



Council of the
European Union

Brussels, 11 October 2019
(OR. en)

12516/2/19
REV 2

LIMITE

ELARG 39
COWEB 109

NOTE

From:	Presidency
To:	Permanent Representatives' Committee
No. prev. doc.:	12516/19 + REV 1, 10446/19 + COR 1
No. Cion doc.:	COM(2019) 260 final
Subject:	ENLARGEMENT AND STABILISATION AND ASSOCIATION PROCESS – Albania and the Republic of North Macedonia = Draft Council conclusions

In preparation for the General Affairs Council to be held on 15 October 2019, delegations will find attached revised draft Council conclusions on Enlargement and the Stabilisation and Association Process - Albania and the Republic of North Macedonia, as proposed by the Presidency.

GENERAL AFFAIRS COUNCIL

DRAFT COUNCIL CONCLUSIONS

ON ENLARGEMENT AND STABILISATION AND ASSOCIATION PROCESS

ALBANIA AND THE REPUBLIC OF NORTH MACEDONIA

1. The Council on 18 June 2019 took good note of the Commission's recommendations to open accession negotiations with the Republic of North Macedonia and Albania, based on the Commission's positive evaluation of the progress made and of the fulfilment of the conditions identified by the Council and agreed to revert to the issue with a view to reaching a clear and substantive decision as soon as possible and no later than October 2019.
2. The Council reaffirms the need, in accordance with the renewed consensus on enlargement, for fair and rigorous conditionality and the principle of own merits. In this context, the Council stresses the importance of ensuring that the EU can maintain and deepen its own development, including its capacity to integrate new members.
3. The Council underlines the need for a reflection on making the accession process more effective, in particular in terms of leveraging reforms, and intensifying EU engagement and support for the transformation of the Western Balkans. The existing cooperation instruments between the EU and the candidate countries should contribute in a more strategic way to EU approximation.

REPUBLIC OF NORTH MACEDONIA

4. The Council welcomes that the country has demonstrated its determination to advance on the EU reform agenda and has delivered tangible and sustained results, fulfilling the conditions identified by the June 2018 Council Conclusions for the opening of the accession negotiations. The Council welcomes that the political will to move forward has been demonstrated consistently by the government and gradually also by the opposition, improving the culture of compromise.

5. The Council welcomes concrete results in judicial reforms, including on-going implementation of the 'Urgent Reform Priorities' and the recommendations from the Venice Commission and the Senior Experts' Group on systemic rule of law issues. The Council notes the authorities' constant efforts to implement the judicial reform strategy. It acknowledges achievements in proactive investigations, prosecutions and final convictions for corruption and organised crime, including in high-level cases and encourages the relevant authorities to continue the work of the Special Prosecutor's Office (SPO), which has already resulted in several court verdicts, including in high-level cases, on crimes revealed in the wiretaps. The Council stresses the paramount importance of this work continuing, and expects an agreement to be reached shortly on the law on the Public Prosecution Office. The Council underlines the importance of accountability for all serious crimes, including ongoing investigations. The Council notes the reinforced legal framework for preventing corruption, including the work of the reformed State Commission for the Prevention of Corruption, which has taken important steps to proactively exercise its new prerogatives. The Council notes the increase in investigations and indictments related to organised criminal groups. The fight against corruption and organised crime needs to continue at all levels and with relevant stakeholders, thereby increasing public trust.
6. The Council welcomes the progress and calls for a swift implementation of the intelligence and security services reform, including the work of the Operational Technical Agency for interception of communications, the establishment of the National Security Agency and the adoption of legislation paving the way for broader reforms, in cooperation with strategic partners. These reform efforts must continue.
7. The Council notes the ongoing implementation of the public administration reform strategy, efforts made to improve the professionalisation of public administration, including systems for transparent, merit-based recruitment, assessment and promotion. Overall, checks and balances have been restored, strengthening democracy and the rule of law in the country.

8. The Council notes the assessment of OSCE/ODIHR concerning the presidential elections in April and May 2019, which were well organised and respected the fundamental freedoms. The Council acknowledges progress made in addressing the recommendations of OSCE/ODIHR. Further efforts are needed to finalise the initial work on the electoral legislation, in cooperation with OSCE/ODIHR.
9. The Council underlines the importance of good neighbourly relations. In this context, the Council strongly welcomes the historic Prespa Agreement, and the Treaty on Good Neighbourly Relations with Bulgaria, which represent significant achievements, setting a positive example for the region and beyond. The Council stresses the importance of implementing bilateral agreements, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria.
10. The Council welcomes the constructive role played by civil society in supporting democratic transformation processes and inclusiveness shown by the government. The Council recalls the importance of good inter-ethnic relations and welcomes steps taken to build greater trust among communities and to further implement the Ohrid Framework Agreement.
11. In line with the Joint Conclusions of the Economic and Financial Dialogue, the Council calls on the country to address key challenges such as reducing the informal economy and tackling corruption, strengthening institutional capacity for law enforcement, applying transparent and consistent procedures for business inspections, as well as tackling high youth and female unemployment, and modernising the education system at all levels. The Council also recalls the importance of increasing transparency of state aid and ensuring further alignment with the EU acquis on public procurement.
12. The Council notes positively that the country has continued to improve its alignment with the EU declarations and Council decisions on Common Foreign and Security Policy and welcomes its decision to increase its contribution to Common Security and Defence Policy missions.

13. In light of the progress achieved on reforms and the conditions set unanimously by the Council in June 2018, the Council, subject to endorsement by the European Council, decides to open accession negotiations with the Republic of North Macedonia. The Council invites the Commission to submit, without delay, a proposal for a framework for negotiations in line with the European Council's December 2006 conclusions and integrating a reviewed approach with a view to ensuring that accession negotiations are more gradual, more concrete in the benefits they bring to concerned countries, including making available incentives to leverage reforms and reversibility where there is insufficient progress. To support the continued reform momentum, the fundamentals first principle should be integrated into the negotiations process, including a further reinforced approach to the rule of law. Prior to the first intergovernmental conference, which should take place no later than in the first half of 2020, this negotiating framework will be adopted by the Council. The Council further invites the Commission to complete the process of analytical examination of the EU acquis with the country, beginning with the chapters on judiciary and fundamental rights and justice, freedom and security.
14. The Council encourages the country to continue its reform efforts, in particular in areas fundamental to the EU accession process.

ALBANIA

15. The Council welcomes that the country has demonstrated its determination to advance on the EU reform agenda and has delivered tangible and sustained results, fulfilling the conditions identified by the June 2018 Council Conclusions for the opening of the accession negotiations. The Council welcomes that the political will to move forward has been demonstrated consistently by the government, despite a polarised political atmosphere.

16. The Council welcomes the consistent implementation of the comprehensive justice reform and the concrete results achieved, in particular in the re-evaluation of all judges and prosecutors (vetting), with all priority cases and a substantial number of additional cases completed. The Council welcomes the steady progress in the vetting of judges for the Constitutional Court and prosecutors for Special Anti-Corruption and Organised Crime Structure (SPAK). The Council notes the need to now fill vacant positions, including at the Constitutional Court. It welcomes the establishment of the new bodies for the independent self-governance of the judiciary, notably the High Judicial Council, the High Prosecutorial Council and the Justice Appointment Council, triggering the formation of the SPAK, the National Bureau of Investigation (NBI) and the relevant Court. Implementation of the judicial reform must continue. The Council positively notes the strengthened track record of proactive investigations, prosecutions and final convictions in the fight against corruption and organised crime, money laundering and the financing of terrorism, including at high level. Police cooperation with EU Member States has intensified, leading to successful large-scale law enforcement operations and the arrest and prosecution of organised criminal network leaders. The Council takes positive note of Albania's determined action against drug cultivation and trafficking. The fight against corruption and organised crime needs to continue at all levels and proactivity in the initiations of operations should be increased.
17. Reform of the public administration continued steadily, enhancing professionalism and transparency of recruitment procedures in the civil service and effectiveness in delivery of public services, as well as improving policy making through the gradual introduction of impact assessments. The Council reiterates the importance of the effective protection of human rights, including of persons belonging to minorities and of Roma, and of antidiscrimination policies, for which measures were further pursued. In this respect the Council encourages Albania to complete adoption of secondary legislation to implement the framework law on the protection of minorities and to progress in the definition and subsequent implementation of the reform of property rights already launched.

18. In line with the Joint Conclusions of the Economic and Financial Dialogue, the Council calls on Albania to further advance with fiscal consolidation, improve the planning and execution of public investment, improve the business and investment environment, invest in renewable energy sources beyond hydropower, and in sustainable tourism development.
19. The Council strongly commends Albania's continued full alignment with all EU Common Foreign and Security Policy positions and declarations. The Council welcomes the commitment and progress shown in fighting terrorism and countering violent extremism and encourages Albania to further pursue these efforts. The Council also welcomes the signature of the status agreement between the EU and Albania on the deployment of the European Border and Coast Guard's teams in Albania followed by the first ever deployment of teams outside the EU and the launch of their operations. The Council also welcomes Albania's continued participation in Common Security and Defence Policy missions.
20. The Council positively notes the efforts by Albania to put in place effective measures for countering the high number of manifestly unfounded asylum applications lodged by Albanian citizens to EU Member States and Schengen Associated countries. These measures must be further pursued and strengthened, along with continued cooperation and dialogue with the most affected countries, until the phenomenon is effectively addressed.
21. In light of the progress achieved on reforms and the conditions set unanimously by the Council in June 2018, the Council, subject to endorsement by the European Council, decides to open accession negotiations with Albania. The Council invites the Commission to submit, without delay, a proposal for a framework for negotiations in line with the European Council's December 2006 conclusions, and integrating reviewed approach with a view to ensuring that accession negotiations are more gradual, more concrete in the benefits they bring to concerned countries, including making available incentives to leverage reforms and reversibility where there is insufficient progress. To support the continued reform momentum, the fundamentals first principle should be integrated into the negotiations process, including a further reinforced approach to the rule of law. The negotiating framework will be adopted by the Council.

Prior to the first intergovernmental conference, which should take place no later than in the first half of 2020, depending on progress made, Albania should ensure the functioning of the Constitutional Court and the Supreme Court, and make further progress on electoral reform in line with OSCE/ODIHR recommendations.

Before the first chapters can be opened, Albania must address the following issues: initiation of investigations into judges and prosecutors suspected of criminal conduct as a result of findings from the vetting process, initiation of investigations in cases of allegations of electoral fraud, ensuring the functioning of the SPAK, further strengthen the track record of investigations, prosecutions and final convictions in the fight against corruption and organised crime, including at high level, adopt and implement the electoral law in accordance with OSCE/ODIHR recommendations, as well as implement any relevant Constitutional Court's decision on the local elections of 30 June 2019. The Council further invites the Commission to complete the process of analytical examination of the EU acquis with the country, beginning with the chapters on judiciary and fundamental rights and justice, freedom and security.

22. The Council encourages Albania to continue its reform efforts, in particular in areas fundamental to the EU accession process. Opposition parties should constructively reengage in the democratic institutions. All political actors should commit to the EU reform agenda and to dialogue to overcome political polarisation.

