



Weekly Briefing

**Bosnia-Herzegovina external relations briefing:
Green light for the opening of EU negotiations with BiH**

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Green light for the opening of EU negotiations with BiH

Summary

The European Council gave the green light for the start of negotiations on the accession of Bosnia and Herzegovina to the European Union. This is the news that has been waiting for months in BiH, at least since December last year, when the EU kept BiH on the previous step – the candidate status that BiH received in December 2022. At that time, EU leaders said that BiH should adopt additional reforms in order to start negotiations. A few months later, the effort made by the BiH authorities was acknowledged and recognized, but BiH still has a long and difficult road ahead of it. The optimists also agree with this, especially those of the ruling coalition, which invested a lot of effort in the EU path of BiH. The pessimists also agree with this opinion, those who indicate that BiH will get a date, the establishment of a negotiation framework and the first Intergovernmental Session - of the European Council (EC) and the Council of Ministers (CoM) of BiH - after the delivery of additional reform measures insisted on by BiH's European partners. Some of these requirements could be extremely difficult because they presuppose changes to the Constitution of BiH, while others are of a relatively technical nature. Again, the optimists say that BiH is unstoppable on the track towards the EU, while those who are more reserved point out that there are numerous obstacles, that even in the ruling BiH group there are those who are more declarative in favor of EU membership, that the EU is moving to the right, which will be shown by this year's elections, and the right brings a disinclination to further expansion, etc. All in all, despite the positive developments, it is difficult to forecast the long-term direction and dynamics of BiH's movement towards the EU.

Introduction

The Netherlands, Germany, and to some extent France, are countries that have expressed skepticism towards the success that BiH has recorded on the EU path, as they colloquially call the reforms that BiH should undertake in order to harmonize its political system with that of the European Union (EU). In addition, both in the Netherlands and in Germany, the last word on such decisions must be given by the national parliaments. Given that numerous indicators – including election results – show that in many countries support for forces opposed to further EU enlargement is growing, making decisions in favor of enlargement in the legislative bodies of European countries is not at all easy. All in all,

numerous indicators indicated that BiH would receive a date for the start of negotiations, and everything seemed very certain when the Chairwoman of the European Commission, Ursula von der Leyen, in her address to the European Parliament, said that she had promised to give BiH the green light for opening negotiations with the EU. Ms Von der Leyen said that in the last year BiH has made the biggest progress in the previous 10 years when it comes to our EU path. She enumerated a list of things we have done on the way to the EU, including the adoption of the agreement with Frontex, the Law on Prevention of Conflict of Interest and the Law on Prevention of Money Laundering and Financing of Terrorism¹.

Congratulations from Brussel

And yet, Bosnians and Herzegovinans, who are proverbially prone to pessimism, listened to the news from the Netherlands and Germany. The conclusion reached by the Dutch Parliament speaks in favor of the fact that the proposed solution has a Solomonic character, that "both the wolf is sated and the sheep are numbered": The Dutch Parliament gave the green light for the EU Council to adopt a Decision on the opening of negotiations with BiH, but until to obtain the date, BiH must fulfill eight conditions. At the same time, they rejected the proposal that the EU immediately open negotiations with BiH, as well as to postpone them for six months. The Parliament accepted the proposal that the European Council adopt a Decision on the opening of negotiations, but that by the time of the Intergovernmental Conference and the official opening of negotiations, we must fulfill certain conditions. Dutch Prime Minister Mark Rutte was given the green light to vote "yes", but that he must insist on the Netherlands' demands².

In the conclusion they adopted, they state that the European Council determined in December 2023 that BiH must fulfill certain conditions in order to open negotiations, but that BiH did not fully do so. They state that the European Commission, along with its report to the Council, highlights the developments and progress that has been made, but that there is still more that must be done in terms of the rule of law, migration, the fight against corruption, the stability of institutions and harmonization with the EU *acquis*. Therefore, they called for adherence to the principles derived from the criteria adopted at the end of 2023 in Copenhagen, which refer to the precise drafting of a negotiation framework that would

1 Ursula von der Leyen confirmed: We will give the green light for the opening of negotiations with Bosnia and Herzegovina. <https://www.klix.ba/vijesti/bih/ursula-von-der-leyen-potvrdila-dat-cemo-zeleno-svjetlo-za-otvaranje-pregovora-s-bih/240312033>

2 The Dutch parliament gave the green light to open negotiations, but we have to fulfill the conditions by the date. <https://www.klix.ba/vijesti/bih/nizozemski-parlament-dao-zeleno-svjetlo-za-otvaranje-pregovora-ali-do-datuma-moramo-ispuniti-uslove/240320123>

contain firmly and clearly formulated conditions for BiH in order to officially open the negotiations³.

On the same day, the day before the meeting of the European Council, the Ambassador of BiH in Germany, Damir Arnaut, announced the information that the Bundestag agreed to the Council opening negotiations with BiH⁴.

Finally, the day after, EU leaders have agreed to open negotiations with BiH on joining the bloc, while also stressing that the Balkan country would have to undertake more reforms before the talks could begin. "Congratulations! Your place is in our European family. Today's decision is a key step forward on your EU path," European Council president, Charles Michel, wrote on X as leaders met at a Brussels summit⁵.

Media writes the decision is widely seen as a historic step for Bosnia, raising hopes that the country could move beyond instability marked by ethnic rivalries and secession threats, nearly three decades after the end of a devastating war. Brussels last week said the country had completed some of the steps required, but outstanding judicial and electoral reforms remain. Ms Elvira Habota, the director of Direction for European Integration (DEI), said the decision "carries with it a wave of optimism for citizens, institutions, authorities and the whole Bosnian society". Russia's war on Ukraine has reinvigorated the EU's drive to enlarge in eastern and central Europe, with its current member states agreeing in December to start talks on joining with Ukraine and Moldova, write the same newspaper⁶.

14 priorities and 8 conditions

"According to the Commission's recommendation of March 12, 2024, the European Council decides whether to open accession negotiations with BiH. The Council is invited to adopt the negotiation framework when the relevant steps determined in the Commission's recommendations of October 12, 2022 have been taken," it says in the draft of the Recommendation that was adopted by Council on March 22. The inclusion of this sentence in the draft is the result of the agreement of the member states at the meetings for the preparation

3 *Ibid.*

4 The German Bundestag agreed for the European Council to open negotiations with Bosnia and Herzegovina. <https://www.klix.ba/vijesti/bih/njemacki-bundestag-pristao-da-evropsko-vijece-otvori-pregovore-sa-bosnom-i-hercegovinom/240320115>

5 The EU agrees to begin membership negotiations with Bosnia and Herzegovina. <https://www.theguardian.com/world/2024/mar/22/bosnia-herzegovina-eu-membership-talks>

6 *Ibid.*

of the European Council, the media in BiH and Europe wrote.

Ultimately, the focus shifted from 14 key priorities that The Commission issued its opinion on BiH's application for EU membership in May 2019. The Commission then set out 14 key priorities for the opening of EU accession negotiations. BiH managed to adopt what was requested as a priority from December to March, which von der Leyen and other officials talked about. The focus of future reforms that should be implemented is directed at the eight conditions that BiH established in 2022, which were a condition for BiH to obtain negotiating status:

It is a priority to (1) adopt amendments to the existing Law on the High Judicial and Prosecutorial Council (HJPC); (2) Adopt a new law on the High Judicial and Prosecutorial Council and adopt a law on the courts of BiH; (3) Adopt a law on the prevention of conflicts of interest; (4) Take decisive steps to strengthen the prevention and fight against corruption and organized crime; (5) Resolutely advance work on ensuring effective coordination at all levels when it comes to border management and migration management capacities, as well as ensuring the functioning of the asylum system, (6) Ensure the prohibition of torture, especially by establishing a national preventive mechanism against torture and ill-treatment; (7) Guarantee freedom of expression and the media and the protection of journalists, especially by ensuring appropriate court proceedings in cases of threats and violence against journalists and media workers; and (8) Ensure functioning results at all levels of the coordination mechanism on EU issues, including the development and adoption of the national program for the adoption of the EU *acquis*⁷.

Two points, (3) and (6) have been fulfilled so far, some progress has been noted in the others, while a certain deterioration has been noted in point (7).

Among the most engaged in the media in the days leading up to the Recommendation was, according to the logic of things, the Minister of Foreign Affairs of BiH, Elmedin Konaković. He is also one of the leaders of the "troika", a coalition of parties from Sarajevo that together with the Croatian Democratic Union (*Hrvatska demokratska zajednica* - HDZ BiH) and the Alliance of Independent Social Democrats (*Savez nezavisnih socijaldemokrata* -

7 These are the eight conditions for BiH from the recommendation of the European Commission for candidate status. <https://www.klix.ba/vijesti/bih/ovo-je-osam-uslova-za-bih-iz-preporuke-evropske-komisije-za-kandidatski-status/221012079>

SNSD) from the state government. The "Troika" invested a large part of its credibility and efforts in solving the reform issues that the EU posed to BiH, and the most prominent of the leaders of the troika was precisely Konaković. In the past months, he visited numerous destinations in Europe, primarily Brussels. Even the day before the Recommendation for the start of BiH negotiations with the EU, he was optimistic, announcing that there would be no new conditions.

Celebration of “Troika”

"Everything that the EU asks of us before defining the negotiation framework is certainly asked of us. There will be no additional conditions. Only the dynamics of the conditions will be on the table," said Konaković, adding that BiH went from the country that lagged behind the most in the segment of European integration to the country that made the fastest progress from the date of obtaining candidate status to the date of the opening of negotiations⁸. Therefore, Konaković and the leaders of the “Troika” were among the first to celebrate, holding a ceremonial press conference where they gathered their members, parliamentarians and ministers.

The first to speak was the president of the Social Democratic Party of BiH (Socijaldemokratska partija – SDP BiH), who is also the prime minister of the entity Federation of BiH, Nermin Nikšić. "We started this process aware of all the burdens, but determined to try to change the political relations in BiH. The only change in the government is actually the Troika. It is not easy, there were times when we convinced each other that we had to continue and that there would be no progress without compromise. It was not easy to endure those accusations of betrayal and selling out. In the end, we sold BiH to Europe. But we are aware that the real work is still waiting for us. We hope that the next talks will be more relaxed. Why? Because now representative of the European Commission will come to valorize if our solutions are in line with EU standards", said Nikšić.

Edin Forto, the president of Our Party, said that BiH needs to adopt hundreds of laws in the coming period. "We ended the celebration last night, it is possible that new challenges will start in the coming days. But the Troika will not give up" stated Forto.

8 Konaković: The green light will be a great success and cause for celebration in Bosnia and Herzegovina. <https://www.oslobodjenje.ba/vijesti/bih/konakovic-zeleno-svjetlo-ce-bit-veliki-uspjeh-i-razlog-zaslavlje-u-bih-940031>

At the end, Konaković, also president of People and Justice (*Narod i pravda* – NiP), said that the “Troika” justified its expectations and confirmed how important it was that they first agreed on priorities. “We have put our interests in the drawer. We have been rewarded. We have broken down the wall of populism that chained BiH from politicians who knew nothing else. And that is very easy, it is very easy to get people's sympathy with a difficult statement, but you cannot do anything for them" said Konaković.

And the leader of HDZ BiH, Dragan Čović, welcomed the decision to start negotiations, commenting that BiH did not receive anything as a gift. "We are truly satisfied that we have reached this level, that today it is no longer an issue and that all 27 EU members have confirmed that the negotiation status should begin. This was communicated very precisely, nobody is giving anything away. We need to define the calendar of our activities in the next phase and very clear plans. We must very dynamically set our obligations for 2024 as well as for the next year. One of those obligations is 14 conditions, someone defines them differently, without the Election Law that package is not complete as a package," said Čović. He insists on the reform of the Electoral Law, which is mentioned in the 14 key priorities from 2019, but not in the eight conditions from 2022⁹.

The third subject of the ruling coalition, SNSD leader and Republika Srpska entity president Milorad Dodik, said that in the RS they are not overly euphoric about the decision to open BiH's accession negotiations with the EU because they have a lot of work to do on that road, but that it is important that yesterday confirmed Dayton BiH and its structure - two entities and three constituent nations. He said that for this reason there is no need to change the Constitution of Bosnia and Herzegovina and again threatened to react if Christian Schmidt, the high representative in BiH, imposes laws¹⁰.

Next steps

The Delegation of the EU in BiH announced the framework of the next steps that BiH must take in relation to EU accession. In the steps, it is emphasized that BiH must establish its negotiating structure, negotiating mandate and framework after the opening of negotiations. It is necessary to adopt decisions on coordination between executive bodies, the role of the

9 Čović: The electoral law will now be the first obligation, legitimate representation has no alternative. <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/covic-izborni-zakon-ce-sada-biti-prva-obaveza-legitimno-predstavljanje-nema-alternativu/538327>

10 Dodik: If the property law is imposed, we will make a decision on the status of RS, we are ready. <https://bljesak.info/vijesti/politika/dodik-ako-se-nametne-zakon-o-imovini-donijet-cemo-odluku-o-statusu-rs-spremni-smo/449574>

Parliamentary Assembly of BiH, the involvement of external experts, civil society and the business community, the strategy of transparency and communication.

“The first step in the accession negotiations implies that the European Commission, together with the country that has applied for EU membership, conducts a formal compliance analysis process (so-called screening). This assesses how well the country is prepared for EU membership according to chapters and according to clusters. As part of the compliance analysis process, BiH is expected to present its *acquis* acquisition program (NPAA) to the European Commission. The compliance analysis process will also provide preliminary indications of issues that will arise during the negotiations. The findings of the compliance analysis are published in the Compliance Analysis Report, which provides an analytical framework for the negotiations - it is stated in the explanation of the EU Delegation in BiH¹¹.

Activities in this direction continued intensively even after the formal decision of the EU. Thus, the heads of diplomacy of Sweden and Slovenia, Ms Jessika Roswall and Ms Tanja Fajon, visited BiH on the same day. Ms. Roswall said that BiH has shown commitment to its European path through several new laws and that the moment was used. The more concrete results you show and the more effort you put into reforms, the easier it will be to maintain the momentum that supports enlargement. This is especially important when we talk about fundamental issues of democracy and the rule of law. "Sweden is a country that supports Bosnia and Herzegovina on its European path, and politically and financially, we are the largest bilateral donor," said Roswall¹².

Ms Tanja Fajon once again expressed her unequivocal support for BiH and our EU path, which is why she received a thank you from her colleague Konaković for her personal contribution to BiH's progress towards EU membership. "I have offered Slovenia's support to Minister Konaković, technical, professional, support in various areas within the process if needed," said Fajon in her address to the media. She added that they are organizing a conference in Ljubljana in mid-May and invited colleagues from BiH to participate. "Whatever is needed, we are ready to help you," she said¹³.

11 Bosnia and Herzegovina on its EU path: What are the next steps.

<https://avaz.ba/vijesti/bih/893885/bosna-i-hercegovina-na-njenom-eu-putu-koji-su-naredni-koraci>

12 Swedish Minister: BiH can join the EU with the presence of OHR and EUFOR.

<https://balkans.aljazeera.net/news/balkan/2024/3/25/svedska-ministrice-bih-moze-u-eu-bez-obzira-na-prisustvo-ohr-a-i-eufor-a>

13 Fajon: Slovenia will provide BiH with technical, professional and any other support in fulfilling the requirements on the way to the EU. <https://raport.ba/fajon-slovenija-ce-bih-pruziti-tehnicku-strucnu-i-svaku->

Conclusion

What seems important to emphasize is the fact that the EU did not mention 14 criteria in its decision on the start of negotiations with Bosnia and Herzegovina, but eight conditions. 14 criteria are more broadly set and include fulfilling the decisions of the Court for Human Rights in Strasbourg, that is constitutional reform. The reform of the constitution is one of the most complex matters and there is no consensus of political parties on the direction that the state of BiH should take in the future. This could shorten BiH's path to EU membership, but this shortening should be understood very relatively. Even without constitutional reforms, BiH has a long way to go, and ambitions to make the negotiation process shorter than in the case of Croatia (2005-2011) seem unrealistic.

On the other hand, the conclusion can be left to one of the more astute BiH diplomats, Draško Aćimović, who said that BiH essentially belongs to a "war group with Ukraine and Moldova", and not to a group with its neighbors, Serbia and Montenegro, "which means that we are late", and that this is the decision of the "EU crisis headquarters"¹⁴.

It is obvious that, in addition to positive reform processes, this decision by Brussels was also influenced by geopolitics and geography.

[drugu-podrsku-u-ispunjavanju-zahtjeva-na-putu-ka-eu/](#)

14 DRAŠKO AĆIMOVIĆ FOR "SB": "Exaggerated euphoria without answers to concrete questions, why last year BiH became the first country in Europe in terms of crime and corruption". https://www.slobodna-bosna.ba/vijest/347746/drasko_acimovic_za_sb_prenaglasena_euforija_bez_odgovora_na_konkretna_pitanja_za_sto_je_bih_prosle_godine_postala_prva_zemlja_u_evropi_po_kriminalu_i_korupciji.html