



Council of the
European Union

Brussels, 14 December 2021
(OR. en)

15033/21

ELARG 97
COWEB 169

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 14862/21
No. Cion doc.: COM(2021) 644 final

Subject: ENLARGEMENT AND STABILISATION AND ASSOCIATION PROCESS
– Council conclusions

Delegations will find attached Council conclusions on Enlargement and Stabilisation and Association Process as approved by the Council on 14 December 2021.

**COUNCIL CONCLUSIONS ON ENLARGEMENT AND STABILISATION AND
ASSOCIATION PROCESS**

1. The Council takes good note of the Communication from the Commission of 19 October 2021 on the EU Enlargement Policy and the reports on Montenegro, Serbia, Turkey, the Republic of North Macedonia, Albania, Bosnia and Herzegovina and Kosovo*.
2. The Covid-19 crisis continues to have severe negative impacts on our societies and economies. The pandemic has highlighted the necessity and advantages of standing united and tackling common challenges together. Recalling the unprecedented scale and range of support already provided, the EU remains committed to continue this cooperation and coordination, also to further improve access to vaccines, diagnostics, and therapeutics and to ensure a better predictability of and resilience to future crises. The Council also recognises the valuable support the Western Balkans have given to each other and to the EU.
3. The Council reaffirms its **commitment to enlargement**, which remains a key policy of the European Union, in line with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006 and subsequent Council conclusions. It continues to represent a strategic investment in peace, democracy, prosperity, security and stability in Europe. The Council reiterates that embracing and committing to core EU values and to the European perspective is a firm strategic choice, essential for all partners aspiring to EU membership. In line with this, the Council continues to expect partners to take ownership and fully commit to the primacy of democracy, fundamental rights and values and the rule of law, which is in the interest of their people. The credibility of these commitments depends on the meaningful implementation of necessary reforms and the building of a solid track record underpinned by clear and consistent public communication.

* 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.

4. Recalling the Thessaloniki Agenda and the Sofia, Zagreb and Brdo Declarations, the Council reiterates the EU's unequivocal support to the European perspective of the Western Balkans. The EU will further strengthen and intensify its engagement at all levels to support the region's political, economic and social transformation, including through continued assistance based on tangible progress on the rule of law and socio-economic reforms, as well as on partners' adherence to EU values, rules and standards. In this context, the Council looks forward to the implementation of the Economic and Investment Plan for the Western Balkans, as well as of the Green Agenda for the Western Balkans. In order to further reinvigorate and enhance political dialogue with the region, the Council welcomes the holding of EU-Western Balkans Summits as regular events. The Council looks forward to the holding of the first intergovernmental conferences with the Republic of North Macedonia and with Albania as soon as possible, after the approval of the negotiating frameworks by the Council. Turkey remains a candidate country and a key partner in many areas of joint interest.

5. In line with previous Council conclusions, and in the framework of the Copenhagen political criteria and of the Stabilisation and Association Process, which remains the common framework for relations with the Western Balkans, the Council reaffirms the need, in accordance with the 2006 renewed consensus on enlargement, for **fair and rigorous conditionality** and the **principle of own merits**. In this context, the Council stresses the importance of ensuring that the EU can maintain and deepen its own development, including its capacity to integrate new members. The revised enlargement methodology with its even stronger focus on fundamental reforms, aims to reinvigorate the accession process by making it more predictable, more credible, and more dynamic, and subject to stronger political steering, based on objective criteria and rigorous positive and negative conditionality, and reversibility. It is being integrated in the new negotiating frameworks and has been accommodated within the existing ones with Montenegro and Serbia, which the Council welcomes. In this context, the Council also recalls possibilities for accelerated integration measures subject to further and sufficient progress by the candidates on reform priorities.

6. Taking note of the overall state of current reform efforts among partners as reported by the Commission, the Council stresses the pressing need for them to focus on **fundamental reforms** to address a number of persisting structural shortcomings in the areas of rule of law, fundamental rights, the strengthening of democratic institutions and public administration reform, as well as on the economic criteria. Solid and sustained track records of reform implementation and **concrete and tangible results** in these crucial areas remain essential, in particular for determining the overall pace of the accession negotiations.
7. The Council recalls that the **rule of law** is a fundamental value on which the EU is founded, a crucial aspect of democratic transformation which is at the heart of both the Enlargement Process and the Stabilisation and Association Process, and the key benchmark against which progress towards EU membership is assessed. It is therefore essential that partners' progress in this area is robust, tangible and irreversible. While acknowledging that some partners have advanced in this crucial area, the Council notes with concern that the reported shortcomings confirm this to be one of the main challenges. The lack of credible progress in many cases, and in some even backsliding, often relates to the lack of political will, shortcomings in judicial independence, institutional resistance, and widespread corruption and organised crime: all key concerns which need to be addressed as a matter of high priority.

The Council notes that in most cases there has been limited progress and even stagnation in the area of protection of **fundamental rights**. Credible and genuine measures to address the many reported shortcomings continue to be required. Of particular concern are those relating to the rights of the child and the rights and non-discriminatory treatment of persons belonging to minorities and persons in vulnerable situations, such as the Roma, persons with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and national minorities. Regarding gender equality, the empowerment and the full enjoyment of fundamental rights of women and girls must be ensured. Furthermore, the situation regarding the **freedom of expression, media freedom and pluralism** remains deeply concerning, with limited or no progress in most cases and in one case even continued serious backsliding. Urgent measures continue to be required to safeguard these essential pillars of democracy. Threats, intimidation and attacks targeting media, journalists and other media actors must be resolutely addressed. Further progress on **public administration reform**, particularly on depoliticisation, increased accountability and professionalism, remains necessary for improving governance at all levels.

The proper **functioning and independence of democratic institutions** – an essential element of well-functioning democracies and a key condition for EU accession – remains a pressing challenge. The Council notes that the absence of genuine political will continues to be the main reason for the lack of substantial progress, or even backsliding, on credible and sustainable reforms in this area. The Council notes with concern the many cases where the proper functioning of democratic systems and institutions is hampered or undermined. Addressing the reported shortcomings remains of utmost importance, requiring reforms also in related fundamental areas as well as inclusive political dialogue, and providing a stronger role and the freedom to operate for civil society organisations.

8. With regard to the **economic criteria**, the Council welcomes and shares the Commission's analysis. The Council stresses that implementation of both fundamental and structural reforms remains essential for economic recovery and development as efforts to tackle corruption, improve the rule of law, enhance transparency and strengthen institutions and social dialogue would also benefit the economies. In this context the Council underlines the importance of full transparency of all investments, in particular those involving public procurement procedures. Untapping the economic potential of the partners will also require continued reforms of economic structures identified in the Economic Reform Programmes (ERPs). Implementing the reforms set out in the ERPs and in the policy guidance jointly adopted with EU Member States is therefore essential not only to improve competitiveness, foster job creation and facilitate social inclusion, but also to ensure fiscal sustainability and meet the economic criteria in the accession process and to maximise the potential impact of the EU's substantial investment package. The **Green Agenda and sustainable connectivity** are key to a sustainable recovery, as well as to economic integration within the region and with the EU, which will benefit both businesses and the broader public. The Council encourages all partners to implement the measures included in the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 12 July 2021, based on their respective Economic Reforms Programmes. The Council recalls that the EU continues to be by far the biggest trading partner of the Western Balkans and Turkey for both imports and exports.
9. The Council underlines the crucial need to tackle **climate change** in line with the EU's climate-related ambitions, to speed up alignment with EU *acquis* and strengthen implementation in the transition to climate neutral, resilient, sustainable, circular and resource-efficient economies.

10. **Good neighbourly relations and regional cooperation** remain essential elements of the Enlargement Process, as well as of the Stabilisation and Association Process. The Council welcomes progress made and reiterates the importance of inclusive regional cooperation, in particular the realisation of the **Western Balkans Common Regional Market**, based on EU rules and standards, which will be crucial for taking full advantage of the potential of the region and of the Economic and Investment Plan. Decisive efforts are required to foster **reconciliation and regional stability**, as well as to find and implement definite, inclusive and binding solutions to partners' bilateral disputes and issues rooted in the legacy of the past, in line with international law and established principles, including the Agreement on Succession Issues, and the remaining cases of missing persons and war crime issues. Domestic war crime cases should be effectively handled without discrimination, including through meaningful regional cooperation and full cooperation with and support to the work of the International Residual Mechanism for Criminal Tribunals and the Specialist Chambers. The Council underlines that there is no place for genocide denial, inflammatory rhetoric or glorification of war criminals, from any side. Statements and actions which negatively impact on good neighbourly relations and the peaceful settlement of disputes must be avoided. Existing bilateral agreements, including the Prespa agreement between the Republic of North Macedonia and Greece and the Treaty on Friendship, Good-neighbourliness and Cooperation between the Republic of North Macedonia and Bulgaria, need to be implemented in good faith.
11. The Council continues to stress the importance of further deepening of cooperation on foreign policy issues and the Union's expectations on enhanced alignment with the **EU Common Foreign and Security Policy**, particularly on issues where major common interests are at stake, such as restrictive measures and tackling hybrid threats. Joining the EU is a choice, and one that requires sharing the principles, values and goals the Union seeks to promote in its neighbourhood and beyond, including reaching full alignment with the Common Foreign and Security Policy, and refraining from any actions contrary to it.

12. The Council continues to stress the importance of **strategic communication**, as well as the need for partners to strengthen their resilience to malign hybrid activities. The hybrid threats call for reinforced cooperation and closer collaboration, including on cyber-resilience, the protection of critical infrastructures, strategic communication and addressing disinformation. The Council calls upon all partners to clearly communicate the benefits and obligations of their path towards EU, as well as their own commitment to EU values and related necessary reforms. Continued engagement of the EU and of its Member States, also in pursuing a more effective strategic communication policy both towards the partners and EU citizens, remains crucial.
13. Terrorism, radicalisation and organised crime continue to pose serious security threats to the EU and to the whole region. In line with earlier **European Council** and Council conclusions, the Council reiterates the importance of continuing and further strengthening cooperation on **counter-terrorism**, in particular regarding foreign terrorist fighters and the prevention and the countering of radicalisation. Further efforts and a solid track record continue to be needed in the **fight against organised crime**. Welcoming the positive examples reported, the Council stresses the need for all partners to find effective responses to prevent organised crime from infiltrating their economies. More efforts are required to prevent all forms of radicalisation, including of religious, ethno-nationalist or political nature.
14. On **migration**, the Council commends the Western Balkans partners for their continuous efforts and generally constructive cooperation, which have delivered clear results, and Turkey for its continued significant efforts in hosting and addressing the needs of almost 4 million refugees. The Council reiterates that full and non-discriminatory implementation of the EU-Turkey Statement and continued support for partners along the Western Balkans route is required. Further actions by partners in line with EU law and international obligations are needed to tackle migration challenges.

15. The Council recalls the continued substantial **EU financial and technical assistance** for the Enlargement Process and the Stabilisation and Association Process, in particular in the form of the Instrument for Pre-Accession Assistance (IPA), following the adoption of the IPA III Regulation in September 2021 with a financial envelope of EUR 14,162 billion.

ENLARGEMENT

MONTENEGRO

16. The Council welcomes the overall progress made in the accession negotiations so far, with all 33 screened chapters opened and 3 provisionally closed, as well as the agreement reached at the 13th Intergovernmental Conference in June 2021 on the elements of the revised enlargement methodology to be accommodated within the existing negotiating framework and to be applied to the accession negotiations with Montenegro. The priority for further progress in the accession negotiations, and before moving towards the provisional closure of other chapters, remains the fulfilment of the rule of law interim benchmarks set under chapters 23 and 24. Only when Montenegro fulfils the outlined criteria will the EU be able to set out the rule of law requirements as closing benchmarks, which Montenegro will have to meet to close these chapters. The Council reiterates that the entire rule of law system must deliver tangible results and a strengthened and sustainable track record. As also set out in the Negotiating Framework, progress on these chapters is essential and will continue to determine the pace of accession negotiations overall. The Council expects Montenegro to continue to pursue its accession path with more determination. The Council identifies the following as the most important and urgent reforms for Montenegro to undertake.

17. The Council strongly encourages Montenegro to demonstrate determined political will, overcome polarisation, and deliver tangible results in particular in the critical areas of **freedom of expression and media and the fight against corruption**, and to continue to address the existing deficiencies in the handling of organised crime cases and the seizure and confiscation of criminal assets. The Council recalls the need to address the stagnating implementation of key judicial reforms – including the important and still pending appointments in key independent institutions and the judiciary. The Council also reiterates its calls on Montenegro to guarantee a safe and conducive climate for freedom of expression and independence of the media, including by stepping up efforts to investigate and resolve cases of attacks against journalists as a matter of high priority, and by effectively addressing disinformation and online harassment and hate speech. Ensuring independence of public service broadcasters and establishing an effective self-regulatory mechanism covering all media bodies is crucial. The Council underlines its expectations of strong political commitment and genuine engagement by all relevant institutions and actors in all these endeavours.

Furthermore, the Council encourages Montenegro to **strengthen the independence of institutions, in particular of the judiciary**, and demonstrate strong political will to pursue work on **public administration reform** and strengthen administrative capacity. The Council notes in this regard that Montenegro needs to ensure merit-based recruitments and to maintain EU-related expertise in its administration to support the accession process and the negotiations and to apply the EU acquis.

18. The Council underlines that **electoral reform** remains vital for strengthening electoral trust, and urges all parties demonstrate responsibility and engage in a meaningful and inclusive **political dialogue in the parliament** to avoid further polarisation of the political landscape.

19. On **economic reforms**, the Council notes that the COVID-19 pandemic took a heavy toll on the economy. Nonetheless, the government has managed to continue to implement some of the envisaged reforms and mitigate financial risks, while the financial sector remained stable. The Council encourages Montenegro to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial Dialogue, including by reducing the budget deficit and the public debt ratio once the recovery is entrenched, strengthening fiscal governance and transparency, and implementing structural reforms.
20. The Council appreciates Montenegro's continued constructive commitment to further developing **regional cooperation** and advancing **good neighbourly relations**.
21. The Council continues to strongly commend Montenegro for its consistent cooperation on foreign policy issues, and in particular its continuous full alignment with the **EU Common Foreign and Security Policy**. It also welcomes Montenegro's continued active participation in EU missions and operations under the **Common Security and Defence Policy**.

SERBIA

22. The Council welcomes the **overall progress** made in the accession negotiations so far, with 22 out of 35 negotiating chapters opened and 2 chapters provisionally closed, as well as the agreement reached at the 12th **Intergovernmental Conference** in June 2021 on the elements of the revised enlargement methodology to be accommodated within the existing negotiating framework and to be applied to the accession negotiations with Serbia. The Council continues to underscore that progress on the rule of law and fundamental rights chapters, as well as on the normalisation of Serbia's relations with Kosovo, as set out in the Negotiating Framework, continues to be essential and will determine the pace of accession negotiations overall.
23. Noting that the Serbian Government continues to declare EU integration as its strategic goal, the Council calls on Serbian authorities to firmly commit to and promote **EU values**, as well as to place more emphasis on this objective and proactively communicate positively and unambiguously on the EU, which is Serbia's main political and economic partner.

24. The Council notes the progress made by Serbia in some areas of the rule of law but also the overall limited progress and continued delays in a number of other areas. The Council encourages Serbia to continue to demonstrate political will to further accelerate reforms and to deliver concrete and tangible results in the **fundamental areas**. The Council identifies the following as the most important and urgent reforms for Serbia to undertake.

Serbia should focus on meeting the interim benchmarks for chapters 23 and 24, including through implementation of the revised action plans for these chapters. The independence and overall efficiency of the **judiciary** and effective reform implementation continue to require special attention. The Council welcomes the progress achieved to date on the constitutional reform and calls on Serbia to finalise it during the current legislature and in line with European standards and the Venice Commission recommendations. Serbia needs to achieve tangible results and a convincing track record with effective investigations, prosecutions and final convictions, freezing and confiscation of criminal assets, notably as regards **serious and organised crime cases, including money laundering**. Serbia needs to step up its efforts to fight **corruption**, including high level cases.

The Council acknowledges that the media strategy and the related action plan were adopted, and calls on Serbia to effectively implement them as a matter of priority, respecting the letter and spirit of the media strategy's objectives. At the same time, the Council expresses serious concern over the limited progress made on improving the overall environment for **freedom of expression**. The Council reiterates its call on Serbia to guarantee a safe climate conducive to the unhindered exercise of freedom of expression and the independence of the media as a matter of urgency, including by stepping up efforts to investigate cases of threats, intimidation and violence against journalists.

Serbia needs to continue to pay particular attention to the full respect of **fundamental rights**, including protection of the most vulnerable groups, as well as to the non-discriminatory treatment of national minorities throughout Serbia, especially in the areas of education, use of minority languages, access to media and religious services in minority languages, and to actively pursue investigations and convictions for hate-motivated crimes.

The Council stresses the need to ensure the proper **functioning of democratic institutions** and underlines that electoral reform remains vital for strengthening electoral trust. It acknowledges that Serbia started addressing long-standing recommendations by the OSCE/ODIHR. Ahead of the announced 2022 elections, it is crucial that all these key recommendations are implemented in an inclusive and transparent manner and based on wider political consensus. It is important that the measures identified in the inter-party dialogue led by the European Parliament are also implemented. An enabling environment for the development and financing of **civil society** still needs to be effectively established.

The Council continues to underscore the importance of domestic handling of **war crimes**, resolving the remaining cases of missing persons and full cooperation with the International Residual Mechanism for Criminal Tribunals, including by fully accepting and implementing its rulings and decisions as a matter of urgency. There should be no support and public space for convicted war criminals nor for glorification or denial of their crimes.

25. On **economic reforms**, the Council positively notes the continuous progress made in developing a functioning market economy and that the impact of the COVID-19 crisis was successfully mitigated by, inter alia, a strong pre-crisis momentum and sizeable and timely fiscal and monetary support measures. The Council encourages Serbia to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial dialogue and to continue with structural reforms of public administration and state-owned enterprises. Ensuring full compliance with the EU public procurement *acquis* is important. The Council welcomes the efforts made by Serbia towards the fulfilment of the opening benchmarks in cluster 3 (Competitiveness and inclusive growth) and will continue its assessment thereof.
26. The Council reiterates the need for Serbia to fulfil its commitment and step up its efforts in progressively aligning with the **EU Common Foreign and Security Policy**, in line with the Negotiating Framework, and to continue to improve its current record as a matter of priority in a sustainable and tangible way.

27. The Council welcomes Serbia's continued active participation in and important contribution to EU missions and operations under the **Common Security and Defence Policy**.
28. The Council reiterates the need for Serbia to fulfill its commitment to align with the **EU common visa policy**.
29. On the EU-facilitated **Dialogue**, the Council welcomes the continuation of the Dialogue in June 2021, and commends the High Representative and the EUSR for the Belgrade-Pristina Dialogue and other Western Balkan regional issues for their commitment to the EU-facilitated Dialogue. The Council expects Serbia to engage in the EU-facilitated Dialogue in good faith and in the spirit of compromise to achieve a comprehensive legally binding agreement with Kosovo in accordance with international law and EU acquis. This agreement should address all outstanding issues and contribute to regional stability. This is crucial so that Serbia and Kosovo can advance on their respective European paths. The Council reiterates its strong expectation that all past agreements are respected and implemented without delay. Both parties should also avoid actions that undermine stability and rhetoric that is not conducive to dialogue.
30. The Council welcomes Serbia's commitment to actively promote **regional cooperation** and encourages Serbia to continue its efforts to strengthen **good neighbourly relations** and contribute to stability and reconciliation.

TURKEY

31. The Council recalls that the European Council on 24-25 June 2021 noted the European Union's strategic interest in a stable and secure environment in the Eastern Mediterranean and in the development of a cooperative and mutually beneficial relationship with Turkey. The European Council welcomed the de-escalation in the Eastern Mediterranean, stressing that it needed to be sustained, and reiterated the EU's readiness to engage with Turkey in a phased, proportionate and reversible manner in a number of areas of common interest, subject to established conditionalities set out by the Members of the European Council in 25 March 2021, and in previous European Council conclusions.
32. Bearing in mind these as well as previous European Council conclusions, the Council remains committed to maintaining an open and frank dialogue, to addressing common challenges and to cooperating in essential areas of joint interest such as migration, public health, climate, counter-terrorism and regional issues. The Council takes note of the recent resumption of High Level Dialogues between the EU and Turkey on several of these issues, as well as the ratification by Turkey of the Paris Agreement on climate change.
33. The Council commends Turkey's continued significant efforts in hosting and addressing the needs of almost 4 million refugees. The continued EU assistance to refugees and host communities will be assured in a timely manner. The **EU-Turkey Statement** continues to deliver results. The Council recalls that the European Council on 21-22 October 2021 called on Turkey to ensure the full and non-discriminatory implementation of the EU-Turkey Statement of 2016, including vis-à-vis the Republic of Cyprus. Effective border management, as well as the resumption of returns, continue to be priorities. The full and effective implementation of the EU-Turkey Readmission Agreement and cooperation in the area of justice and home affairs with all EU Member States remain essential.

34. The Council reiterates its serious concerns about the further and deeply worrying backsliding in the areas of democracy, rule of law, and fundamental rights including the freedom of expression, as well as the systemic lack of independence of the judiciary. A number of restrictive measures taken during the state of emergency have been integrated into law and have a profound negative impact on people in Turkey. Civil society and its organisations operate under continuous pressure in an increasingly challenging environment. The systemic lack of independence and undue pressure on the judiciary cannot be condoned, nor can the ongoing restrictions, detentions, imprisonments, and other measures targeting journalists, academics, members of political parties, including parliamentarians, lawyers, human rights defenders, social media users, and others exercising their fundamental rights and freedoms. The Council stresses the importance of respecting the legality and integrity of the electoral process, in particular against the backdrop of the numerous arrests, dismissals and replacements of democratically elected municipal mayors, and the targeting of opposition parties and their members. The Council reiterates its grave concerns over the reported continued negative developments in these areas, recalls the international standards and the obligations to which Turkey has subscribed and committed itself, and calls on Turkey to urgently reverse the negative trends and credibly address the many serious shortcomings identified in the Commission's report. Turkey should also step up its cooperation with the Council of Europe and its relevant bodies and institutions, address their key recommendations, fully implement the European Convention of Human Rights and other international human rights instruments to which Turkey is a party, as well as execute all judgments of the European Court of Human Rights in line with Article 46 of the ECHR.
35. On **economic reforms**, the Council notes the serious concerns persisting over the functioning of the country's market economy. Institutional and policy coordination weaknesses undermined the credibility and effectiveness of authorities' actions, and imbalances increased significantly, resulting in financial market instability, a deeply negative impact on the labour market, and higher poverty. The Council encourages Turkey to fully implement the policy guidance set out in the **Joint Conclusions of the Economic and Financial Dialogue**. The independence of regulatory authorities, such as the Central Bank, is of particular importance.

The Council further recalls the need for Turkey to address obligations as regards the implementation of the **EU-Turkey Customs Union**, ensuring its effective application to all Member States. The Council regrets Turkey's continued deviations from its obligations under the EU-Turkey Customs Union, and recalls that trade barriers or equivalent that are not in conformity with it should be removed without delay.

36. The Council reiterates its call on Turkey to progressively align with the **EU Common Foreign and Security Policy** and to reverse the increasingly negative trend as a matter of priority and recalls its position on accession of Member States to international organisations. The Council notes with concern that Turkey's foreign policy has been increasingly colliding with the EU priorities under the Common Foreign and Security Policy, including regarding Libya and Operation IRINI. In line with the shared interest of the EU and Turkey in regional peace and stability, the Council expects Turkey and all actors to contribute positively to the resolution of regional crises.
37. The Council continues to expect Turkey to unequivocally commit to **good neighbourly relations**, international agreements and to the peaceful settlement of disputes, having recourse, if necessary, to the International Court of Justice.

The Council, as stated in its conclusions of 11 December 2006, 26 June 2018 and 18 June 2019, subsequently endorsed by the **European Council** as well as in the Declaration of 21 September 2005, calls on Turkey to fulfil its obligations under the Negotiating Framework, including the full, non-discriminatory implementation of the Additional Protocol to the Association Agreement towards all Member States. The Council reiterates that recognition of all Member States is essential. Turkey must stop all threats and actions that damage good neighbourly relations, normalise its relations with the Republic of Cyprus and respect the sovereignty of all EU Member States over their territorial sea and airspace as well as all their sovereign rights, including inter alia the right to explore and exploit natural resources, in accordance with EU and international law, including the United Nations Convention on the Law of the Sea (UNCLOS).

38. The EU remains fully committed to a comprehensive settlement of the **Cyprus problem**. It recalls that it remains crucial in this regard that Turkey commits and contributes to a peaceful settlement, including its external aspects, within the UN framework, on the basis of a bicomunal, bizonal federation with political equality, in accordance with all relevant UNSC resolutions and in line with the principles on which the EU is founded and the *acquis*. The Council regrets that the informal meeting in April 2021 in Geneva under the auspices of the UN did not pave the way for the resumption of formal negotiations. The EU will continue to play an active role in supporting the process.

The Council condemns Turkey's unilateral actions in relation to Varosha that run contrary to the UN Security Council Resolutions and recalls the importance of the status of Varosha and the need for full respect of UN Security Council Resolutions, in particular Resolutions 550, 789 and 1251, as underlined by the 24 June 2021 European Council. The Council calls for the immediate reversal of these actions and the reversal of all steps taken on Varosha since October 2020.

39. The Council notes with regret that Turkey continues to move further away from the European Union, and recalls its previous conclusion which noted that Turkey's accession negotiations therefore effectively have come to a standstill and no further chapters can be considered for opening or closing.

STABILISATION AND ASSOCIATION PROCESS

REPUBLIC OF NORTH MACEDONIA

40. The Council welcomes the continued determination of the Republic of North Macedonia to advance the EU reform agenda, which paved the way for the decision to open accession negotiations in March 2020. The Council looks forward to the holding of the first intergovernmental conference with the Republic of North Macedonia as soon as possible, after the approval of the negotiating framework by the Council.

41. The Council takes note that, according to OSCE/ODIHR, the local **elections** on 17 and 31 October 2021 were competitive and fundamental freedoms were respected. However, numerous shortcomings in the legal framework underscore the need for a comprehensive review of the electoral legislation. The Council underlines the importance for the authorities to continue to address the remaining recommendations from OSCE/ODIHR and the Venice Commission in a timely and inclusive manner.
42. The Council welcomes that progress was made in the field of **rule of law**, including the fight against corruption and organised crime, as well as the government's commitment to sustain and accelerate the implementation of EU related reforms. The sustainability of these structural reforms is a long-term process, which requires continuous engagement from both the government and the opposition. The Council encourages all parties to continue to deepen the current reform momentum and to improve constructive dialogue.
43. In the area of the **judiciary**, the Council welcomes that some progress was made in the implementation of the judicial reform strategy, thereby further addressing the recommendations from the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues. The Council underlines that the focus needs to be on continued implementation of existing strategies and laws and using the tools, which are already in place, in line with EU standards. The independence, professionalism and impartiality of the judicial system need to be ensured, building on the progress already made. The Council notes the efforts to continue to fight against corruption and organised crime, including for high-level cases. The Council emphasises the need to ensure systematic implementation of the updated action plan on the judicial reform strategy and the human resources strategies for the judiciary and prosecution. The Council emphasises the importance for the concerned institutions to follow up on the recommendations of the State Commission for Prevention of Corruption, which has been particularly pro-active in preventing corruption. The Council calls on the Republic of North Macedonia to continue efforts to further strengthen freedom of expression and the safety of journalists.

44. The Council notes that some progress has been made in the area of the **public administration**. Ensuring respect for the principles of transparency, merit and equitable representation remains essential, including through improvements and implementation of the legislative framework.
45. The country has implemented a comprehensive reform of its intelligence and security services, in cooperation with NATO and strategic partners. The Council underlines that the capacity for parliamentary oversight over the intelligence services needs to be strengthened.
46. The Council welcomes that the Republic of North Macedonia continues to play an active and constructive role in the management of mixed **migration** flows by cooperating effectively with neighbouring countries and EU Member States.
47. On **economic reforms**, the Council encourages the Republic of North Macedonia to continue efforts to meet the requirements of the EU's internal market and to cope with competitive pressure and market forces within the Union. It further encourages the Republic of North Macedonia to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial Dialogue by implementing effective and well-coordinated structural reforms.
48. The Council welcomes that the census enumeration was completed on 30 September 2021 and notes that the results are expected to be published in the coming months.
49. **Good neighbourly relations** and **regional cooperation** remain essential elements of the enlargement process, as well as of the Stabilisation and Association Process. Recalling paragraph two of the Council conclusions of March 2020, the Council recalls the importance of achieving tangible results and implementing in good faith bilateral agreements, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria.

50. The Council also welcomes that alignment with the **EU Common Foreign and Security Policy** increased significantly, showing a positive trend and reflecting the country's choice of strategic orientation. The Council encourages the country to continue to further improve its CFSP alignment. It also welcomes the Republic of North Macedonia's continued active participation in EU missions and operations under the Common Security and Defence Policy.

ALBANIA

51. The Council welcomes the continued determination of Albania to advance the EU reform agenda, which paved the way for the decision to open accession negotiations with the EU in March 2020. The Council looks forward to the holding of the first intergovernmental conference with Albania as soon as possible, after the approval of the negotiating framework by the Council.
52. The Council takes note that the parliamentary elections in April 2021 were generally well organized and recalls that these elections were held on the basis of the new electoral framework following a wide-ranging reform in line with OSCE/ODIHR recommendations. The Council also encourages further implementation of outstanding OSCE/ODIHR recommendations. The Council underlines that inclusive and constructive political dialogue in the country remains crucial, and in this context, the Council welcomes the return of the opposition to parliament.

The Council welcomes Albania's good progress in the area of **rule of law**, specifically by implementing the comprehensive justice reform, which has advanced steadily, and by strengthening the fight against corruption and organised crime. The newly established specialised structures against organised crime and corruption have already shown first positive results. Efforts towards the establishment of a solid track record need to continue, including on high-level corruption and organised crime through proactive investigations and final verdicts, and through the further implementation of the action plan to address the Financial Action Task Force recommendations, as must good cooperation with relevant authorities of the Member States.

The Council welcomes that the vetting has advanced steadily and produced tangible results, and encourages the Albanian authorities to pursue all efforts to allow the process to be successfully finalised. The Council welcomes that the High Court has resumed functioning having regained a sufficient quorum to progress in the adjudication of cases, while further appointments should continue in order to fill all remaining vacancies. The Council also welcomes that the Constitutional Court regained full functionality through additional appointments.

On fundamental rights, the Council takes positive note of the ongoing efforts to implement a comprehensive land sector reform and to consolidate property rights and calls on the authorities to continue to pursue such efforts, in a transparent manner by holding consultations with all relevant stakeholders, including by addressing cases of falsification of documents and swiftly advancing the process for registration and compensation. The Council welcomes the adoption of the Population Census Law and looks forward to its smooth conduct in full transparency and in line with international standards. The Council also welcomes the adoption of the secondary legislation related to the 2017 Framework Law on the protection of national minorities and urges Albania to swiftly adopt and implement the remaining by-laws in line with European standards and with the involvement of all relevant stakeholders.

Furthermore, the Council calls on Albania to resume efforts to make tangible progress on freedom of expression and the safety of journalists. The Council reiterates the importance of ensuring that amendments to the media law are in line with the Venice Commission recommendations and international standards, should the law be further considered by parliament. The Council also welcomes the tangible progress achieved in the public administration reform, and encourages Albania to continue with determination its efforts in this area. Coordination within the **public administration** needs improvement particularly for integrating the policy planning and budgeting processes, and for EU integration matters. The setting-up of new agencies needs to be an inclusive progress with involvement of civil society organisations and has to be conducive to checks and balances and to efficiency.

53. When it comes to **migration**, Albania is the first country in the Western Balkans where the European Border and Coast Guards Status Agreement entered into force. The first ever joint operation outside of the EU with Frontex has proved successful. The total number of unfounded asylum applications lodged by Albanian nationals in the EU has decreased significantly, but needs to be closely monitored and requires continued and sustained efforts by the Albanian authorities.
54. On **economic reforms**, the Council takes note that prior to the November 2019 earthquake and the external shock in 2020 caused by COVID-19 pandemic, unemployment continued to decrease to record lows, exports grew, and the public debt-to-GDP ratio continued to decline albeit it remains at a high level. The Council encourages Albania to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial Dialogue, by gradually reducing the general government debt ratio, by improving fiscal governance and transparency as well as by implementing effective and well-coordinated structural reforms.
55. The Council welcomes Albania's continued constructive engagement in **regional cooperation**. The Council also welcomes that Albania continued dialogue to ensure **good neighbourly relations**, which remain essential.
56. The Council strongly commends Albania's continued cooperation and full alignment with the **EU Common Foreign and Security Policy** and the fact that this record has been consistent over time. It also welcomes Albania's continued active participation in EU missions and operations under the Common Security and Defence Policy.

BOSNIA AND HERZEGOVINA

57. The Council deeply regrets the prolonged political crisis in the country, which has held back further progress on reforms in 2021, and condemns the blockage of the State institutions. The Council urges all political leaders to refrain from and renounce provocative and divisive rhetoric and action, including questioning the sovereignty, unity and territorial integrity of the country.

Rhetoric and initiatives aimed at rolling back reforms and withdrawing from State institutions are unacceptable and endanger the country's alignment with the EU *acquis* and the political commitment to EU integration. All political leaders need to engage in dialogue to overcome the stalemate as a matter of priority.

The Council takes note of the very limited progress in reforms, and acknowledges the steps taken, including the holding of local elections in Mostar in December 2020, for the first time since 2008, and of the Stabilisation and Association Parliamentary Committee, as well as the adoption by all levels of government of the Action Plan on Public Administration Reform and strategies on public financial management.

58. The Council urges the political leaders of Bosnia and Herzegovina to put their joint efforts to fulfilling all **14 key priorities** identified in the Commission's Opinion on Bosnia and Herzegovina's application for EU membership as endorsed by the Council in 2019, and in line with the interest of all citizens to advance towards the European Union. The Council expresses its appreciation and reaffirms its support to the efforts of the EU Special Representative in this regard. Only by delivering on reforms will Bosnia and Herzegovina advance towards the EU.
59. With reference to the institutional mechanisms, which were set by the Dayton Peace Agreement, Bosnia and Herzegovina needs to undertake further constitutional and electoral reforms to ensure equality and non-discrimination of all citizens, notably by implementing the Sejdić-Finci case law of the European Court of Human Rights (ECtHR). The Council underlines that no legislative or political step should be taken which would make the implementation of the Sejdić-Finci ruling and related ECtHR rulings more challenging or would further deepen divisions. The Council reiterates its call for an inclusive process of limited constitutional and electoral reforms, through genuine dialogue and in line with European standards to eliminate all forms of inequality and discrimination in the electoral process. The Council underlines that a number of Constitutional court decisions have yet to be fully enforced. In this context, the Council calls for the Inter-Agency Working Group to swiftly resume its work and present its proposals on reforms ahead of the vote to improve the electoral framework.

60. The Council further encourages Bosnia and Herzegovina to address the reforms aiming to improve the country's legislative and institutional framework to comply with the requirements of EU membership.

The Council expects Bosnia and Herzegovina to undertake essential steps in **public administration reform** by ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy making.

The Council underlines the importance of the prevention of and **fight against corruption and organised crime** and regrets that no progress was made in addressing the Opinion key priorities and the findings of the Expert Report on Rule of Law issues. The Council underlines the need for the authorities to work towards strengthening the **rule of law**. To this aim, the Council urges Bosnia and Herzegovina to swiftly adopt amendments to the Law on the High Judicial and Prosecutorial Council to introduce integrity measures in the judiciary. The Council also recalls the need for Bosnia and Herzegovina to urgently align its legislation on public procurement and on conflict of interest with European standards.

61. The Council regrets the lack of progress on **freedom of expression** and the safety of journalists, and calls on Bosnia and Herzegovina to intensify efforts on human rights, gender equality and non-discrimination.
62. The Council welcomes the positive steps taken to improve **migration** management and coordination, and underlines that such efforts need to be continued and reinforced. Bosnia and Herzegovina needs to provide sufficient and adequate shelter to all persons in need across the entire country. The authorities need to adopt a strategy, and a dedicated budget, and ensure effective coordination, at all levels, of border management and migration management capacities, as well as the functioning of the asylum system, in order to successfully tackle migration challenges.

63. On **economic reforms**, the Council takes note that the country has made limited progress towards establishing a functioning market economy and in terms of its capacity to cope with the competitive pressure and market forces in the EU. The Council encourages Bosnia and Herzegovina to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial Dialogue, by improving analytical, planning and coordination capacities to strengthen country-wide macroeconomic policy formulation and implementation of effective and well-coordinated structural reforms that would mitigate the effects of a fragmented internal market and facilitate investments. The Council recalls the need to ensure compliance with the Stabilisation and Association Agreement (SAA), and the regular meeting of SA bodies.
64. The Council further reiterates its unequivocal commitment to Bosnia and Herzegovina's EU perspective as a single, united and sovereign country. Following the 25th anniversaries of the Srebrenica genocide and of the Dayton/Paris Peace Agreements last year, the Council encourages all political actors in Bosnia and Herzegovina to overcome divisive rhetoric rooted in the past, to end the glorification of convicted war criminals as well as to actively promote reconciliation.
65. The Council encourages Bosnia and Herzegovina to further actively engage in building **regional cooperation** and **good neighbourly relations**.
66. The Council regrets the sharp decline in Bosnia and Herzegovina's alignment with the **EU Common Foreign and Security Policy** and urges the country to reverse this negative trend as a matter of priority. On the other hand it welcomes Bosnia and Herzegovina's continued active participation in EU missions and operations under the Common Security and Defence Policy. The Council also welcomes the extension of the mandate of the EUFOR Althea, which continues to support the authorities in Bosnia and Herzegovina in maintaining a safe and secure environment for all citizens. The Council expresses its support to the role and the mandate of the High Representative and his Office towards fulfilling the 5+2 agenda.

KOSOVO

67. The Council welcomes that the new government, elected in March 2021, has confirmed Kosovo's strategic commitment to its European path and related reforms. The Council reiterates the importance of the continued implementation of the **Stabilisation and Association Agreement (SAA)** between the EU and Kosovo and welcomes the launch of the second phase of its **European Reform Agenda (ERA)**. The Council calls for its implementation and underlines the urgent need for Kosovo to accelerate reform processes, in line with European standards and in view of delivering for the benefit of Kosovo citizens, given the limited progress made so far.
68. The Council welcomes that the early legislative **elections** of 14 February 2021 and the local elections of 17 October and 14 November were well-administered and transparent. They were also competitive, except in Kosovo Serb areas. The Council expects recurrent election process shortcomings to be addressed and related EU Election Observation Mission recommendations to be implemented with a greater sense of urgency.
69. The Council welcomes steps undertaken by the government in putting forward a reform agenda concerning the fight against corruption. It calls on Kosovo to intensify its efforts to improve the **rule of law**, and to continue to step up the fight against corruption, to step up the fight against organised crime and to pursue public administration reform, building on Kosovo's achievements to date and in line with European and international standards. The Council calls on the authorities to advance on implementation of existing legislation, to adopt a comprehensive approach to deliver on justice and anti-corruption reforms, in line with European standards, and to continue to make progress on its track record in the fight against high-level corruption and organised crime.

70. The Council underlines the need for continued commitment by Kosovo to the Specialist Chambers, as an important demonstration of its commitment to the rule of law and ending impunity. The existing legal framework enables the proper investigation and prosecution of all alleged war crimes. In this respect, the Council appreciates the work of the Specialist Chambers that has led to the first trials taking place this year in The Hague.
71. The Council welcomes the extension of the **EULEX** mandate, mutually agreed in June 2021, The Council underlines the need for Kosovo to continue to cooperate closely and effectively with EULEX. It also invites Kosovo to continue cooperation with relevant international actors.
72. The Council encourages Kosovo to make additional efforts to fully implement the legal framework on fundamental rights, in line with European standards, as well as to improve coordination and oversight. More needs to be done notably to ensure the full protection of cultural and religious heritage, the protection of the rights of persons belonging to non-majority communities, including Roma and Ashkali, and displaced persons, as well as gender equality in practice. The existing human rights mechanisms need to be further strengthened.
73. The Council calls on Kosovo to foster effective implementation of **public administration** and public finance management **reforms**, notably by adopting a new PAR strategy 2021-2026 and civil service amendments, in view of a more accountable and citizen-oriented public administration.
74. On **economic reforms**, the Council recalls long-standing structural problems, such as the lack of economic diversification, the dependence on external financial flows, a widespread informal economy and low activity and employment levels. The Council welcomes the government's commitment to address these challenges and encourages Kosovo to fully implement the policy guidance set out in the Joint Conclusions of the Economic and Financial Dialogue, by improving fiscal governance as well as by implementing effective and well-coordinated structural reforms.

75. On the EU-facilitated **Dialogue**, the Council welcomes the continuation of the Dialogue in June 2021, and commends the High Representative and the EUSR for the Belgrade-Pristina Dialogue and other Western Balkan regional issues for their commitment to the EU-facilitated Dialogue. The Council expects Kosovo to engage in the EU-facilitated Dialogue in good faith and in the spirit of compromise to achieve a comprehensive legally binding agreement with Serbia in accordance with international law and EU acquis. This agreement should address all outstanding issues and contribute to regional stability. This is crucial so that Kosovo and Serbia can advance on their respective European paths. The Council reiterates its strong expectation that all past agreements are respected and implemented without delay. Both parties should also avoid actions that undermine stability and rhetoric that is not conducive to dialogue.
76. The Council recalls that progress in the normalisation of relations with Serbia is an essential principle of the SAA and underpins the development of relations and cooperation between the EU and Kosovo.
77. The Council recalls the importance of regional cooperation and good neighbourly relations and encourages Kosovo to participate actively and constructively in **regional cooperation** activities.
78. The Council recognises the importance of **visa liberalisation** for Kosovo citizens. The Commission made a formal proposal in May 2016 to transfer Kosovo to the Schengen visa-free list and presented a report in July 2018 on the fulfilment of the remaining benchmarks. The Commission proposal, supported by the European Parliament in its first reading in March 2019, remains under consideration in the Council.
-