



THE INSTRUMENT OF PREACCESSION TO THE EUROPEAN UNION.

CASE STUDY - REPUBLIC OF SERBIA

IMPRINT

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CASE STUDY – REPUBLIC OF SERBIA

Assessing the evolution of a tool designed to streamline accession, bolster regional stability, stimulate reform and foster collaboration, all the while reinforcing the core values and standards of the EU within aspiring nations.

EXECUTIVE SUMMARY

This study provides an overall review of the Western Balkans, with a specific focus on the Republic of Serbia, and its relations with the European Union (EU) through the lens of the Pre-Accession Instrument.

The Pre-Accession Instrument is analysed as a support mechanism designed to bolster candidacies rather than guarantee definitive outcomes. Strategic programming of finances is explored, highlighting the multifaceted nature of the instrument and the challenges in managing and monitoring the allocated funds.

The report delves into the institutional implications of recent developments since 2022, examining political alignment between Serbia and the EU. It discusses Serbia's political will for EU accession and the evolving dynamics in its relations with the EU.

Through an in-depth review of seven pre-accession project case studies in Serbia, this report examines both the efforts to enhance the efficacy of this instrument and the several occasions where these efforts have fallen short. The analysis considers a range of thematic areas, including wastewater treatment, transportation infrastructure, environmental sustainability initiatives and justice system modernisation.

Based on the findings from these case studies, the report puts forward a series of recommendations across different domains:

EU–Serbia political alignment

Advancing Green Deal objectives

Strengthening the rule of law and justice

Safeguarding fundamental rights

Promoting youth inclusion and societal integration

These recommendations are tailored to address specific challenges identified in the case studies, aiming to guide Serbia towards closer alignment with EU norms and values, ultimately facilitating its accession process.

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THE INSTRUMENT OF PREACCESSION TO THE EUROPEAN UNION.

CASE STUDY – REPUBLIC OF SERBIA

Assessing the evolution of a tool designed to streamline accession, bolster regional stability, stimulate reform and foster collaboration, all the while reinforcing the core values and standards of the EU within aspiring nations.

INTRODUCTION

Financial assistance provided to states aspiring to join the European Union (EU) – regardless of whether they are official candidates or potential candidates – carries profound significance for both the Union itself and any stakeholders or citizens advocating for its expansion.

It catalyses reforms in erstwhile autocratic regimes. Accession to the EU necessitates sweeping reforms across governance, justice, economy, environment and fundamental rights. Hence, EU financial aid can support officials from these nations in executing imperative reforms by furnishing resources for modernization and alignment with European legal standards.

Seeking EU membership or contemplating candidacy, along with receiving financial backing for it, signifies a commitment to narrowing development disparities. States entering into this process may exhibit less developed economies and infrastructure compared to EU Member States, particularly if they have been impacted by armed conflict. EU financial assistance can play a pivotal role in alleviating these disparities by channelling investments into infrastructure projects, economic development initiatives and other endeavours aimed at enhancing the well-being of citizens.

Promoting EU accession also serves to fortify regional stability. Membership in the EU fosters both political and economic stability, as it advocates exclusively for peaceful reforms aimed at equitable development to benefit all stakeholders.

Providing financial support for the path toward EU accession underscores the promotion of its core values, including democracy, the rule of law and fundamental rights. This financial assistance is contingent upon the adherence to these values, thereby incentivizing candidate states to embrace and incorporate them into their legislative frameworks and policies. Its significance extends to the point where it also resonates with EU Member States.

Supporting states aspiring to move closer to the Union is also a way of strengthening cooperation between Member States and third countries. Indeed, this support has the potential to amplify regional partnerships and bolster existing economic diplomacy efforts.

The accession process is particularly demanding. Thus, financial support remains the best guarantee to help applicants by strengthening their administrative capacity and improving the [implementation of the EU acquis](#). Moreover, this represents an inherently communicable aspect, facilitating the visibility of EU support within a state endeavouring to draw nearer to it. Regrettably, as widely observed, the Instrument for Pre-Accession Assistance (IPA) seems to fall short of serving the interests of European diplomacy or citizens. This is due to the following factors.

Primarily, the IPA functions as a mechanism to bolster candidacies rather than ensuring the actual attainment of accession. Regrettably, there are no safeguards in place to prevent representatives of beneficiary states from accessing funds in the absence of genuine political resolve to forge closer bonds with the EU.

Secondly, while funds are strategically allocated to underscore Union priorities, such as the Green Deal, the rule of law and fundamental freedoms, the oversight of their administration – whether centralised or decentralised – seems to vary significantly.

Finally, the awareness and public understanding of IPA funds suffer due to their complexity and technical nature. Consequently, when contrasted with more visible loans from China and diplomatic alliances with Putin, the EU's support may appear indistinguishable from them. This perception may lead Serbian citizens to view the EU merely as another powerful entity subsidising the existing regime. This is especially evident given that Serbia is undoubtedly the most subsidised state by the EU in the region.





THE WESTERN BALKANS, THE REPUBLIC OF SERBIA, AND THE EUROPEAN UNION: A PERSPECTIVE ON PRE-ACCESSION INSTRUMENTS

AN INSTRUMENT DESIGNED TO SUPPORT CANDIDACIES RATHER THAN ENSURE DEFINITIVE OUTCOMES

In the late 1990s, pre-accession assistance to candidate countries for the European Union was structured around three instruments: the [Regulation of 18 December 1989](#), and, for agricultural matters, the two [Regulations of 21 June 1999](#). This framework eventually evolved into the Instrument for Pre-Accession Assistance, consolidating these three instruments into a singular framework in 2007. The inception of the IPA coincided with the EU's [Enlargement Strategy](#), formulated in 2003, with the [overarching goal of fortifying the EU's enlargement](#) process, particularly focusing on Western Balkan countries, [Türkiye](#) and other eligible nations. The primary objective of the IPA is to prepare states aspiring to forge closer ties with the EU for potential accession.

This suggests, initially, that there is no assurance of an outcome culminating in EU membership. As a result, there is no inherent obligation for candidate and potential candidate states to achieve success.

The primary objective of the IPA, which is to prepare states for accession to the EU, is delineated into five key components spanning the period from 2007 to 2013: transition assistance and institution building, cross-border cooperation, regional development, human resources development, and rural development.

[IPA I – 2007–2013](#) amounted to EUR 11,468 million with the Regulation of 17 July 2006.

[IPA II – 2014–2020](#), much more importantly, amounts to EUR 11,699 billion under the Regulation of 11 March 2014, and is mainly intended to bring the legal and institutional framework of third countries into line with EU standards. It supports the implementation of reforms in areas such as public administration, the judiciary, agriculture and rural development, regional development, environment and climate action, transport, energy, and social policies.

In the Western Balkans, priority sectors for funding during the period 2014–2020 included democracy and governance, the rule of law and fundamental rights, environment, climate action, energy, transportation, competitiveness, innovation, rural development, education, employment, and social policies. The budget allocation was EUR 269.2 million for Montenegro, EUR 758 million for Albania, EUR 633 million for North Macedonia and EUR 1.4 billion for Serbia, which makes Serbia the largest beneficiary in the region to date.

Lastly, [IPA III for the period 2021–2027](#) allocates a significant EUR 14,162 billion, as outlined in the [Regulation of 14 June 2018](#), which was adopted by the European Parliament on 15 September 2021, subsequent to the affirmative decision of the Council on 7 September 2021.

[IPA III was announced](#) by Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, as ‘an instrument that has great potential and sends a strong signal about the EU’s commitment to supporting the enlargement region. IPA III is undoubtedly an investment in the future’.

IPA III is notably characterised by two distinct features: it operates on a performance-based model and does not initially allocate funds on a country-specific basis.

Additionally, there is an emphasis on upholding the rule of law and fundamental values, enhancing democratic institutions and reforming public administration. Furthermore, efforts are directed towards promoting economic governance and competitiveness reforms. The initiative asserts alignment with goals pertaining to sustainable economic recovery, energy supply, transportation, environmental protection and climate change mitigation. It also underscores a commitment to digital transformation, regional integration and convergence with the EU.

THUS, IPA III IS ANTICIPATED TO FACILITATE THE IMPLEMENTATION OF THE ECONOMIC AND INVESTMENT PLAN ACROSS THE ENTIRETY OF THE WESTERN BALKANS, WHICH ENTAILS:

- **The initial step involving the Commission's services drafting the programming framework for IPA III, which serves as the principal strategic document for outlining financial aid plans.**
- **This framework delineating priority domains, anticipated outcomes and approximate allocations of Union funds for thematic areas outlined in the regulation.**
- **This process purportedly aligning with consultations involving stakeholders in the region, EU Member States, the European Parliament, organised civil society, international financial institutions and other relevant entities.**

STRATEGIC PROGRAMMING OF FINANCES

The programming of an IPA follows a multi-year strategic planning process led by the European Commission. This involves the establishment of a multi-annual indicative financial framework (MIF), which outlines indicative financial allocations over three years for each beneficiary and component under IPA I and II. These allocations are drawn from the EU's long-term budget, the Multiannual Financial Framework (MFF), and are determined based on identified needs, [absorption capacities](#) (a concept emphasised by the Parliament), the management capabilities of the recipient country and adherence to the Copenhagen criteria.

Transparency and a clearer assessment of progress emerge as crucial factors alongside fund distribution.

The Commission's progress reports on candidate states lack information on their absorption and management capacities. This oversight is concerning, especially considering that these requirements are clearly outlined for Member States but seem less emphasised for candidates.

So far, MFFs have served as indicative multi-year planning documents for each recipient country (see, for instance, [COM \(2006\) 672 final for the 2008–2010 period](#)). Discrepancies among MFFs are evident in the allocated funding, political priorities and support mechanisms, reflecting the evolving needs and priorities of both the EU and recipient countries. Transparency and a clearer assessment of progress emerge as crucial factors alongside fund distribution. Currently, the management regulations of IPAs are grounded in the [Regulation of 18 July 2018](#), which outlines the rules and principles governing the establishment and general budget of the EU. This regulation mandates the Commission to exercise oversight based on 'objective and measurable' indicators, extending to conditional mechanisms.

Notably, these conditional mechanisms are now applicable to both Member States and candidate countries.

While IPA I embraced a project-by-project approach, IPA II favoured a sectoral approach, providing country-specific details. IPA III, currently in effect, prioritises a 'policy-first' approach. This shift in paradigm necessitates a crucial and targeted emphasis on national structures for planning and strategic coordination. EU pre-accession assistance programmes must align with the [strategic priorities of the Union](#). While the strategy is regional in scope, each beneficiary country's unique circumstances still adhere to the 'fair share' principle, as [elucidated by the European Commission](#).

The principle of fair share aims to ensure equitable allocations among beneficiaries, preventing disproportionate distribution of funds. In practice, this necessitates an ongoing dialogue between the Commission and the respective states.

Each programme must also meticulously consider the allocations for multiple beneficiaries, across various sectors, and within the annual programming year relative to the seven-year cycle. For example, the [Western Balkan Investment Framework](#) has received a significant allocation to advance the Green Deal agenda; however, it will require rebalancing in subsequent years.

‘Together we are laying the foundations for sustainable growth and closer integration, demonstrating once again our firm commitment to the prosperity of the region and its path towards EU membership.’

The extent of this rebalancing and the reasons behind favouring one programme over another remain unspecified.

As the year 2023 drew to a close, with the Council and Summit shaping crucial outcomes for the candidate countries, the President of the European Commission reflected : ‘Together we are laying the foundations for sustainable growth and closer integration, demonstrating once again our firm commitment to the prosperity of the region and its path towards EU membership.’

[On 13 December 2023, the European Commission](#) unveiled a new EUR 680 million investment package aimed at bolstering five key investments in rail transport and renewable energy across the Western Balkans. This announcement signified the sixth financial package within the EU’s Economic and Investment Plan for the Western Balkans, projected to catalyse EUR 16.6 billion in investments. Notably, these projects have been meticulously crafted in collaboration with partners in the Western Balkans and international financial institutions.

The EUR 680 million investment package, comprising EUR 253.2 million in EU grants from the Instrument for Pre-accession Assistance (IPA III), favourable loans from international financing institutions and contributions from the Western Balkans, received endorsement on 8 December from the Operational Board of the Western Balkans Investment Framework (WBIF).

THE FIVE NEWLY APPROVED PROJECTS ENCOMPASS TWO KEY PRIORITY SECTORS:

Sustainable transport: This includes the reconstruction of the Corridor VIII railway line in Albania and the rehabilitation of the Bar-Vrbnica railway line in Montenegro. These initiatives aim to enhance railway transport infrastructure in the Western Balkans to meet TEN-T standards and facilitate integration with the EU railway network.

Clean energy: Construction of two wind farms in Bosnia and Herzegovina and deployment of a solar photovoltaic power plant in Albania. These projects support the transition to low-carbon economies and foster sustainable development in the region.

A MULTIFACETED SUPPORT INSTRUMENT

The structures of an IPA exhibit a diversity of forms across its components. Typically, they encompass:

- **Administrative cooperation measures aimed at training or facilitating information exchange, as well as technical assistance, involving the provision of experts from Member States and the supply of equipment.**
- **Investments in regulatory infrastructure to facilitate alignment with the acquis, often executed through public procurement or grant mechanisms, in collaboration with financial institutions.**
- **Budgetary assistance, granted under exceptional circumstances and subject to strict regulation.**
- **Tailored mechanisms to aid project preparation, such as pre-financing opportunities for projects.**

In terms of financing, private operators are informed through international calls for tenders for the award of supply, service or works contracts, facilitating the implementation of projects. Meanwhile, public operators utilise administrative cooperation instruments, such as twinning and [TAI-EX](#). The list of planned or ongoing projects is accessible on the EuropeAid Development and Cooperation website of the European Commission, now known as [DG INTPA](#), reflecting European partnerships and its focus on the Green Deal.

The issue of fund disbursement and its subsequent impact inevitably provokes scrutiny, particularly as the [Commissioner for Enlargement has expressed](#) concerns regarding potential diversion of funds by certain recipients for purposes diametrically opposed to the EU's objectives.



FLUCTUATING RESPONSIBILITY IN MANAGING AND MONITORING PRE-ACCESSION FUNDS

As shown above, the majority of programmes under IPAs are centrally administered: diverse operational duties are either directly conducted by the European Commission's services or indirectly overseen by executive agencies established by it, and under specific circumstances, by national public bodies or entities mandated with a public service remit.

Depending on the components and beneficiary states, there are instances where certain actions are carried out in a decentralised manner, also known as 'shared management'. In such cases, execution is delegated to the beneficiary states, contingent upon the accreditation of relevant authorities within those countries. The European Commission is tasked with implementing control mechanisms (both ex ante and ex post) for financial oversight and corrections, as previously mentioned.

Similar to EU Member States and structural funds, the principle of co-financing applies. Under an IPA, in line with the EU's general financial regulation, the community contribution supports national or local financing but cannot substitute it.

The European Commission is tasked with implementing control mechanisms for financial oversight and corrections.

The EU's contribution cannot surpass 75% of total eligible public expenditure, except in certain exceptional and duly justified cases. The remaining portion must be financed by the beneficiary state, utilising either public or private funds, or by other international financial institutions such as the EBRD, the EIB and Nordic Investment Bank.

The EU's contribution cannot surpass 75% of total eligible public expenditure.

Contribution rates are delineated in the [Regulation of 12 June 2007, revised in 2015](#). They stand at 75% for aid in transition and institution building, as well as for regional and rural development, and at 85% for cross-border cooperation and human resources development. However, certain exceptions may be permissible.

In instances of centralised management, funds are administered directly by the European Commission, which is regarded as the executive body of the EU within this framework.

Centralised management of the instrument at the Commission level is primarily utilised for the 'aid in transition and institution

building' component, as well as for 'cross-border cooperation'. While the former is systematic and straightforward, as stipulated by the 2007 Regulation, centralised management is not explicitly restricted to any specific IPA component. Joint management may be employed for the 'aid in transition and institution building' component in programmes involving international organisations. Similarly, shared management can be utilised for the 'cross-border cooperation' component in cross-border programmes involving EU Member States. Additionally, the regulation allows for the possibility of decentralised management of an IPA, where a strategic coordinator is appointed by the beneficiary state.

In instances of centralised management, funds are administered directly by the European Commission, which is regarded as the executive body of the EU within this framework. Control over these funds is centralised. In cases of decentralised management, funds are typically overseen directly by the national authorities of candidate states, in coordination with the EU.

Decentralised funds are often portrayed as providing greater flexibility in determining how to allocate resources based on priorities and specific needs. The management and monitoring of decentralised pre-accession funds are jointly handled by [national authorities](#) and the EU.

The individual tasked with accreditation is typically designated by the beneficiary state, often a senior official, and is entrusted with the issuance, oversight and potential suspension or revocation of accreditation for the National Authorising Officer and the National Fund. The National Authorising Officer holds a comparable status but assumes complete accountability for the financial management of IPA funds. Consequently, according to the prevailing legislation, the Union lacks visibility into local civil society organisations, regardless of whether they are chosen by national officials of the beneficiary countries.

In the case of the Western Balkans, the Commission adopts a management approach that falls between full centralisation and full decentralisation. With regard to the decentralised management of IPA programmes, there is a potential conflict of interests between the European Commission, which imposes highly specific recommendations for enhanced control and monitoring of project execution, and local management authorities.



Consequently, Serbia has previously received conditioned IPA fund disbursements, a circumstance now revisited as the issue resurfaces.

This is notably evidenced by the [European Court of Auditors' 2014 report](#), where, on page 32, it expresses regret that the Commission, when approving the Serbian system for managing EU funds, did not fully consider public finance

management in Serbia. Notably, the [2007 Progress Report](#) on Serbia's path towards the European Union did not address this issue, and the Council did not give it due attention. Indeed, during that period, the focal point was to tie fund disbursement to cooperation with the ICTY, as [delineated in Council Decision 2008/213 of 18 February 2008](#). Consequently, Serbia has previously received conditioned IPA fund disbursements, a circumstance now revisited as the issue resurfaces.

As previously mentioned, before delegating management responsibilities to a beneficiary state, the Commission must verify that the country in question fulfils specified conditions, particularly concerning its management and control systems.

These criteria are outlined in Article 56(2) of [Council Regulation \(EC, Euratom\) No 1605/2002](#) dated 25 June 2002, and in Articles 11 and 19 of [Regulation \(EC\) No 718/2007](#), which implements the IPA.

The accreditation process, which primarily focused on decentralised fund management structures, brought attention to a notable deficiency: the absence of a legal mandate for conducting a comprehensive assessment of overall progress in fund management and anti-corruption measures. This lack was further underscored by the [OECD SIGMA report](#), released a year earlier, which highlighted the lack of a policy addressing fraud and irregularities in financial management.

The Court of Auditors provided several recommendations to enhance the programming, design and implementation of IPA projects. These include:

1. Increasing transparency and systematic documentation in the prioritisation and selection processes of projects to enable tracking of project prioritisation stages.
2. Leveraging past experiences by developing a dedicated database of lessons learned from previous projects in Serbia and other pre-accession countries.
3. Systematically documenting needs assessments with a focus on expected project and contract outputs to enhance beneficiary ownership of identified needs and strengthen the conditionality principle.
4. Establishing a system of periodic summary progress reports to provide a comprehensive audit trail for entire projects rather than individual contracts.
5. Implementing a monitoring system to assess the utility of project outputs beyond mere compliance with quantified contract and payment targets.

These provisions are mirrored in [Regulation 236/2014 dated 11 March 2014](#), which establishes IPA II. The preamble of this legislative text also emphasises the importance of ensuring the visibility of Union assistance to both citizens of beneficiary countries and Union citizens. It suggests that targeted communication and information should be implemented through appropriate means, if necessary.

The preamble of this legislative text also emphasises the importance of ensuring the visibility of Union assistance to both citizens of beneficiary countries and Union citizen.

NAVIGATING THE COMPLEXITY: CHALLENGES IN RAISING PUBLIC AWARENESS OF IPA FUNDS

As a result, the promotion and communication of EU funding programmes under IPA seems to be mainly targeted at stakeholders who are already involved, such as government institutions, civil society organisations and project implementers, who already have the financial and material resources.

These funds are tailored to bolster targeted sectors and reforms; however, the intricacies of their allocation and utilisation can be daunting. The technicality inherent in these funds may obscure their visibility and comprehension, particularly for citizens seeking persuasion regarding the advantages of EU membership. As a result, the promotion and communication of EU funding programmes under IPA seems to be mainly targeted at stakeholders who are already involved, such as govern-

ment institutions, civil society organisations and project implementers, who already have the financial and material resources. So even if their representatives do not (or do not really) want to join the EU, there is nothing to stop them from winning calls for projects.

The primary objective was to ensure the efficient use of funds and achieve desired outcomes. However, the promotion of these funds to raise awareness of the EU's ambitions appears to have been overlooked. Unfortunately, this lack of promotion is evident in the public's limited interest, including that of the press. Furthermore, accessing information about these funds is challenging for newcomers. For instance, on the website of the Ministry of EU Integration of Serbia, the sparse information dedicated to [each IPA amount consistently redirects to DG NEAR's web pages](#).

Home Ministry Serbia and EU Documents Funds Transition Training Information Contact

IPA - Instrument for Pre - Accession Assistance 2007 - 2013

The Instrument for Pre-Accession Assistance (IPA) is a key instrument of European Union's support from which the implementation of political, economic, legal and institutional reforms, which are the prerequisite for joining the European Union, are funded. The Republic of Serbia has been a beneficiary of this instrument since 2007 on the basis of the Framework Agreement on assistance that the National Assembly of the Republic of Serbia ratified in 2007.

Of almost EUR 11.3 billion, which was the amount of the IPA budget for the period 2007-2013, about EUR 1.4 billion was allocated for the Republic of Serbia. This assistance was provided to Serbia as a potential candidate for EU accession through the first two-out of five IPA Components:

- Transition and Institution Building,
- Cross-Border Cooperation,
- Regional Development,
- Human Resource Development and
- Rural Development.

The assistance is defined for the implementation of projects identified through the programming process as priority projects and agreed between the Government of the Republic of Serbia and the European Commission in the form of Financial Agreements.

You can find more information at the following link: https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/serbia_en

Home Ministry Serbia and EU Documents Funds Transition Training Information Contact

Instrument for Pre-Accession Assistance 2014 - 2020

In March 2014, the European Union established a new instrument of support for countries in the process of association and accession to the EU - Instrument for Pre-Accession Assistance II. For the period 2014-2020, a total of EUR 11.7 billion have been allocated, out of which approximately EUR 1.5 billion have been allocated for the Republic of Serbia. It should, however, be taken into account that this is an indicatively determined amount, while the specific amounts on an annual basis will depend on the readiness of specific programmes and projects.

By providing this support, the European Union seeks to encourage the implementation of the necessary reforms that are a prerequisite for accession to the European Union and for economic and social development. Support is mostly reflected in the provision of training and professional development services, in the procurement of necessary equipment, infrastructure building, etc. As in the previous period, the focus of support will be on the sectors of public administration reform, rule of law, environmental protection, employment, education, entrepreneurship, science and research, transport, energy, agriculture, etc.

To date, five programming cycles have been completed resulting in the IPA Annual Action Programmes for 2014, 2015, 2016, 2017 and 2018. Along with the support to IPARD Programme, contribution to Regional Housing Programme (IPA 2017 and 2018) and support to civil society facility, total EU support to Serbia amount over EUR billion.

You can find more information at the following link: https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/serbia_en

- IPA 2014

Home Ministry Serbia and EU Documents Funds Transition Training Information Contact

IPA 2014

The total value of the EU contribution to IPA 2014 Action Programme amounts to EUR 170.1 million which, together with EUR 10 million approved for flood recovery from the Multi-beneficiary IPA, amounts to EUR 180.1 million.

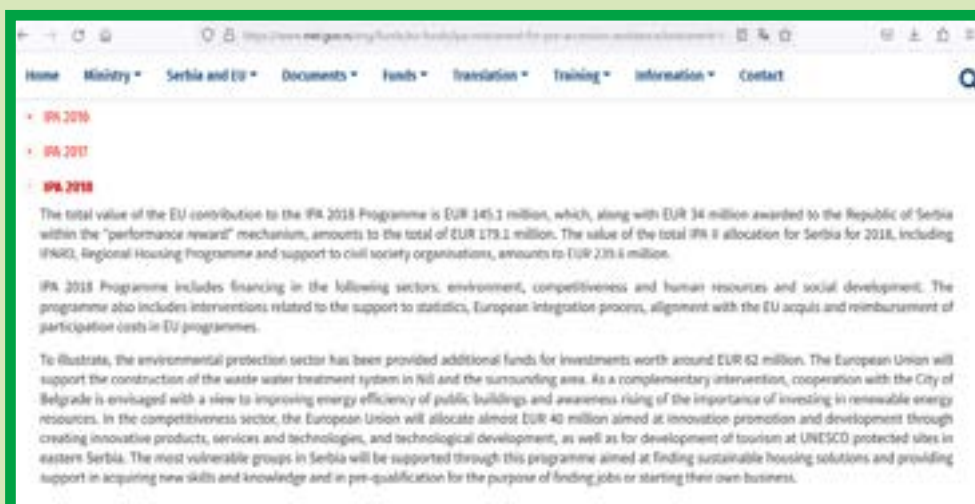
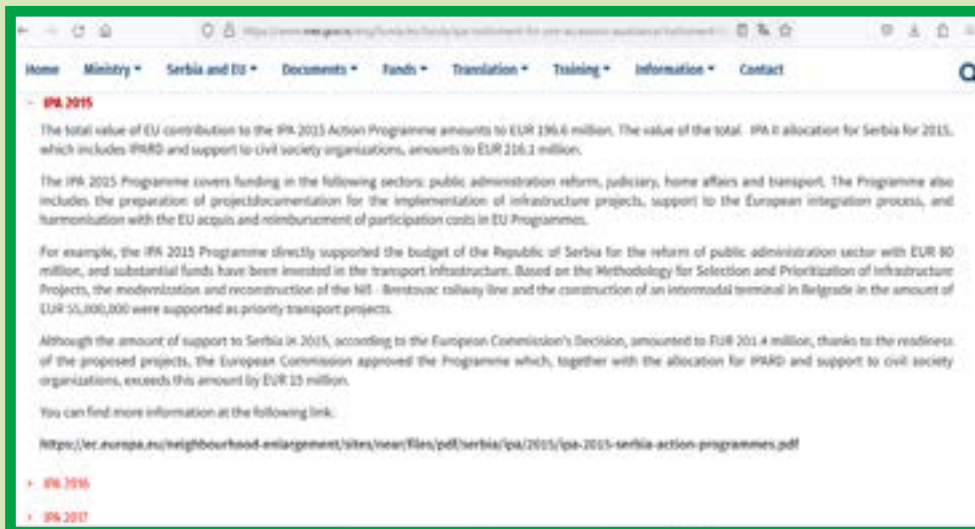
The IPA 2014 Programme includes interventions in the following sectors: public administration reform, home affairs, energy, competitiveness, human resources development, and social development. In addition, the assistance includes the preparation of project documentation for the implementation of infrastructure projects, support to the European integration process, and harmonisation with the EU acquis and reimbursement of participation costs in EU Programmes.

For the sake of illustration, of this amount, EUR 13 million is intended for recovery from the floods that hit the Republic of Serbia in 2014 and for taking measures to prevent floods in the future.

You can find more information at the following link:

<https://ec.europa.eu/neighbourhood-enlargement/sites/nea/files/pdf/serbia/ipa/2014/ipa-2014-serbia-action-programmes.pdf>

- IPA 2015
- IPA 2016
- IPA 2017



on the website of the Ministry of EU Integration of Serbia, the sparse information dedicated to each IPA amount consistently redirects to DG NEAR's web pages. <https://www.mei.gov.rs/enq/funds/eu-funds/ipa-instrument-for-pre-accession-assistance/> webpage of ministry of EU integration of Serbia dedicated to IPA, accessed 14.03.24

A lamentable consequence of this lack of [interest is that financial support from Russia or China receives extensive coverage](#) in the press, while the EU's involvement, despite being more substantial, often goes unnoticed. This oversight has become especially critical in the wake of the pandemic and the Ukrainian crisis, as evidenced by the arduous adoption process of IPA III. Furthermore, the transparency of these funds remains unclear, as highlighted in the recent special report by the European Court of Auditors in January 2022.

INSTITUTIONAL IMPLICATIONS OF THE QUESTION SINCE 2022: A LOOK AT THE EU LEVEL AMID RECENT DEVELOPMENTS

The European Court of Auditors issued a [special report](#) examining the effectiveness of the EU's support for the rule of law in the six Western Balkan states. The report aimed to assess the degree to which EU assistance in the region has delivered anticipated outcomes, particularly in the realm of the rule of law. Subsequent to the report's release on 10 February 2022, a discussion took place in the European Parliament where the Commission pledged to act upon the four recommendations outlined in the report:

1. Strengthen the mechanism for promoting rule of law reforms in the enlargement process.
2. Intensify support for civil society working on rule of law reforms and support for media independence.
3. Enhance the use of conditionality under IPA III.
4. Improve reporting on projects and their follow-up.

The recommendations, while less detailed compared to those in 2014, express similar apprehensions, indicating that little has changed between 2014 and 2022.



On 8 November 2023, the Commission proposed to establish a Reform and Growth Facility for the Western Balkans as part of a new Growth Plan for the region. The European Parliament and the Council therefore asked the European Court of Auditors to give its opinion on the proposal, in the case of the Council, before 9 February 2024 ([Opinion No. 01/2024 is available on the European Court of Auditors website](#)). It acknowledges the Commission's choice of a well-established institutional framework but largely defers to the latest enlargement reports from November 2023. Serbia's level of preparedness is deemed moderate, with minimal advancements noted during the review period, notably concerning the ongoing implementation of internal financial control measures (p. 32). However, a significant ambiguity persists regarding the entities designated as 'national audit authorities' in Article 23 of the Regulation of the European Parliament and of the Council, establishing the Reform and Growth Facility for the Western Balkans, necessitating further clarification. It is crucial to delineate the expectations placed upon the national authorities entrusted with the administration of IPA funds by the European Union.

Serbia's level of preparedness is deemed moderate, with minimal advancements noted during the review period, notably concerning the ongoing implementation of internal financial control measures.

Political will and ownership are pivotal for the success of any reform efforts. It's reasonable to expect that countries aspiring for EU membership, and thus receiving funds from the EU, exhibit a minimum level of political will. This issue is not novel, as highlighted [in the Communication](#) titled 'A credible enlargement perspective and enhanced EU engagement with the Western Balkans'.

The country reports within the Commission's annual enlargement package do not include a dedicated section for assessing reform ownership and political will. The Commission attributes the lack of ownership to the absence of significant progress, a concern raised by both the European Court of Auditors in 2014 and 2022, but fails to delve deeper into this issue. It raises questions about whether the Commission, following its geopolitical perspective, is actively pursuing a strategy regarding this matter and whether it plans to seek clarifications.

EXPLORING POLITICAL ALIGNMENT: THE REPUBLIC OF SERBIA AND THE EUROPEAN UNION

POLITICAL WILL IN SERBIA AND REFORMS IN FAVOUR OF EU ACCESSION

In Serbia's journey towards EU accession, which began in 2012 when it became a candidate, a range of pre-accession funds have been deployed to bolster its integration endeavours. As detailed earlier, IPA I primarily targets institution building, enhances administrative capacity and aligns legislation with EU norms, as well as fostering democratic governance, fundamental rights and the rule of law.

Serbia officially attained EU candidate status on 1 March 2012, an event marked by significant political fanfare and popular celebrations.

Serbia officially attained EU candidate status on 1 March 2012, an event marked by significant political fanfare and popular celebration. The ruling coalition, comprising the Democratic Party (DS), the Liberal Democrats (LDP) and the Greens of Serbia (ZS), which secured a parliamentary majority in the 2008 elections, led the jubilant occasion. Boris Tadić, following

these elections, was also re-elected as President of the Republic of Serbia. This coalition was called 'For a European Serbia – Za evropsku Srbiju'. The coalition was the subject of numerous allegations of corruption and illegal campaign financing involving several of its members, actions that notably tarnished the reputation of Boris Tadić, his coalition and their proclaimed objective: to foster a European Serbia.

In May 2012, Tomislav Nikolić's election as President of the Republic of Serbia reflected a palpable public discontent. His victory, as a former member of the far-right nationalist camp, who advocated for a 'refocusing', was likely more of a rebuke to the previous government coalition than a vote in favour of joining the EU. Despite this, Nikolić claimed to support Serbia's ongoing European integration efforts. He initiated accession negotiations with the EU on 21 January 2014, following the Council of the European Union's decision the previous December. However, he also advocated for closer relations with Russia.

Aleksandar Vučić, who assumed the presidency of Serbia in 2017 following his tenure as prime minister, is increasingly associated with controversial political stances regarding the EU, diverging from those of his predecessors. **Mounting apprehensions revolve around the consolidation of power, notably impacting press freedoms.** Additionally, tensions with Kosovo are escalating, while Serbia appears to be forging closer ties with China and Russia, as will be elaborated in the subsequent discussion.



Given the fundamental [principle of non-interference in internal affairs](#), the political context stemming from elections held in Serbia between 2012 and 2023 is not expected to impact the anticipated outcomes of projects funded by IPA funds. However, this context significantly influences the information disseminated in the press, particularly concerning the role of the EU in financing the country's development compared to Russia or China.

Politics stands as the primary risk factor for implementing projects under the IPA. The European Court of Auditors had already highlighted in its 2014 report that imposing prerequisites for funding or project implementation alone does not suffice to devise concrete mitigation measures. It is [now believed that IPA II did not include sufficiently strict conditional clauses](#) to directly link rule of law reforms to consequences on funding in other sectors. This observation is particularly regrettable given the substantial amounts involved and Belgrade's geopolitical choices during the pandemic and Ukrainian crises.

INCREASINGLY TURBULENT RELATIONS BETWEEN THE REPUBLIC OF SERBIA AND THE EU

Representatives of Serbian organised civil society who say they are in favour of EU membership are [taking the threat of a freeze on funds very seriously](#): further democratic decline in Serbia is all the less acceptable. The European Commission's leniency towards Serbia, attributed to its role as an external border of the EU amid migration pressures, contrasts with the mounting disapproval voiced by the European Parliament. Similarly, bilateral support from other states, notably the longstanding Franco-Serbian friendship, faces scrutiny and [carries a questionable reputation](#). The [perceived alignment between Serbia and Hungary](#) raises concerns.

Although IPA funds aim to narrow the socio-economic disparity between aspiring EU states and Member States, Serbia has not seen a visible reduction in this gap. Instead, there are concerns about the [shrinking of democracy](#). Amid the EU's aspiration to be perceived as a credible promoter of peace and development in the region, the threat of freezing funds can be readily wielded to signal a more favourable stance, particularly towards authorities in Pristina. This dynamic occurs at a time [when achieving reconciliation is becoming increasingly challenging](#).

The sombre ambiance sharply contrasts with the triumphant spectacle of the summer of 2023: the [EU Opportunities Week in Serbia](#), held from June 21st to the 26th. This marked the first occasion where all EU programmes and funds available to Serbians were consolidated in one venue to showcase the opportunities provided by the EU. Co-organized by the Delegation of the European Union and the Government of the Republic of Serbia, the event unfolded across Belgrade, Niš and Novi Sad, with web-streamed sessions covering business, education, youth sports, culture, media, local development, the Green Deal and agriculture. It offered a comprehensive exposition of the EU's aspirations in Serbia.

During the event's inauguration, Commissioner Olivér Várhelyi delivered a video message unveiling an economic and investment plan for the Western Balkans. This initiative aims to mobilise up to EUR 30 billion in investments, comprising a blend of grants, preferential loans and guarantees. The Commissioner underscored the EU's commitment to supporting investments in sustainable transport, clean energy, environmental conservation, climate action, digital innovation, and small and medium-sized enterprises (SMEs). At this juncture, there is no indication confirming the presence of any conditionalities tied to the disbursement of the announced funds. The message is straightforward: Europe will allocate financial resources. Consequently, recent speeches have failed to distinctly outline the requirements of IPA III.



During this event, a dedicated panel highlighted opportunities for micro, small and medium-sized enterprises under the EIB's [Western Balkans Investment Framework](#). The EU's commitment to bolstering the green transition, sustainable agriculture, digital transformation and innovation, trade, value chains, financial inclusion, and diversification in the region was particularly emphasised. Minister for European Integration of Serbia Tanja Mišćević and EU Ambassador to Serbia Emanuele Giaufret both expressed their readiness to sign an agreement for new donations through IPA III, totalling EUR 200 million, including EUR 162 million in EU grants. The majority of EU funding will be earmarked for the environmental sector, with over EUR 72 million allocated to infrastructure enhancement, institutional capacity building for environmental protection, and effective management and mitigation of climate change, in line with the objectives of the Green Deal.

[Indeed, Tanja Mišćević confirmed that the majority of the funds will be allocated to the Green Deal.](#) For instance, the construction of a wastewater treatment plant will connect all residents of the Zlatibor and Moravica districts, benefiting approximately 100,000 people by providing access to the sewerage network. These tangible benefits directly impact individuals and communities, particularly in local areas. This underscores the prominent focus of IPA III on the Green Deal, which is poised to bring positive outcomes for businesses and citizens, especially in regions like Zlatibor, as highlighted in these remarks.

ENHANCING THE PRE-ACCESSION INSTRUMENT: CASE STUDIES IN SERBIA

WASTEWATER TREATMENT AND POLLUTION IN THE ZLATIBOR MOUNTAIN REGION.

The 'Regional Wastewater Management Project for Zlatibor' encompasses the city of Užice and four municipalities: Arilje, Požega, Kosjerić and Ivanjica, all located in the Zlatibor district of southwestern Serbia. Combined, these five areas are home to approximately 158,000 residents, with 69,000 residing in the city of Užice.

As stated by the Serbian Minister of EU Integration in July 2023, untreated wastewater was being discharged into local watercourses in the city of Užice.

The Zlatibor Mountain region has undergone significant transformation over the past two decades due to tourism development, resulting in increased water consumption and environmental concerns. This issue extends beyond the region and is recognized at the national level. With its ideal altitude of 1,000 metres and exceptional climatic conditions, as well as its stunning landscapes, geoheritage and biodiversity, the area attracts around 250,000 visitors annually, which has led to rapid urbanisation. Tourism serves as the primary economic activity, driving up the demand for drinking water, wastewater treatment and waste management. Agriculture and the agro-food industry constitute the second-largest industrial sectors in the region. [Belgrade's Geology Faculty has been raising awareness about this situation for 10 years now.](#)

Construction works for a wastewater treatment plant were announced for July 2017, according to the daily newspaper [Večernje novosti](#). Construction costs were estimated at EUR 4.5 million, with mostly local funding, accompanied by a donation from the Slovenian government of EUR 1.5 million directly to the municipality of Čajetina. There was no mention of IPA funds at that time, at least in the Serbian press.

According to the managing company Vodovod, 'the Obudojevica river is clean, horses drink from it and analyses of treated waste water indicate that all parameters required by law are below the limit values'.

[The report PPF8/EuropeAid/137044/DH/SER/RS](#), published in January 2019, prominently displayed the EU flag alongside those of the Ministry of European Integration and Finance of Serbia. It outlined the submission of a pre-feasibility study in November 2018. However, the report only referenced the EU's role in ensuring compliance with the European directive on urban wastewater treatment in the project area, without any mention of IPA funds.

Simultaneously, the online media source [Serbia-business.eu](#) announced that the construction of the plant near the Obudojevica river in Zlatibor was nearing completion. The plant, employing SBR technology, is touted as one of the best in Serbia, designed to protect groundwater and other natural resources from pollution. Operational management of the plant is to be overseen by the [public utility company Vodovod](#) and the Slovenian consortium Hidroinženjering, based on a study conducted by the Norwegian institute Niva. In December 2020, [local press echoed similar information](#), albeit with a slight variation: the testing period was purported to last six months. Notably, there was no mention of the EU or IPA funds in either report.

In a [promotional video posted online](#) dedicated to the Zlatibor project, uploaded on 18 October 2021, on a channel with six subscribers, the accompanying text in the video does not specify anything about the project's funding, just that the 'Support from the European Union for project preparation' (EU PPF) represents technical assistance worth over EUR 35.5 million, funded by the European Union's pre-accession funds. The EU grant amounts to EUR 34.24 million, and EUR 1.33 million is the contribution from the government of the Republic of Serbia. On the project's dedicated website, there are [two photos](#): fields and a view from a summit.

According to the managing company Vodovod, 'the Obudojevica river is clean, horses drink from it and analyses of treated waste water indicate that all parameters required by law are below the limit values'. In [August 2022, local press coverage](#) indicated that during dry periods, municipal wastewater from across Zlatibor, averaging about six thousand cubic metres per day, is treated at the plant. The facility, currently staffed by four individuals trained by representatives of the Slovenian company Hidroinženjering, is deemed adequate for present needs. Remarkably, there are still no mentions of the EU in either press reports or on-site observations.



there are no mentions of the EU on-site observations, Wastewater treatment plant of Zlatibor - Entrance, August 2023

However, according to the Your Europe website, on 23 October, the Ministry for European Integration, the Ministry of Agriculture, Water and Forestry, and the municipalities of Zlatibor and Moravica received an estimated [EUR 9.43 million grant from the EU between January 2017 and November 2022](#).¹ Despite this substantial funding, initial reports in both the press and the official project site for the Zlatibor treatment plant, officially commissioned on 29 June 2021, only mentioned investments totalling EUR 3 million from the municipality and a EUR 1.5 million donation from the Government of Slovenia through its Centre for International Cooperation and Development. Consequently, the project's total value was presented as EUR 4.5 million.

It must be noted that the provided link, intended to convey information regarding the funds allocated for the wastewater treatment plant, merely redirects to a general page "Your Europe". As of 25 February 2024, there is no specific mention of a wastewater treatment plant project in Zlatibor. Therefore, a clarification is imperative regarding the status of this project, the funds disbursed or not, and their respective sources and timings.

Several questions should be put to the Serbian authorities by the Union's representatives:

What was the purpose of the aforementioned EU funds if the wastewater treatment plant was solely financed by local funds and Slovenia?

What is the intended use of the funds announced by the minister during the June 2023 event?

To whom will they be disbursed?

Why does it state that there is no wastewater treatment plant in Zlatibor?

The IPA II funds and their allocation appear to be earmarked for Serbia's economic advancement. However, in the instance of Zlatibor, it appears that the endeavours to address water pollution align more with catering to the demands of tourist clientele. Hence, the underlying logic appears to prioritise economic development, while also addressing specific environmental imperatives.

In this context, the foremost example that residents of Belgrade, especially, would likely recall is the Batajnica Intermodal Terminal, as it has garnered considerable media attention. References to reports and photos of its inauguration of the construction side, often featuring obscured European Union flags beneath newspaper headlines, are frequently cited during interviews. Concurrently, billboards in downtown Belgrade express gratitude to China, presenting a parallel narrative.



"Thanks brother Xi", next to the National Assembly of Serbia, Belgrade, 2023. other are available on https://www.researchgate.net/figure/Billboard-dedicated-to-Chinas-president-Xi-Jingping-and-the-Chinese-people-in-Belgrade_fig1_342223990 accessed on 14. 03.24
<https://www.taipetimes.com/News/world/archives/2020/06/15/300373e4e3> accessed on 14.03.24
<https://www.feri.org/a/chinese-signage-in-serbia-sparks-eu-ire/30637889.html> accessed on 14.03.24 showing their dissemination in Belgrade

THE BATAJNICA INTERMODAL TERMINAL

Batajnica Intermodal Terminal stands as a cornerstone in a regional strategy aimed at enhancing transportation efficiency and advancing greener supply chains. Positioned near Belgrade, this project facilitates seamless freight transfer between different modes of transport – truck to train or vice versa (rail to road). According to the [Your Europe website](#), the project has received nearly EUR 13 million in grants out of a total investment cost of EUR 14.5 million. This substantial investment is anticipated to bolster Serbia's railway competitiveness, while aligning with evolving transportation trends through the integration of modern technologies.

On 13 November 2020, the inaugural stone was laid for the project, with President Aleksandar Vucic of Serbia, Minister of European Integration Jadranka Joksimovic and the former Head of the EU Delegation to Serbia, Ambassador Sam Fabrizi, in attendance. The terminal, as outlined on the [website of the EU Delegation to Serbia](#), is envisioned to mirror the Vienna model, which boasts three similar terminals.

[According to the Ministry of Transport in Serbia](#), in line with IPA II agreements with the European Commission in 2015, the EU subsidy for this project amounts to EUR 15.54 million (85% of the total project value), while a sum of EUR 1.76 million is allocated for national co-financing (15% of the total project value). The project supervision contract was signed with the company [EPTISA](#) on 26 August 2019, for a total amount of EUR 675,100. The construction contract was signed on 14 October 2019, with the company [STRABAG](#), with a total value of EUR 14,469,299. The [same company](#) won [the EBRD call for projects](#) to finalise the Batajnica motorway interchange.

The needs were clearly identified in the 2020 Interreg [report](#) and are undeniably linked to the Ostružnica–Batajnica [railway line project](#). Serbian authorities present it as meeting the requirements of Chapter 14 of the pre-accession negotiations. The goal of the IPA is easy to grasp, allowing the candidate state to fulfil the obligations related to this negotiation chapter.

During the Slovenian presidency of the EU Council, the [long-awaited opening of Cluster 4 in the accession negotiations](#) (Green Agenda and Connectivity) was finally allowed. Comprising four chapters – transportation (Chapter 14), energy (Chapter 15), trans-European networks (Chapter 21), and environment and climate change (Chapter 27) – Cluster 4, unsurprisingly, links transportation and Green Deal requirements.

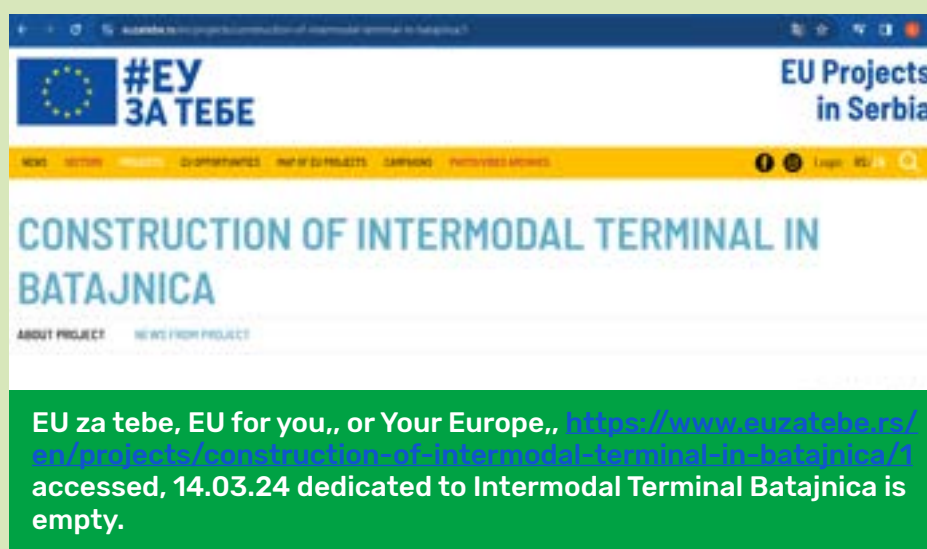
This implies that if the state and the city agree to sell the terminal, there is nothing preventing them – in principle – as IPA funds were not used to purchase the land.

[Its opening was announced in April 2023](#), and the site is viewable through an [online promotional video](#) from the city of Belgrade. The city claims to have provided the land and declares co-ownership, with the Serbian Government, of the terminal. 'With this centre, built on thirteen hectares with EU funds, our city gains a strategic advantage

over all other capitals in the region,' said the Director of Municipal Services, Miroslav Cuckovic. This implies that if the state and the city agree to sell the terminal, there is nothing preventing them – in principle – as IPA funds were not used to purchase the land.

[On 6 June 2023](#), at the 'Business Conference on Transportation Logistics' in Belgrade, several new connections were announced to provide additional support to Serbian companies in their export activities, with no mention made of the terminal. Slovenian companies also appear highly involved in these activities in Serbia.

According to information obtained from European freight professionals, the terminal is not operational. There is even scepticism about the relevance of such a location to streamline road traffic in the area. Regarding the reduction of exhaust gas emissions, this would be the case if rail and water transportation were better and more developed in Serbia.



EU4GREEN

[The EU4Green initiative](#), part of IPA III, is set to provide support to the six Western Balkan States in their transition toward environmental sustainability. Its overarching goal is to foster greener, more self-sufficient and proficient economies. The initiative is structured around five key pillars: decarbonization (addressing climate, energy and mobility challenges), depollution (tackling air, water and soil pollution), biodiversity (focused on ecosystem protection and restoration) and circular economy (promoting sustainable agriculture and food production). Given the European Union's prioritisation of the Green Deal, this support for ecological transition aims to facilitate the accession of the Western Balkans to the Union. [The Sofia Declaration of 10 November 2020](#) underscores the commitment of representatives from candidate states in the region to this endeavour.

The specificity of the EU4Green project is to see the economies of the Western Balkans improved through better mutual cooperation. The EU announced EUR 10 million for the EU4Green project and EUR 1 million for Austrian development cooperation. This is due to the fact that the project is implemented by the Austrian Environment Agency in cooperation with the governments and institutions of the Western Balkans.

Effective treatment of urban wastewater is paramount for enhancing public health and environmental conservation. Robust wastewater treatment infrastructure is crucial for promoting sustainable development, curbing the transmission of waterborne illnesses, preserving water sources and shielding aquatic ecosystems from harmful contaminants. The EU directive governing urban wastewater treatment establishes rigorous standards aimed at ensuring the thorough removal of pollutants from urban wastewater, yielding benefits for both urban communities and the environment. In pursuit of this objective, the EU4Green initiative convenes regional stakeholders and experts from the Austrian Environment Agency. During recent summer working sessions, participants engaged in collaborative efforts to tackle shared challenges and share insights from their respective best practices.¹ This suggests that EU project funding under IPA III is not merely focused on economically viable projects aligned with the Green Deal, but also on initiatives that actively advance the Green Deal's objectives while ensuring economic benefits.

This is particularly evident with the ambitious programme to clean the Danube.

¹ Despite our inquiries, there is no means of knowing whether the precedent of Zlatibor had been discussed, studied or considered for support.

EUROPE FOR SAFER NAVIGATION ON THE DANUBE

The river, which joins the Sava River to the north of Belgrade, has historically been revered as a lifeline and a vital link between the peoples and economies of Europe. However, the scorching heatwave of summer 2022 and subsequent drought had a profound impact, causing the water levels to plummet. As a result, ancient churches, submerged villages and [remnants of World War II vessels](#) resurfaced, particularly near the port of Prahovo. Experts assert that their reappearance has significantly narrowed the river's navigable width, shrinking from 180 metres to a mere 80 metres over the past 75 years. This reduction jeopardises navigation safety, causing delays and prompting a preference for road transportation.

In 1944, the German navy resorted to sinking its own warships as part of the [Danube Elf operation](#). This strategic move aimed to prevent these vessels from falling into the hands of the advancing Red Army in the Kingdom of Yugoslavia. Now, nearly eight decades later, the remnants of this wartime strategy are resurfacing. In 2021, a demining expert team verified the presence of 38 submerged ships in the Danube stretch between Serbia and Romania. Their removal promises to enhance navigation along this vital waterway, ensuring safer and more efficient passage for maritime traffic.

In 2019, freight volumes on the Danube reached 12.7 million tonnes, with nearly 11 million tonnes transported by 12,500 ships passing through the Iron Gate II lock. By 2040, thanks to the elimination of bottlenecks caused by wrecks, the annually processed freight volume should increase by 25 million tonnes. The volume of river freight could more than double.

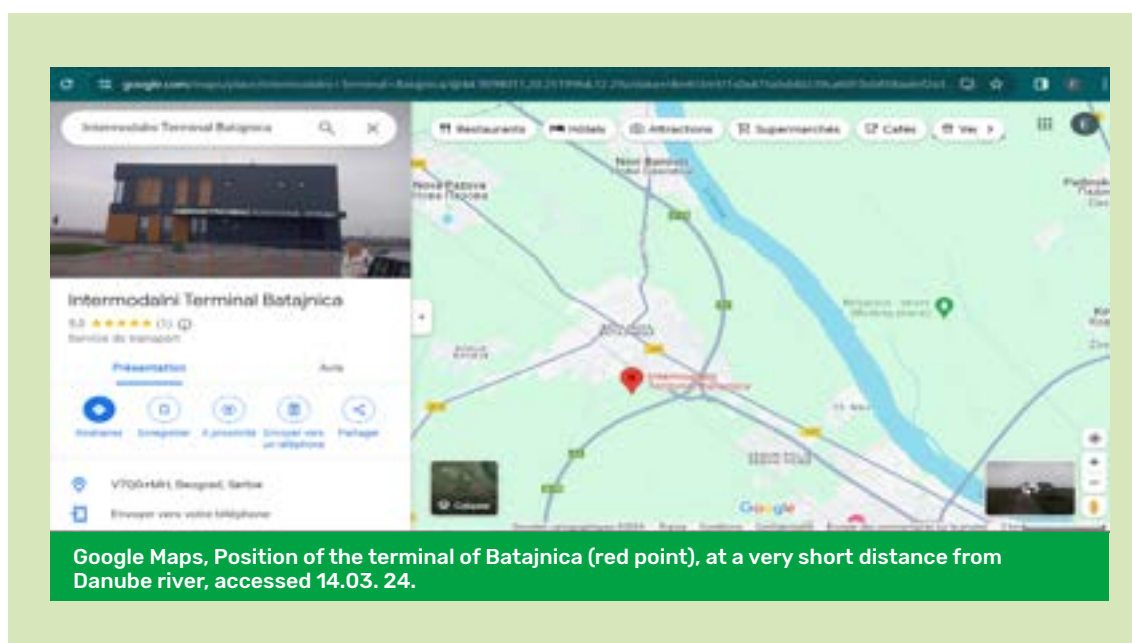
Thus, the EU finances the removal of these wrecks with the [EU for Safer Danube Navigation](#) project, as part of a global project valued at around EUR 30 million, also benefiting from a EUR 16.5 million subsidy under the [Western Balkans Investment Framework](#). The remainder is financed by a loan from the European Investment Bank, as part of the overall river improvement project [signed with the Republic of Serbia in 2018](#).

This loan, designed to enhance transport infrastructure along Serbia's inland waterways, including the Danube and Sava rivers, represents a strategically significant investment for fostering sustainable transportation throughout the region. The funding also encompasses the revitalization of ports along the Danube and Sava, as well as the rehabilitation of the Djerdap navigation locks. Alessandro Bragonzi, Head of the European Investment Bank's Representation Office in the Western Balkans, emphasised that: 'In line with our climate commitments outlined in the [Climate Bank Roadmap](#) and the new [lending policy in the transport sector](#), we see this project as an example of the type of sustainable mobility in which we intend to continue investing.'

Facilitating navigation on the river not only allows for transporting additional volumes. It is, of course, beneficial for the climate. According to estimates, a single ship can transport the same amount of cereals as 120 trucks, which is unbeatable in terms of exhaust gas reduction.

Aligned with the [Economic and Investment Plan](#), the [Environmental Agenda](#) and the imperatives of the Green Deal, the EU advocates for a transition of 75% of road transportation to alternative modes such as rail and inland waterway transport. The objective is therefore to increase the activity of inland waterways and short sea shipping by 25 % by 2030. Lilyana Pavlova, Vice-President of the European Investment Bank, said: 'Through uninterrupted and safe navigation, this type of project allows for a gradual shift to less polluting transport models, thus protecting the environment and reducing climate impact. It is one of our priorities as the EU Climate Bank.' The project is therefore widely publicised, known and appreciated, accordingly.

Thus far, IPA III has been heralded as a tool for [finalising the pivotal rail and road infrastructure](#) traversing the Danube region, bolstering the establishment of rail freight corridors aimed at fostering competitive freight transport (as delineated in [Regulation 913/2010](#)), which spans across candidate and neighbouring nations. Additionally, it is anticipated to foster collaboration among aviation stakeholders to enhance regional connectivity. It is regrettable that river traffic is not taken into account in what aims to be a comprehensive strategy for the Danube region, especially since the Batajnica site is just a few kilometres from the Danube.¹



1 Despite our inquiries and research efforts, it has not been possible to ascertain to what extent inland waterway freight is envisaged as part of the activity of the multimodal terminal.

ENSURING THE RULE OF LAW BY MODERNISING THE CAPACITY OF THE MINISTRY OF JUSTICE

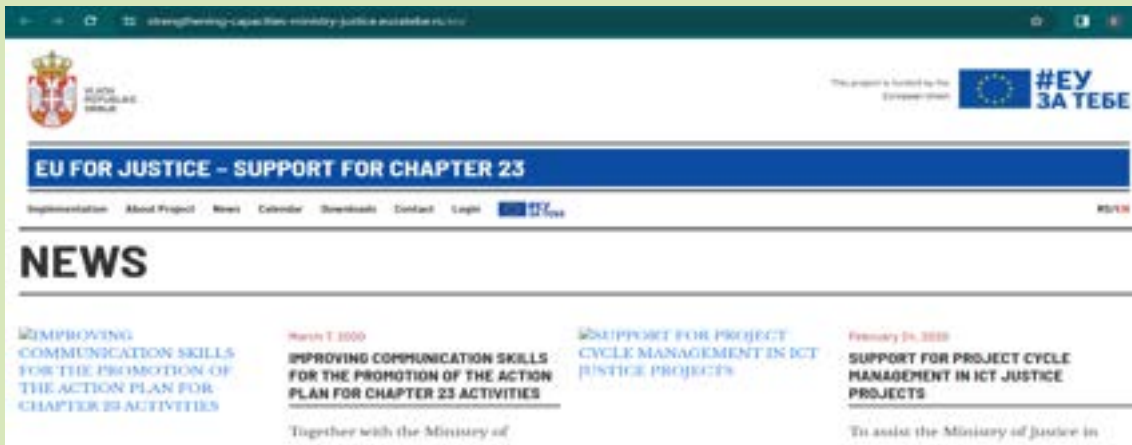
The '[EU for Justice – Support to Chapter 23: Judiciary and Fundamental Rights](#)' project is an EU-funded initiative aimed at bolstering the capacity of the Ministry of Justice in alignment with the EU accession negotiation process. It offers advisory support and expertise across legal, strategic, institutional and capacity-building domains essential for judicial reform policies. Additionally, it aids in coordinating and monitoring the implementation of requisite measures. Chapter 23 represents one of the 35 chapters integral to accession negotiations for every candidate country.

Structured in four thematic domains, the project encompasses judicial reform, anti-corruption policy, fundamental rights and EU citizens' rights. Its overarching objective is to enhance the institutional capacity of the Ministry of Justice, serving as the administrative cornerstone for the judiciary. Through this initiative, efforts are directed towards augmenting its efficacy, ultimately fostering a more robust justice system conducive to upholding the rule of law.

Between May 2018 and October 2022, in Belgrade, the EU is announced on the [Your Europe](#) website as having paid EUR 2 million to the Ministry of Justice, in order to allow Serbia to influence the accession negotiations. The [project website](#) is widely filled out up to March 2020. The calendar tab is desperately empty.



Between May 2018 and October 2022, in Belgrade, the EU is announced on the Your Europe website as having paid EUR 2 million to the Ministry of Justice <https://www.eu4teba.rs/en/maj>



web page EU za tebe dedicated to Chapter 23 24, accessed 14.03. 24

This project is announced by a consortium led by [GDSI Limited](#). This Irish consultancy company presents itself as having proven experience in the implementation of projects in the fields of justice and fundamental rights worldwide. GDSI offers technical assistance 'covering all aspects of an EU-oriented rule of law framework'. The company has offices in Serbia, as well as in other candidate states. The site is provided by projects carried out in the Balkans.

On 1 December 2020, GDSI announced that the project 'EU for Justice – Support for Chapter 23' was entering its second phase. The EU Ambassador to Serbia, Sem Fabrizi, and Minister of Justice of the Republic of Serbia Maja Popović then exchanged views during a [Facebook Live](#) event (with 706 views to date), on the digitalisation of court decisions.

In its [recent report released on 5 October 2023](#), the GDSI consultancy highlights the prevailing issue of insufficient political will across the Balkans, attributing it to the expensive nature of reforms and the EU's constrained capacity to integrate new members without compromising its core functions and unity. Within the report, the firm advocates for the EU to adopt a more adaptable approach towards the Western Balkans, one that acknowledges each country's unique context and actively seeks to identify and mitigate the root causes of reform stagnation. Thus, the primary responsibility for the lack of progress in reforms appears to rest largely with the EU.

This Cabinet is presented by the Ministry of European Integration of Serbia [as having received EUR 2 million for this project](#), and nowhere on its website does it discuss its achievements in Serbia under this EU-funded project.

Anyone who has implemented a project with European funds as an organisation from a Member State knows that it is imperative to keep a website up to date, including details regarding the remaining duration of the project and its achievements. Not to mention reference to EU financial support, the specific programme and, of course, the corresponding logos. [Certain social media posts](#) serve as an illustration, boasting about achievements with vague details, directed towards the EU yet conspicuously absent of any mention of EU funding.

The first question that arises is whether the above obligations reflect a rigour that could potentially slow down candidate states in their progress. The question also arises as to whether one of [GDSI's other clients, USAID](#), in Serbia is equally undemanding regarding the visibility of achievements and the origin of funding.

In a resolution passed on 10 May 2023, the [European Parliament](#) recognized the revisions made to the Serbian Constitution subsequent to the [January 2022 referendum](#). These revisions aimed to bolster judicial independence and enhance the transparency and effectiveness of Serbia's rule of law institutions, accompanied by ensuing legislative adjustments. However, the resolution also voiced apprehensions regarding the [Elektroprivreda Srbije case](#), wherein prosecutors were terminated after launching a corruption probe. Reforms in the judicial sector are consistently touted as top priorities by the EU, political leaders and organised civil society in Serbia. However, tangible results from these efforts are elusive, with some critical actions barely perceptible, if observable at all.

Currently, even if the results of the previous project led by GDSI Limited are not accessible to the public, more optimistic prospects seem to be emerging with the United Nations Office for Project Services (UNOPS) announced as implementing the project 'Technical Capacity Facility for the Implementation of Action Plans for Chapters 23 and 24'. This 30-month project (September 2022–February 2025) has been [announced to be funded with EUR 5 million by the EU](#).

EU FOR TECHNICAL CAPACITIES IN CHAPTERS 23 AND 24

ABOUT PROJECT NEWS FROM PROJECT

The UNOPS is implementing the project "Technical capacity facility for the implementation of Action Plans for Chapters 23 and 24" within the EU for Rule of Law Action. The implementation period is 30 months (September 2022 - February 2024) and the EU allocated 3 million euros for its implementation. The Overall Objective of the Project is to contribute to the enhancement of the rule of law system in Serbia in line with the EU standards and best practices.

The Specific Objective is to enhance the technical capacities of Serbia in the process of achieving its obligations stemming from Chapter 23, Judiciary and Fundamental Rights and from Chapter 24, Justice, Freedom and Security in line with the EU acquis and relevant interim benchmarks (IRM). The EU for Rule of Law Action, in its entirety, will provide support to improve strategic, institutional, and human resources, while this facility will primarily result in the procurement of equipment on the basis of recommendations identified through two other interventions. Thus, the Project activities will focus on: identification and verification of needs; procurement planning; market research and requirements definition; public procurement and delivery of equipment; training of the beneficiary personnel and final acceptance of the equipment and transfer of ownership to the beneficiary.

institutional, and human resources, while this facility will primarily result in the procurement of equipment on the basis of recommendations identified through two other interventions. Thus, the Project activities will focus on: identification and verification of needs; procurement planning; market research and requirements definition; public procurement and delivery of equipment; training of the beneficiary personnel and final acceptance of the equipment and transfer of ownership to the beneficiary.

The activities will be designed based on analysis, recommendations, and other relevant inputs stemming from the complementary interventions within the broader EU for the Rule of Law Action, namely Facilities for Chapters 23 and 24, ensuring the strengthening of the technical capacities of relevant state institutions.

This component is part of the bigger project "EU for the Rule of Law", launched by the EU Delegation in Serbia in 2022. It is a new package of support to the Rule of Law Sector, part of the IPA Programme for Serbia, for a total amount of 20.8 million euros.

Such support aims at accompanying Serbia in meeting the Interim Benchmarks under Chapters 23 and 24 in the coming years.

Website

<https://www.unops.org/en/projects/>

Sector

Rule of Law

Implementation period

June 2022 - June 2025

City / Region

Negotiating chapter

23 - Judiciary and fundamental rights,
24 - Justice, freedom and security

Negotiating chapter

23 - Judiciary and fundamental rights,
24 - Justice, freedom and security

<https://www.euzatebe.rs/en/projects/eu-for-technical-capacities-in-chapters-23-and-24> EU za tebe website dedicated to Rule of law programmes, precising amounts and UNOPS implication, accessed 14.03.24



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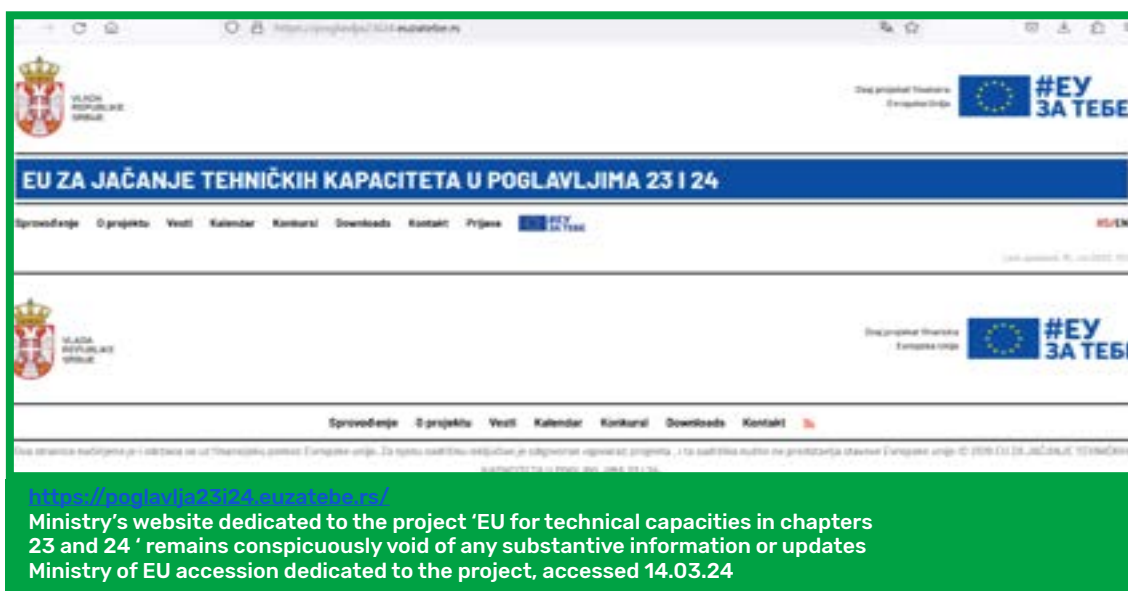
To what extent should we surpass the achievements of the past?

The primary objective is to bolster Serbia's technical proficiency in fulfilling its Chapter 23 commitments, as part of the EU's overarching initiative to strengthen the rule of law by enhancing strategic,

institutional and human resources. Project activities encompass various facets, including needs assessment, procurement planning, market research, defining requirements, managing public procurement processes, facilitating equipment delivery, training staff and ensuring the smooth transition of equipment ownership to the beneficiary. UNOPS has been tasked with conducting analyses and offering recommendations to ensure compliance with Chapter 23 obligations.

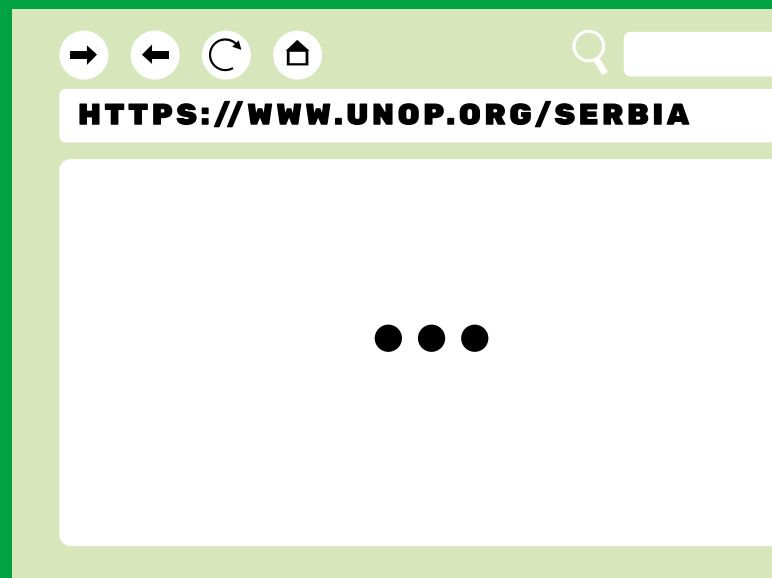
This initiative constitutes a vital component of the wider 'EU for the Rule of Law' project initiated by the EU Delegation in Serbia in 2022, representing a fresh endeavour to bolster the rule of law sector. The European Union has pledged EUR 20.8 million to support Serbia's rule of law reforms. However, as of November 2022, [there have been no publications on the UNOPS website regarding this initiative](#). Finally, more than a year later, the Ministry's website dedicated to this project remains [conspicuously void](#) of any substantive information or updates, raising questions about the progress and transparency of the initiative.

What particular hurdles does UNOPS encounter in this regard?



It is striking that there appears to be no documentation or reporting on the past accomplishments (2018–2022) achieved under the guidance of GDSI. This begs the question: to what extent should we surpass the achievements of the past? Furthermore, what particular hurdles does UNOPS encounter in this regard?

**AS OF NOVEMBER
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THE PROMOTION OF FREEDOM OF THE PRESS

On 1 November, the head of state dissolved parliament and called for elections on 17 December, stating that: 'We are living in difficult times for the world, in times of wars and conflicts, and we need to be united in the fight to protect our national and state interests'

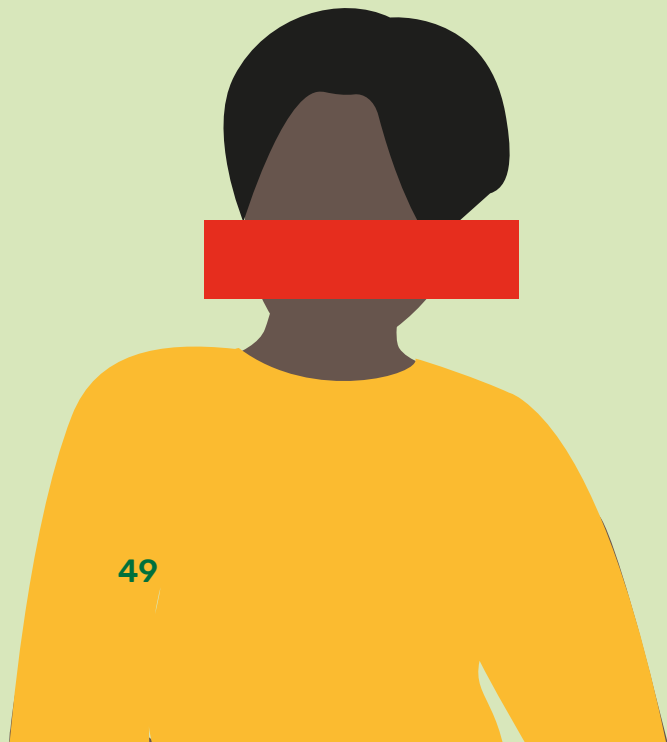
The internal security situation in Serbia has taken a peculiar turn [since the spring 2023 shootings](#). On 1 November, the head of state dissolved parliament and [called for elections on 17 December](#), stating that: 'We are living in difficult times for the world, in times of wars and conflicts, and we need to be united in the fight to protect our national and state interests'. Part of the opposition announced an alliance of several pro-European parties for this election: '[Serbia against violence](#)'. In the last presidential, legislative and municipal elections in April 2022, the Serbian Progressive

Party (SNS) of Aleksandar Vucic won, together with its coalition partners, the highest number of seats in Parliament (120 out of 250), leading to Vucic's re-election as President of the Republic.

Eighteen months later, voters were called to elect their deputies, as well as the mayors of Belgrade and 64 other cities and local communities. [The OSCE's findings following the 7 December 2023 elections indicated](#) a campaign atmosphere marked by subdued engagement, largely monopolised by the incumbent president. This period was defined by heightened polarisation, and characterised by aggressive rhetoric, personal attacks, verbal assaults and the use of inflammatory language. Freedoms of expression and assembly were generally upheld during the campaign, and voters were presented with authentic political alternatives. Nevertheless, instances of coercion on public sector workers, improper utilisation of public resources and efforts to influence voters all raised apprehension regarding the electorate's capacity to freely exercise their choice. Obviously, these concerns are not new, but they have intensified since the SNS's re-election in 2022.

As an illustrative example, in the aftermath of the election, the Serbian electronic media regulatory body (REM) renewed the broadcasting licences for four national television stations (Happy, Pink, B92 and Prva) for another eight years, maintaining the same arrangement as in previous years. Apart from their apparent affiliations with the SNS party, there is apprehension regarding multiple complaints lodged against these stations for alleged incitement to hatred and violence.

**FREEDOM
OF
SPEECH**



[The final OSCE report](#) on the April 2022 elections in Serbia noted that the REM was presented as passive, at best, in supervising the conduct of Serbian media during the electoral campaign. More specifically, OSCE experts observed that national public broadcasters provided ‘a wide, uncritical media coverage to officials who were also candidates’.

Indeed, the reality of the country’s media independence is extremely worrying. In 2023, Serbia declined from 79th to 91st place in the [Reporters Without Borders World Press Freedom Index](#).

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In addition, these election developments take place in an even less favourable context as Serbia has just adopted a [new controversial law on ‘the functioning of the media’](#).

In fact, the violent rhetoric displayed by too many media outlets in Serbia has also taken a particularly significant tone after [the May shootings](#). Adopted at the [end of October 2023, the new law](#) would allow the state to become the owner of media outlets, reversing current practices in the European Union.

Independent press was already a rare commodity in Serbia. The trend indicates that this will worsen, especially since – as already established – the Serbian government does not seem very enthusiastic about promoting the origin of European funds for certain projects. The case of the 5th frequency, closely monitored by the European Parliament, is mainly an illustration of the fact that the population is captive to the system, despite reassuring declarations.

In line with the European Commission’s [‘Guidelines for EU Support to Media Freedom and Media Integrity in Enlargement Countries’](#), IPA II aims to ensure media freedom and integrity in enlargement countries, and strengthen freedom of expression and investigative journalism. It provides support in the form of grants for media productions of public interest, in the fields of education, culture, environmental protection and the EU integration process, with policy development and monitoring of media freedoms at the centre of the programme.

The situation is particularly concerning because, unfortunately, the EU’s ability to influence media freedom is quite limited, as there are few common regulations within its framework concerning this issue. Media freedom is explicitly addressed only in Chapter 23, titled ‘Freedom of Expression and Fundamental Rights’.



Independent press was already a rare commodity in Serbia

[In its conclusions from 2016 \(p.17\)](#), the Council at that time expressed optimism about Serbia's efforts to reform its media landscape and foster an environment supportive of freedom of expression. These efforts were expected to prioritise transparency, including media ownership, integrity and pluralism. However, the strategy for the development of the public information system, a key aspect of this reform, was only adopted by the government on 30 January 2020 – three years after the Council's conclusions. Fast forward seven years from the Council's initial assessment, and the situation appears grim: any changes that have occurred in the media landscape do not seem to be promoting plurality. Moreover, there is a lack of political will to address and reverse this trend.

As outlined by the [Association of Independent Journalists in Serbia](#), the strategy was expected to offer a comprehensive overview of the media landscape, including insights into the local media market and strategies for enhancing advertising to boost revenues. However, the existing concentration of media ownership poses a significant barrier to improving the co-financing process for media projects. Jelena Kleut, a professor at the Faculty of Philosophy in Novi Sad, has expressed scepticism about the strategy's effectiveness. According to her, the strategy appears to serve merely as a façade behind which the government can shield itself, particularly from scrutiny by the European Union, which has grown increasingly critical of the media situation in Serbia. Essentially, it is seen as a tactical manoeuvre by the government to buy time without enacting substantial reforms.

In total, the EU contributed around EUR 5.2 million between 2014 and 2020 to support media freedom in Serbia, as well as EUR 12.7 million to support regional initiatives. Serbia is presented as [the largest beneficiary of these funds, despite being](#) unanimously criticised with regard to the result.



But as the [Clingendael Institute points out](#): IPA II amounted to EUR 1.5 billion between 2014 and 2020, of which EUR 246 million was dedicated to the rule of law and fundamental rights. Media freedom represented only 0.31% of all funds.

Funding the media will not address systemic problems in the sector in Serbia. In the same study, the Dutch think tank also noted that the EU awarded technical assistance contracts worth EUR 697,200 to the [two public broadcasters RTS and RTV](#), with the aim of strengthening the role of public service media and increasing the professionalism of journalists; however, political influence continues to hamper their impartiality. This funding is reported [in the Commission's 2021 report on Serbia](#). Without revisiting the controversial past of RTS, it is interesting to note that the historical media operator in Serbia makes no mention of this funding. In other words, this information is not easily accessible in Serbia.

THIS LEADS TO THREE FUNDAMENTAL QUESTIONS:

- **Why not make the disbursement of funds conditional on the clear publicity of the origin of the funds? This could confront them with their own inconsistencies.**
- **If the EU is excluded from RTS' news coverage, it may be relevant to ask if and how RTS could properly function without its EU funding.**
- **Finally, given the lack of political will on the part of successive governments, why should the EU help finance a media outlet which [is 100% owned by the state](#)?**

The EU website in Serbia states that the Union contributes EUR 1.2 million to the Association of Independent Journalists of Serbia, financing [trips for its members to visit EU countries](#). This project, 'Pulse of Europe', aims to bring Serbian citizens closer to their European partners by facilitating media coverage. It is about 'feeling the pulse of Europe' and learning more about the European integration process. 'Pulse of Europe' is, however, presented by the Ministry in charge of European integration as led by the [Goethe Institute in Belgrade](#).

Why not make the disbursement of funds conditional on the clear publicity of the origin of the funds? This could confront them with their own inconsistencies.

On the Your Europe platform, it is noted that under the IPA II framework, the 'Civil Society and Media Programme' in Serbia allocated funds to support investigative journalism endeavours, notably backing the KRIK collective. From December 2017 to December 2020, a total of EUR 157,401 was allocated for the project '[Reveal and Heal - investigative journalism as a remedy for corruption in the judicial system](#)'. The project's objective is to combat corruption within the judicial system by furnishing citizens with comprehensive and impartial insights into the nation's significant trials, the involved judiciary members and potential interconnections among stakeholders.



In this arena, it becomes evident that only direct and centralised funding, coupled with support for investigative media to safeguard their autonomy, can truly advance media freedom and plurality.

However, despite this, there is no mention of EU funding on the KRIK website, and our inquiries to their office have remained unanswered. Their silence prompts speculation: Could it signify an underlying opposition to Serbia's EU accession, or is it simply too risky for them to exhibit potential dissent from the government's stance?

In this arena, it becomes evident that only direct and centralised funding, coupled with support for investigative media to safeguard their autonomy, can truly advance media freedom and plurality. Therefore, it would be beneficial to contemplate a dedicated initiative tailored to fostering the long-term financial independence of the media. Such a project should ensure clear acknowledgment of the European origin of the funds and strive to cultivate a diverse public sphere in Serbia that accurately represents its populace.

A PLURALISTIC PUBLIC SPACE, REFLECTING A SOCIETY THAT ASPIRES TO BE INCLUSIVE



Diversity and inclusion in Serbia are furthered through IPA initiatives. With funding totalling EUR 206,560, the project 'Beyond Chapters: Accession to Diversity' aims to foster cultural diversity, participatory democracy, and the integration of migrants and asylum seekers in small municipalities. Its activities include: interdisciplinary seminars for students in social sciences, humanities and arts; training courses for educators and cultural workers; collaborative educational and cultural events with the DAH Theatre, involving young Serbians and migrant youth; the production of socially engaged theatre pieces with the DAH Theatre exploring the multicultural heritage of cities and migrants; and public discussions on promoting respect for cultural diversity through education. These endeavours were carried out in the municipalities of Loznica (Banja Koviljača), Lajkovac (Bogova), Sjenica, Subotica, Vranje and Bujanovac between December 2017 and December 2020. However, the Your Europe website [does not feature](#) any information on these accomplishments.

Why not explicitly encourage civil society organisations supporting EU accession, embodying its ideals rather than limiting engagement to national political representatives?

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The project's website, DahTeatar, on the other hand, features several unequivocal photos and clearly mentions EU support. They are associated with the [NGO Group484](#), engaged in the fight against migrant trafficking, in this area of the [Balkan route plagued by insecurity](#).

On its YouTube channel, impactful videos raise awareness about the [dangers of xenophobia](#), garnering almost as many views as an international consulting firm supposedly dedicated to promoting the rule of law and justice reform. Why not explicitly encourage civil society organisations supporting EU accession, embodying its ideals rather than limiting engagement to national political representatives?

RECOMMEN- DATIONS

EU-SERBIA POLITICAL ALIGNMENT

- Demand a diplomatic statement against the invasion of Ukraine.
- Ensure that every recipient of European funds actually supports EU accession.
- Suspend all payments when a beneficiary publicly opposes EU accession.

GREEN DEAL AND WATER TREATMENT

- Seek clarification from the Serbian Minister of European Integration regarding statements on the Zlatibor wastewater treatment plant.
- Verify if the EU has funded any water treatment projects in Zlatibor.
- If applicable, demand disclosure and advertisement of the funding source.
- Commission an independent analysis of water quality.

GREEN DEAL AND TRANSPORT

- Emphasise that the inclusion of inland waterway traffic in this area is the overall strategy for the Danube region.
- Highlight the multimodal nature of the Batajnica rail, road and river site.
- Demand clear and transparent publicity on project implementation delays, as currently the press, complacently, only announces 'upcoming openings'.

- Demand that the Green Deal and respect for the environment and citizens' health be made a political priority instead of over-publicising 'major works' and economic gain.
- Contractually ensure that the state and the city of Belgrade will not sell the EU-funded terminal to foreign investors, in particular Chinese ones.

RULE OF LAW AND JUSTICE

- Request a report on the achievements (2018–2022) under the aegis of GDSI in the reforms permitted by the Ministry of Justice of Serbia.
- Require the same visibility and communication rules for any private or public actor receiving EU funds to carry out a project (up-to-date website, remaining duration of the project, outputs, mention of EU financial support, programme and related logos).
- Confront these recipients when they do not comply with these formal requirements.

FUNDAMENTAL RIGHTS AND PRESS FREEDOM

- Make press freedom a European priority in Serbia, and an element of conditionality for the disbursement of other funds.
- Consider designing a specific project to enable long-term financial independence of the media in Serbia.
- Impose a clear display of the origin of the European funds.
- Promote and encourage the pluralistic public space in Serbia, currently obscured by exclusively government-friendly media.
- Make the disbursement of funds conditional on clear publicity of the origin of the funds to large media outlets that conceal EU action in order to deal with their own inconsistencies.
- Review the particular case of EU funding to RTS.

YOUTH AND INCLUSION

- Explicitly encourage civil society organisations that support EU accession that give substance to EU values and goals.

CONCLUSION

Rather than hastily suspending the funds, it seems more relevant and prudent to foster constructive dialogue and engagement between Serbian representatives and EU stakeholders, particularly Members of the European Parliament.

In light of the thorough analysis presented in this study, it becomes clear that the journey of Serbia towards EU integration is not unequivocal, marked by both commendable efforts and areas demanding improvement. As the claims for the suspension of pre-accession funds to Serbia have recently gained traction, it is imperative to adopt a nuanced approach. The analysis of Serbia's intricate relations with the European Union reveals a potential divergence of interests. While financial support continues, the waning support from the European Parliament and bilateral partners raises concerns.

Rather than hastily suspending the funds, it seems more relevant and prudent to foster constructive dialogue and engagement between Serbian representatives and EU stakeholders, particularly Members of the European Parliament. This approach means to hold Serbian officials accountable for addressing the issues highlighted in the study, and to adopt a proactive stance towards implementing the recommendations outlined herein.

By fostering an environment of collaboration and mutual understanding, grounded in the insights drawn from these case studies, Serbian stakeholders can navigate the complexities of EU accession with greater efficacy. Through a commitment to transparency, accountability and alignment with EU standards and values from all its stakeholders, Serbia will be able to chart a course towards a more harmonious relationship with the European Union, ensuring progress towards its ultimate goal of accession.

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