



# BULLETIN

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## COMMENTARY

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### **Stabilization and Association Agreement with Serbia: Ratification Process Begins**

by Tomasz Żornaczuk

*At a meeting held on 14 June, the Council of the European Union decided that the member states would start the ratification process of the Stabilization and Association Agreement with Serbia. Further progress in Serbia's integration with the EU will continue to depend upon its cooperation with the International Criminal Tribunal for the former Yugoslavia and Serbia's policy towards Kosovo.*

The consent of the EU foreign ministers to forward the Stabilization and Association Agreement (SAA) with Serbia to the parliaments of the member states for ratification is a political decision as the SAA ratification process could have started as early as 2008, when the EU and Serbia signed the Agreement. But none of the member states have ratified it so far, because the government in Belgrade has not brought the former head of the Bosnian Serb forces, Ratko Mladić, and the president of the Republic of Serbian Krajina, Goran Hadžić, to stand trial before the International Criminal Tribunal for the former Yugoslavia (ICTY)—both are charged with war crimes as the only suspects still wanted by the Tribunal. The latest report from ICTY Prosecutor Serge Brammertz, providing a positive evaluation of cooperation with Serbia, was a major factor for the EU Council in making this decision. It convinced countries such as Holland to change their position, although earlier they had insisted that the start of SAA ratification should rest upon the handing over by Serbia of persons suspected of war crimes to the Tribunal in The Hague.

The Council's decision to start the ratification of the SAA with Serbia reflects the political determination of the EU member states to continue the integration process in the Western Balkan countries, at the same time providing an incentive for reform for other countries in the region. It also demonstrates that the rotating presidency may play a significant role in shaping the EU's enlargement policy. Spain, which is holding the EU presidency in the first half of 2010, has come up with many initiatives to speed up the European integration process in the Western Balkans, and it played a major part—supported by Italy and Austria—in the adoption of a positive decision for Serbia.

The application for accession to the EU, which Serbia had submitted at the end of December 2009, was not reviewed at the Council's last meeting. Meanwhile, when neighboring Albania submitted such an application in April 2009, the Council referred it to the Commission for its opinion six months later. The lack of action regarding Serbia's application is part of the EU's policy of setting conditions regarding cooperation with the ICTY and means that the EU is still demanding that the authorities in Belgrade hand over the last persons sought for trial before the Hague Tribunal. The deferral of the decision to review Serbia's application may also be due to the fact that some member states want to wait for Serbia's reaction to the International Court of Justice's ruling on the unilateral declaration of independence by Kosovo. The ruling is expected within a few months. There have been signals that for some EU countries, for instance the United Kingdom, the process of Serbia's European integration is tied to that country's stance on Kosovo.

The two-year delay in the EU's launch of the ratification of the SAA with Serbia was an exception in light of the EU's policy with respect to other countries in the region. In the case of neighboring Montenegro and Bosnia and Herzegovina, the process started shortly after the SAA had been signed. The experiences of other countries in the region show that it will take more than two years to ratify the agreement with Serbia.

Poland was among the countries with the longest delays in ratifying the agreements with Montenegro and Bosnia and Herzegovina. At the same time, negotiations regarding EU accession cannot start until the SAA is in effect. A swift adoption by the Polish Parliament of the Agreement with Serbia would confirm Poland's oft-declared support for the European integration process of the Western Balkans.