessary for complete compliance with the EU environmental *acquis*.

3.2. Republic of Serbia

Like Montenegro, the Republic of Serbia has not requested any transitional periods or derogations in its negotiation positions for most of the officially opened chapters. In these positions, Serbia accepts the European Union *acquis* covered by each respective Chapter and confirms that it ‘will be in a position to implement it fully by the date of accession to the European Union’. Furthermore, Serbia explicitly states that it does not seek any specific derogations or transitional periods for the implementation of the EU *acquis* under these chapters.

In its negotiation position on Chapter 15 – Energy, the Republic of Serbia requested a transitional period of 20 years from the date of accession for the full implementation and adoption of Council Directive 2009/71/Euratom of 25 June 2009, which establishes a Community framework for the nuclear safety of nuclear installations.⁵⁸ Additionally, Serbia requested a transitional period of 30 years from accession for the full implementation and adoption of Council Directive 2011/70/Euratom of 19 July 2011, which establishes a Community framework for the responsible and safe management of spent fuel and radioactive waste.⁵⁹ In its Common Position, the EU invited Serbia to provide further information to substantiate these requests, as it assessed that there are no grounds for granting such extended transitional periods.⁶⁰ This proves that derogations must be justified with clear and reasonable explanations.

Similar to Montenegro, Serbia has requested several transitional periods in its negotiation position for Chapter 27-Environment and Climate Change. The requested transitional periods cover various EU directives including: Directive 2007/2/EC Chapter II, Chapter III, Chapter IV and Chapter V (transitional period of 2 years and

56 eu.me, no date b.

57 eu.me, no date c.

58 Art. 1.

59 Government of the Republic of Serbia, 2021.

60 Council of the European Union, 2025.

4 months following the date of accession to the EU),⁶¹ Directive 2008/50/EC (transitional period to be specified in the Directive Specific Implementation Plan), Directive 2016/802 (transitional period to be specified by the Directive Specific Implementation Plan), Directive 94/63/EC (VOC Petrol stage I) and Directive 2009/126/EC (transitional period of 2 years following the date of accession to the EU and will be specified in Implementation Plan), Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants (transitional period depends on the results of negotiations on different emission reduction), Waste Framework Directive 2008/98/EC, Art. 11, (transitional period of 15 years following the date of accession), Packaging and Packaging Waste Directive 94/62/EC Art. 6, para. 1, points b, d and e (transitional period of 4 years following the date of accession), Landfill Directive 1999/31/EC Art. 5(2), points a, b and c of the first subpara. and Art. 14, point c (transitional period of 15 years and 7 years, accordingly),⁶² WEEE Directive 2012/19/EU Art. 7, para. 1, subpara. 1 (transitional period of 11 years following the date of accession), Waste Batteries Directive 2006/66/EC Art. 10 (transitional period of 11 years following the date of accession), Water Framework Directive 2000/60/EC Art. 4, (transitional period of 21 years following the date of accession), Urban Waste Water Treatment Directive 91/271 EEC Arts. 3, 4, 5 and 7 (transitional period of 20 years following the date of accession), Environmental Quality Standards Directive 2008/105/EC Art. 3 (transitional period of 21 years following the date of accession to the EU), Groundwater Directive 2006/118/EC Art. 6 (transitional period of 5 years following the date of accession), Nitrates Directive 91/676/EEC Art. 5 para. 4, (transitional period of 16 years following the date of accession), Drinking Water Directive 98/83/EC (transitional period of 20 years following the date of accession), Industrial Emissions Directive 2010/75/EU (1 to 8 years following the date of accession according to the Directive Specific Implementation Plan), EU Emissions Trading System (EU ETS) Directive 2003/87/EC (transitional arrangements will be requested after the Directive Specific Implementation Plan is developed), Fuels Quality Directive 98/70/EC (transitional period according to the Directive Specific Implementation Plan).⁶³

In its Common Position on Chapter 27, the EU reaffirmed its general position regarding transitional periods and derogations, acknowledged Serbia's requests for transitional periods and indicated that these issues will be revisited during the course of the accession negotiations.⁶⁴

61 It has been clarified that 'Final indication regarding number of years required for the transition period for the full implementation of the INSPIRE Directive will be provided in accordance to the Specific Implementation Plan for the INSPIRE Directive that is under development'.

62 Furthermore, for purposes of implementation of the Art. 5(2) it has been requested to consider year 2008 as a reference year.

63 Government of the Republic of Serbia, 2019.

64 European Union, no date.

The distinction between Montenegrin and Serbian requests for transitional periods in Chapter 27 lies in the specificity of their timelines. Montenegro's requests set out exact future dates for the expiration of transitional arrangements, while Serbia has proposed transitional periods that would begin on the date of its accession to the EU. Given that the accession date remains uncertain, the precise timeline for Serbia's full alignment with the environmental *acquis* is also uncertain. However, Serbia must adopt Detailed Plans for the Implementation of Directives, which should substantiate and justify its requests for transitional periods.⁶⁵

Serbia has also requested a transitional period in its negotiation position on Chapter 33 –Financial and Budgetary Provisions. In a general statement, Serbia seeks 'transitional corrective measures related to payments of the Republic of Serbia to the EU budget' which duration will be specified during the accession negotiations.⁶⁶ The rationale is given in the same Negotiating Position: 'Republic of Serbia expects application of corrective factors in the transitional period after accession to the European Union in order for the payments to the EU budget to be lower than the transfers from the EU budget'.⁶⁷ In its Common Position on Chapter 33 the EU noted that 'this request will be addressed at a later stage of the negotiations'.⁶⁸

3.3. Albania

As previously noted, Albania has officially opened negotiations on Clusters 1, 2, 3, and 6. Its negotiation positions for Clusters 1 and 6 did not include requests for transitional periods or derogations. However, requests for transitional periods have been identified within Clusters 2 and 3. Specifically, Albania has requested transitional periods for Chapters 4, 9, and 28 within Cluster 2, and for Chapters 16 and 19 within Cluster 3.

Regarding Chapter 4 *acquis* Albania has requested to maintain existing restrictions on the acquisition of agricultural and forestry land by EU/EEA and third-country nationals for seven years following its accession to the EU, or until 31 December 2037, with a safeguard clause allowing a possible 3-year extension. While the EU has taken note of the supporting information provided, it has invited Albania to supply further details on the current status and planned improvements regarding legal certainty of agricultural land ownership, including the harmonisation of land registry and cadastral data; the size and distribution of agricultural holdings; the ownership structure, particularly foreign ownership or leasing; plans for privatising state-owned agricultural land; and any current or planned post-accession restrictions on land acquisition by EEA and third-country nationals. These requests reflect Albania's partial alignment with the EU *acquis* on free movement of capital and the

65 Drenovak Ivanović, 2019, p. 101.

66 Government of the Republic of Serbia, 2017.

67 Ibid.

68 European Commission, 2017.

need to ensure equal treatment of EU nationals and Albanian citizens in real estate acquisition, as stipulated by the Stabilisation and Association Agreement. The EU emphasises that more detailed information is required before it can take a position on Albania's request.⁶⁹

In Chapter 9, Albania has requested to exclude Savings and Loans Associations (SLAs) from the application of all EU provisions related to credit institutions through an amendment of Art. 2 of the Capital Requirements Directive. While the EU has reviewed the information provided in support of this request, it requires more detailed data before taking a definitive position. Specifically, the EU seeks further information on the capital requirements and current supervisory practices for SLAs, the range of financial products they offer, the types of clients they serve, and their territorial presence within Albania.⁷⁰

Regarding Chapter 28, Albania has requested a transitional period of three years following its accession to the EU, until 31 December 2033, to comply with the requirements set out in Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use. In its Common Position, the EU noted that no transitional period has been requested for veterinary medicinal products and emphasised that Albania's request extends beyond authorisation requirements to include other aspects regulated by EU law on medicinal products.⁷¹ Regarding this request, the EU has highlighted that 'any transitional period should not compromise safety of medicinal products available in other EU member states and that proper guarantees, such as exclusion of incompliant medicines from mutual recognition in other EU Member State, are to be considered'. Furthermore, the EU invited Albania to provide additional information regarding the estimated impact of EU pharmaceutical regulations on its domestic industry, including the number of medicinal products registered in Albania but not authorised in the EU, those authorised centrally by the EU, and those authorised under national procedures of EU Member States, with projections for the accession date. Albania is also requested to explain how it has considered the complexity of different EU authorisation routes in assessing impacts on its industry and administration. Further information is sought on the availability of critical medicines to patients in Albania and the EU, the similarity of compositions between domestically and non-EU sourced medicines authorised in Albania and those authorised in the EU single market, and Albania's veterinary medicinal products market and authorisation procedures, which must align with EU *acquis*.⁷²

As previously noted, transitional periods and derogations may be established not only in the interests of the candidate country but also in the interests of EU member states. In its Common Position on Cluster 2-Internal Market, the EU stated

69 Council of the European Union, 2025a.

70 Ibid.

71 Ibid.

72 Ibid.

that Member States will be allowed to ‘apply measures restricting access to their labour markets for workers from Albania as well as in relation to the freedom to provide services involving temporary movement of workers’.⁷³

In its negotiation position on Chapter 16 – Taxation, Albania requested various transitional derogations from the VAT *acquis*. This is because VAT contributes approximately 33–34% to the total budget revenues of Albania.⁷⁴ These include exemptions without the right of deduction for certain agricultural inputs until 2035, and exemptions with the right of deduction for battery electric and plug-in hybrid vehicles until 2036. The EU has encouraged Albania to reconsider these requests due to adverse cross-border effects and has suggested different measures, such as flat-rate compensations percentages under the common flat-rate scheme for farmers. This is because ‘any deviation from the EU’s VAT system in respect of the tax base could have an effect on the Union’s own resources for which the basis of assessment would have to be adjusted in accordance with the relevant *acquis*’.⁷⁵ Furthermore, Albania requested exemptions with the right of deduction until 31 December 2036 for the importation, intra-community acquisition, and supply of goods and services intended for use or placement in technological and scientific parks, as well as in technology and economic development zones. The EU has insisted that Albania provide more detailed information regarding the scope of these derogations and their financial impact before taking a position.

Albania has also requested to apply a reduced VAT rate of 6% until 31 December 2036 on the supply of services in three Albanian marinas. However, the EU appears reluctant to accept this derogation, because of the fear that such derogation would undermine fair competition within the single market.⁷⁶

Albania does not seek only transitional periods, but also permanent derogations from the VAT *acquis*. The first aims to exempt (with a right to deduct) the international transport of passengers. However, the EU considered the request unnecessary in view of Art. 98, para. 2 letter a) and Annex III point (5) of Directive 2006/112/EC. Another requested permanent derogation would exempt from taxation (without the right to deduct) the supply of buildings or parts of buildings and the land on which they stand, while allowing legal persons purchasing buildings not intended for residential use to opt for taxation. The EU has requested Albania to provide further information on the current legislation in this area and on the details of the requested permanent derogation.⁷⁷

In addition to transitional periods and permanent derogations, Albania has requested transitional derogations concerning cigarette excise and the minimum excise levels, as well as the minimum excise requirements for LPG and natural gas. The EU

73 Ibid.

74 Asllani Ndreka, 2016.

75 Council of the European Union, 2025b.

76 Ibid.

77 Ibid.

has requested more detailed information on the scope and rationale of these exceptions. Furthermore, Albania has requested to allow the maintenance of the annual production limit of 100 litres for fruit spirits exempted under Art. 22(8) of Directive 92/83. However, the EU appears reluctant to accept this proposal, as it could undermine EU policy objectives.⁷⁸

In direct taxation, Albania seeks to continue taxing interest and royalty payments to associated companies in other Member States until 2036, with the EU inviting reconsideration of the interest taxation and requesting details on the phase-in of EU rules on royalties. In all common opinions, the EU emphasises the need for detailed justifications of requested derogations, and the plan of future alignment with EU *acquis* before taking definitive positions on these requests.⁷⁹

Within Chapter 19 – Social Policy and Employment, Albania has requested a transitional period until 31 December 2032 to implement limit values for nitrogen monoxide, nitrogen dioxide, and carbon monoxide in underground mining and tunnelling facilities, as specified in Commission Directive 2017/164 under the framework of Council Directive 98/24/EC on worker health and safety. Before taking a position, the EU has requested further information on the current health and safety measures related to these substances at the relevant worksites, details about the affected companies and industries, the impact of applying the directive upon accession, and the industries' plans for gradual compliance with the directive's requirements.⁸⁰

4. Conclusions

A brief analysis of the evolution of the EU's approach toward the Western Balkans shows that the region's integration prospects emerged largely in response to the wars and conflicts that followed the breakup of the former Yugoslavia. However, unresolved ethnic, national, religious, linguistic, and identity-related disputes continue to affect the pace of accession processes of certain Western Balkan states. This is especially the case with countries facing territorial, identity, or historical disputes with their neighbours or within their own borders, such as Bosnia and Herzegovina and North Macedonia. Both countries have yet to begin the substantive phase of accession negotiations and, as a result, have not started discussions on transitional periods and derogations. Taking into account all similarities between the countries of the region, it is likely that both mentioned states will submit requests for transitional periods and derogations similar to those of other Western Balkans neighbours.

78 Ibid.

79 Ibid.

80 Ibid.

In contrast, Montenegro, Albania, and Serbia have made progress in accession negotiations, having opened most negotiation chapters. Nevertheless, they have formally requested transitional periods and derogations in only a limited number of negotiation positions. Serbia and Montenegro have stated in most chapters that they will adopt and implement the full *acquis* by the date of accession, without requesting transitional periods or derogations. A few reasons for this approach can be identified. First, there is political signalling, as such requests might be seen as undermining the credibility of a country's commitment to reforms and harmonisation with the *acquis* and indicating a lack of readiness and seriousness in fulfilling obligations. Second, candidate countries focus on areas where the immediate application of EU legislation would, according to them, have disruptive effects. Moreover, they are aware of precedents set by previous enlargement waves. Croatia used transitional measures sparingly, and EU institutions now closely scrutinise such requests, particularly under the new methodology. This encourages newer candidates to conform to the norm of minimal derogations, unless critical. This does not preclude the use of hidden derogations that will be agreed during the course of accession negotiations. Despite this, both the EU and these candidate countries expect that negotiations on transitional periods and derogations will take place as the accession process advances.

All requests for transitional periods and derogations are sector-specific because they focus and affect complex areas of EU *acquis* such as the environmental protection, budgetary, and financial relations with the EU. Although Albania has not yet opened Chapter 27-Environment and Climate Change, it can be anticipated that it will seek transitional periods and derogations similar to those requested by other Western Balkan countries.

The requests for transitional periods and derogations submitted by the three Western Balkan countries have generally lacked convincing argumentation based on the existing exceptions provided by the EU legislation or the practice in past accession negotiations. Furthermore, these countries have not presented detailed plans for gradual alignment with the *acquis* to ensure eventual full compliance. Therefore, in the later stages of accession negotiations, Western Balkan countries should provide arguments and justifications for all requested exceptions from EU law and provide plans for progressive alignment with the *acquis*. Furthermore, the specific characteristics of the region should be emphasised during negotiations and used as a basis for requests for transitional periods and derogations.

References

Bibliography

- Agence Europe S.A. (1993) 'French proposal for a stability pact in Europe (Copenhagen, 21 and 22 June 1993)', Brussels: Agence Europe S.A. [Online]. Available at: https://www.cvce.eu/content/publication/1999/1/1/83dcbde9-a916-478c-a977-b1116ed83c56/publishable_en.pdf (Accessed: 19 June 2025).
- Amerasinghe, C.F. (2005) *Principles of the Institutional Law of International Organizations*. 2nd edn. Cambridge: Cambridge University Press, <https://doi.org/10.1017/CBO9780511614224>.
- Asllani Ndreka, D. (2016) 'Albania changes VAT exemption rules', *International Tax Review* [Online]. Available at: <https://www.internationaltaxreview.com/Art./2a68rfy5bw2ycq0qbjkbb/albania-albania-changes-vat-exemption-rules> (Accessed: 5 October 2025).
- Bordin, F.L. (2022) 'Is the European Union a Sui Generis International Organization?' in Bordin, F.L., Müller, A.T., Pascual-Vives, F. (eds.) *The European Union and Customary International Law*. Cambridge: Cambridge University Press, pp. 48–65; <https://doi.org/10.1017/9781108966535.003>.
- Božović, D., Babić, J., Popović, M., Pavlović, M. (2022) *Vodič za praćenje procesa pregovora o pristupanju Srbije Evropskoj uniji*. 2. izmenjeno i dopunjeno izdanje. Beograd: Beogradska otvorena škola.
- Çalı, B. (2006) *Legal Constraints on EU Member States in Drafting Accession Agreements: The Case of Turkey*. Leiden: Martinus Nijhoff Publishers.
- Council of the European Union (2003) 'Presidency Conclusions – Thessaloniki European Council, 19 and 20 June 2003', Brussels: Council of the European Union [Online]. Available at: <https://www.consilium.europa.eu/media/20847/76279.pdf> (Accessed: 20 May 2025).
- Council of the European Union (2025) 'European Union Common Position – Chapter 15: Energy – Serbia', Brussels, 8 May 2025 [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/15_european_union_common_position.pdf (Accessed: 24 June 2025).
- Council of the European Union (2025) 'European Union Common Position-Cluster 2: Internal Market-Albania', Brussels, 11 April 2025 [Online]. Available at: <https://data.consilium.europa.eu/doc/document/AD-4-2025-INIT/en/pdf> (Accessed: 24 May 2025).
- Council of the European Union (2025) 'European Union Common Position – Cluster 3: Competitiveness and inclusive growth-Albania', Brussels, 8 May 2025 [Online]. Available at: <https://data.consilium.europa.eu/doc/document/AD-6-2025-INIT/en/pdf> (Accessed: 24 May 2025).
- Delevic, M. (2007) 'Expectations' in Delevic, M. (ed.) *Regional Cooperation in the Western Balkans*. Paris: European Union Institute for Security Studies, pp. 31–46.
- Drenovak Ivanović, M. (2019) 'Serbian Experiences in The Preparation of a Negotiating Position in the Field of Environmental Protection and Climate Change' in Ćemalović, U., Duić, D. (eds.) *EU Integration and Environmental Law*. Belgrade: Institute of European Studies and Hanns Seidel Foundation, pp. 89–102.
- Ehrhart, H.-G. (1998) 'Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe', *OSCE Yearbook*, 1998/4, pp. 327–346.

- eu.me (no date a) 'General EU Position Ministerial meeting opening the Intergovernmental Conference on the Accession of Montenegro to the European Union', Brussels [Online]. Available at: <https://www.eu.me/biblioteka/#1583-1603-opste-pozicije-evropske-unije-i-crne-gore> (Accessed: 19 October 2024).
- eu.me (no date b) 'Pregovaračka pozicija Crne Gore za Međuvladinu konferenciju o pristupanju Crne Gore Evropskoj uniji za Poglavlje 33 – Finansijske i budžetske odredbe' [Online]. Available at: <https://www.eu.me/biblioteka/#1583-1672-33-finansijske-i-budzetske-odredbe> (Accessed: 20 May 2025).
- eu.me (no date c) 'Poglavlje 27 – jedno od najtežih, trebaće najmanje milijardu eura za zaštitu životne sredine' [Online]. Available at: <https://www.eu.me/poglavlje-27-jedno-od-najtezh-treba-najmanje-milijardu-eura-za-zastitu-zivotne-sredine/> (Accessed: 22 June 2025).
- European Commission (1999) 'Composite Paper. Reports on progress towards accession by each of the candidate countries' [Online]. Available at: https://aei.pitt.edu/44637/1/composite_1999.pdf (Accessed: 19 October 2024).
- European Commission (2017) 'Draft Common Position of the European Union for Chapter 33: Financial and Budgetary Provisions-Serbia', Directorate-General Neighbourhood and Enlargement Negotiations [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni-pregovori/pregovaracke_pozicije/33_ch_eu_position.pdf (Accessed: 24 May 2025).
- European Commission (2018) 'A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans' [Online]. Available at: https://enlargement.ec.europa.eu/document/download/5b911e64-9d7b-405d-8be7-d7060f30c169_en (Accessed: 19 September 2025).
- European Commission (2024) 'Growth Plan for the Western Balkans' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/growth-plan-western-balkans_en (Accessed: 20 May 2025).
- European Commission (2025a) 'Albania and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/albania_en (Accessed: 24 May 2025).
- European Commission (2025b) 'Bosnia and Herzegovina and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/bosnia-and-herzegovina_en (Accessed: 24 June 2025).
- European Commission (2025c) 'Kosovo and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/kosovo_en (Accessed: 24 June 2025).
- European Commission (2025d) 'Montenegro and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/montenegro_en (Accessed: 24 May 2025).
- European Commission (2025e) 'North Macedonia and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/north-macedonia_en (Accessed: 24 June 2025).
- European Commission (2025f) 'Serbia and the EU' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/serbia_en (Accessed: 24 June 2025).
- European Commission (no date) 'Steps towards joining' [Online]. Available at: https://enlargement.ec.europa.eu/enlargement-policy/steps-towards-joining_en (Accessed: 19 June 2025).
- European Council (2025) 'EU and Montenegro provisionally close public procurement chapter in accession negotiations' [Online]. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2025/06/27/eu-and-montenegro-provisionally-close-public-procurement-chapter-in-accession-negotiations/> (Accessed: 24 June 2025).

- European Parliament (2000) 'Santa Maria Da Feira European Council 19 and 20 June 2000', Conclusions of the Presidency [Online]. Available at: https://www.europarl.europa.eu/summits/fei1_en.htm (Accessed: 19 June 2025).
- European Parliamentary Research Service (2022) 'The EU's new enlargement methodology: A framework to support the Western Balkans' European perspective', Brussels: European Parliament. [Online]. Available at: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/738205/EPRS_ATA\(2022\)738205_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/738205/EPRS_ATA(2022)738205_EN.pdf) (Accessed: 20 May 2025).
- European Union (no date) 'Common Position of the European Union for Chapter 27: Environment and Climate Change – Serbia' [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/27_eu_common_position.pdf (Accessed: 24 May 2025).
- European Union (2020) 'Treaty on European Union – Joining the EU' [Online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legissum%3A114536> (Accessed: 19 May 2025).
- Friis, L., Murphy, A. (2000) 'Turbocharged negotiations: the EU and the Stability Pact for South Eastern Europe', *Journal of European Public Policy*, 7(5), pp. 767–786 [Online]. Available at: <https://doi.org/10.1080/13501760010014948> (Accessed: 04 January 2025).
- Government of the Republic of Serbia (2017) 'Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Chapter 33 'Financial and Budgetary Provisions'', Belgrade: Government of the Republic of Serbia [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/negotiation_position_33.pdf (Accessed: 24 May 2025).
- Government of the Republic of Serbia (2019) 'Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on Accession of the Republic of Serbia to the European Union: Chapter 27 – Environment and Climate Change' [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/ng_position_ch27.pdf (Accessed: 24 May 2025).
- Government of the Republic of Serbia (2021) 'Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the accession of the Republic of Serbia to the European Union for Chapter 15 'Energy'', Belgrade: Government of the Republic of Serbia. [Online]. Available at: https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/15_negotiating_position_of_the_republic_of_serbia.pdf (Accessed: 24 June 2025).
- Hillion, C. (2004) 'The Copenhagen Criteria and Their Progeny' in Hillion, C. (ed.) *EU Enlargement: A Legal Approach*. Oxford: Hart Publishing, pp. 1–22.
- Hillion, C. (2015) 'Accession and Withdrawal in the European Union Law' in Chalmers, D., Arnall, A. (eds.) *The Oxford Handbook of European Union Law*. Oxford: Oxford University Press, pp. 126–152.
- Kopač, J., Kulaga, D. (2024) *Chapter 15 (Energy): What can Ukraine learn from other EU Member States and candidate countries?* [Online]. Available at: <https://greendealukraina.org/assets/images/reports/what-can-ukraine-learn-from-other-eu-member.pdf> (Accessed: 5 June 2025).
- Lindseth, L. P. (2017) 'Supranational Organizations' in Cogan, J.K., Hurd, I., Johnstone, I. (eds.) *The Oxford Handbook of International Organizations*. Oxford: Oxford University Press, pp. 152–170; <https://doi.org/10.1093/law/9780199672202.003.0007>.

- Marktler, T. (2006) 'The Power of the Copenhagen Criteria', *Croatian Yearbook of European Law and Policy*, 2/2006, pp. 343–364 [Online]. Available at: <https://doi.org/10.3935/cyelp.02.2006.23> (Accessed: 5 June 2025).
- Mathias, S., Trengove, S. (2017) 'Membership and Representation' in Cogan, J.K., Hurd, I., Johnstone, I. (eds.) *The Oxford Handbook of International Organizations*. Oxford: Oxford University Press, pp. 962–984.
- Mayhew, A. (2007) 'Enlargement of the European Union: An analysis of the negotiations for countries of the Western Balkans', *SIGMA Paper*, 2007/ No. 37, Paris: Organisation for Economic Co-operation and Development (OECD) [Online]. Available at: https://www.sigmaweb.org/content/dam/sigma/en/publications/reports/2007/01/enlargement-of-the-european-union_g17a1df0/5kml60qztg21-en.pdf (Accessed: 19 May 2025).
- Mazur, S.K. (2024) 'On the Verge of the Next EU Enlargement. Accession Legal Framework: Conceptual Overview', *Croatian Yearbook of European Law and Policy*, 20/2024, pp. 105–126 [Online]. Available at: <https://doi.org/10.3935/cyelp.20.2024.599> (Accessed: 19 October 2024).
- Metzinger, P. (2022) 'In the Shadow of Legal Imperialism: The Supremacy of EU Law Over the Member States' in Osztovcics, A., Bóka, J. (eds.) *The Policies of the European Union from a Central European Perspective*. Miskolc–Budapest: Central European Academy Publishing, pp. 13–54; <https://doi.org/10.54171/2022.aojb.poeucep.1>.
- Ministry of European Integration (no date) 'Negotiation Clusters' [Online]. Available at: <https://www.mei.gov.rs/eng/documents/negotiations-with-the-eu/negotiation-clusters/> (Accessed: 19 June 2025).
- Nicolaides, P. (1998) 'Negotiating effectively for accession to the European Union: realistic expectations, feasible targets, credible arguments' [Online]. Available at: https://aei.pitt.edu/778/1/scop98_1_2.pdf (Accessed: 19 October 2024).
- Pippan, C. (2004) 'The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality', *European Foreign Affairs Review*, 9(2), pp. 227–244 [Online]. Available at: <https://doi.org/10.54648/EERR2004014> (Accessed: 19 October 2024).
- Racaj, M., Danevski, I. (2023) 'Stability Pact – Reflection of the Political Will of the International Community', *Sovremena Makedonska Odbrana*, 14(27), pp. 33–43.
- Uljarević, D. (2013) 'Pregovarački proces', in Uljarević, D. (ed.) *O čemu pregovaramo i što nam pregovori sa EU donose?* Podgorica: Centar za građansko obrazovanje (CGO).
- Vlajković, M., Tasev, J. (2021) 'The Challenges of the Approximation of National Law with The EU Acquis in the Western Balkans in Light of the New Enlargement Tendencies', *South Eastern Europe and the European Union – Legal Transformations*, 2021/6, pp. 85–100.

Legal sources

- Consolidated Version of the Treaty on European Union, Official Journal of the European Union.
- European Council in Copenhagen 21–22 June 1993, Conclusions of the Presidency', Copenhagen, 22 June 1993, SN 180/93.
- European Council in Copenhagen 21–22 June 1993, Conclusions of the Presidency, Copenhagen, 22 June 1993, SN 180/93.
- Council Regulation (EC) No 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, Official Journal L 204, 14/08/1996.
- Presidency Conclusions – Brussels, 16/17 December 2004, Council of the European Union, 16238/1/04 REV 1, 1 February 2005.

1999/345/CFSP: Common Position of 17 May 1999 adopted by the Council on the basis of Art. 15 of the Treaty on European Union, concerning a Stability Pact for South- Eastern Europe, Official Journal L 133, 28/05/1999.

