

Palacký University in Olomouc
Faculty of Law

Lukáš Procházka

EU Enlargement in the Context of Europeanization:
The Case of Serbia

Master's Thesis

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I hereby declare that this Master's Thesis on the topic of EU Enlargement in the Context of Europeanization: The Case of Serbia is my original work and I have acknowledged all sources used.

Olomouc, 28th November 2021

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Lukáš Procházka

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List of abbreviations

EAP (Environmental Action Programme)

EIA (Environmental Impact Assessment)

EPA (Environmental Protection Agency)

EU (European Union)

NES (National Environment Strategy)

NPEP (National Programme for Environmental Protection)

QMV (Qualified Majority Voting)

RAS (Razvojna Agencija Srbije)

SEA (Single European Act)

1. Introduction

Since the beginning of its direct predecessor, the European Coal and Steel Community, the European Union has become a significant economic and political actor in the global context, bringing together the then major regional players with the gradual goal of restoring Western European economies and ensuring security after the Second World War. As a result of the adoption of further integration agreements, which extended the areas of initial cooperation from economic matters to social policy, the environment, or food safety, the Community and subsequently the Union became extremely attractive to other geopolitical actors, mainly through mutual integration. With regard to the typology of cooperation, it is a *sui generis* entity. It is impossible to explicitly determine whether it is a federation, a confederation, or an international organization. Moreover, the uniqueness of the EU is in the fact that in history, there wasn't any comparable entity of so many states which transfer powers from national governments to supranational actor which operates for them according to the treaties.

Due to the success of the early years of integration and economic growth in the 1960s, which was primarily influenced by the reduction of trade barriers between the Member States, the Community became increasingly attractive to neighbouring countries. For this reason, the first enlargement took place in 1973, with the United Kingdom, Ireland, and Denmark as new members. Furthermore, the EU has been converging with Turkey since the 1960s, receiving the candidate country status in 1999.¹ Over the years, from the original six Western European countries, the Community, later the EU, has grown into the most economically strong bloc of states, numbering up to 28 members, forming the European continent's economic gravity centre, cooperating with global players based on different degrees of economic integration. The phenomenon of enlargement of the European Union has been an actively discussed topic since the beginning of this organization, and, over time, the enlargement policy has become the most successful policy ever. One of the Union's crucial priorities is to promote peace and stability in its surroundings. Based on these facts, there is an active dialogue with the Western Balkans countries, which are directly affected by the enlargement process, especially with Albania, Northern Macedonia, Montenegro, and Serbia, which currently have candidate country status, while Bosnia and Herzegovina and Kosovo have potential candidate status.²

¹ BAUEROVÁ, H. and K. HÁJKOVÁ. Vstup Turecka do Evropské unie v kontextu zahraniční politiky vůči Sýrii. *Politické vedy*, 2019, 10(3), pp. 69-72.

² In this regard, referring to previous provisions, the European Parliament adopted a resolution on Kosovo and the role of the EU on 5 February 2009, in which the Union emphasized *inter alia* the importance of its role in overseeing compliance with international law and stability in the region. As part of these goals, it explicitly

The diploma thesis primarily focuses on the evaluation of the implementation of EU environmental policy within the accession process with Serbia. The aim of the work is to approach the issue, to put it in the context of the process of Europeanization, which creates a theoretical background for analyzing the implementation of the so-called *acquis communautaire*. As well as in the past, The Western Balkans region today is a strategic area of significant importance. Serbia covers almost a third of the region's area and is home to more than a third of its population, which co-generates almost half of the Western Balkans' overall economy. On the other hand, Serbia sometimes represents a specific role within the region. The Union is fully aware of these facts and has therefore been seeking to be an active player in the region since the events in the 1990s, highlighting the offer of possible future membership to the countries concerned. Though the accession process, in general, is an extremely complex and complicated process, where the analysis of all individual negotiating chapters would cover the entire publication, presented work focuses only on selected chapter which will be used for subsequent analysis. Due to the complexity of the journey to the EU, the thesis also deals with the form of pre-accession assistance through the so-called Twinning Projects, which were realized by two member states. Their approach is then compared.

One of the visible effects, not only connected to the candidate countries, is the process of so-called Europeanization. Whether this phenomenon is a theory or a academic approach is not yet entirely clear, and, furthermore, there is no consensus among scholars about this topic. Moreover, there doesn't exist a generally accepted unique definition of Europeanization at all. As Johan Olsen specifies: “*No shared definition has emerged [and] Europeanization has no precise or stable meaning.*”³ The first chapter focuses on theorizing this issue with an emphasis on the enlargement phenomena. The various Europeanization definitions, introduced in the theoretical part of the thesis, provide an insight on the concept as well as its mechanisms in detail, which will then perform as a framework for analyzing policy changes in the context of the enlargement process.

The geographical area of the former Yugoslavia has been in the strategic interest of the European integration project since the fall of the Iron Curtain. Nevertheless, the first statement about possible EU membership of Western Balkan countries was announced at the EU Summit in Thessaloniki in 2003, where these five countries were classified as potential candidates. Then

mentions membership opportunities for both Kosovo and the entire Western Balkans region. Source: European Parliament resolution on Kosovo and the role of the EU n. 2009/0052 from 5 February 2009.

³ OLSEN, J. The Many Faces of Europeanization. *Journal of Common Market Studies*, 2002, 40(5), p. 921.

in December 2009, Serbia sent an official application to join the European Union.⁴ The request was subsequently accepted after several rounds of political negotiations, and Serbia received official candidate status in March 2012. The first negotiation phase (so-called *screening*) began in September 2013 and was completed in March 2015.⁵ The Balkan region is specific in many ways, and research on Europeanisation beyond the borders of the European Union is a relatively lagging topic in current research, though. Therefore, the aim of the next subchapter will be to answer the research questions (RQ1) "*How can Europeanization be defined in the context of EU enlargement?*" and (RQ2) "*What are the defining features of the Europeanization of external actors, especially third countries and candidate countries?*" For the next research, the topic can help to clearly define the boundaries in the theorizing of the Europeanization phenomenon *vis-à-vis* the candidate countries and can thus help to provide categorization of issues for future research and at the same time provide a closer theoretical view of the enlargement process in the context of Europeanization.

Since the opening of accession negotiations with Serbia, which began on 21 January 2014 at the First Joint Intergovernmental Conference in Brussels, 18 of the 35 accession chapters have been opened. So far, the chapters on science and research and education and culture have been successfully closed. As part of the Copenhagen criteria,⁶ the candidate country must comply with the ability to meet its obligations as a member of the Union. Candidate countries are forced to adapt their domestic legislation to comply with uniform European norms and standards, the so-called *acquis cummunautaire*. Nevertheless, the process is extremely challenging for the candidate countries from many points of view. In this regard, the Union and the Member States are offering support through so-called *Twinning Projects*, which are long-term programs where the candidate and Member States cooperate at institutional levels to help transpose or implement the *acquis*, build the necessary administrative capacity or provide *know-how*. The next research question is (RQ3): "*Within which Twinning Projects did Serbia cooperate with the Czech Republic and Austria and in what specific areas? Which Member State has been more active in this kind of mutual assistance?*" The answer to the third research question will outline a view of the cooperation between these historically interconnected states and provide a closer scope for analyzing mutual cooperation.

⁴ Serbia: Status of negotiations. *consilium.europa.eu*, [online]. Date not specified [viewed 14 October 2021]. Available from: <https://www.consilium.europa.eu/en/policies/enlargement/serbia/>

⁵ BLAGOJEVIĆ, B. Republic of Serbia in the Accession Process to the European Union and the Public Procurement Reform. *European Procurement & Public Private Partnership Law Review*, 2017, 12(1), p. 69.

⁶ So-called Copenhagen criteria are set of rules, the fulfilment of which is a necessary condition for accessing a candidate country to the EU.

The main motivation for the analysis of the implementation of EU legislation is the fact that shared values, a uniform interpretation, and application of legal norms and standards form the basis of European integration, which makes it unique compared to other forms based on regional cooperation. Another aim of the thesis is to analyze the development of *acquis* implementation. Because the enlargement process is a too complex issue, the analysis focuses on the Europeanization within Chapter No. 27 Environment and Climate Change. In this case, the aim will be to answer the research questions (RQ4) "*Is there a significant Europeanisation impact in environmental and climate change policy?*" This will provide focus on the last research question (RQ5): "*How to assess the Europeanisation relationship between the European Union and Serbia based on the analytical framework?*" The answers will provide a partial but relevant analysis of the current rapprochement between the European Union and Serbia as a candidate country through one of the Union's most challenging and expensive policy areas.

The thesis is divided into four main chapters, which are then analyzed within smaller subchapters. The introductory part of the first chapter reflects the concept of Europeanization. It stresses the problems of its use, terminological instability, and differentiation, as well as an inconsistency within specific research disciplines. Subsequently, the work presents concepts according to the Europeanization scholars Kevin Featherstone, Claudio Radaelli, Johan Olsen, or Robert Ladrech. Consequently, the thesis offers an insight into the issues of the enlargement process in terms of Europeanization and analyzes how Europeanization can explain the enlargement process. The next section focuses on the Europeanisation influence over the candidate countries and the countries of the Western Balkans. Special attention is paid to the analytical approaches of Frank Schimmelfennig and Ulrich Sedelmeier, who currently offer one of the most sophisticated concepts of Europeanization towards non-EU actors. Then, the Thesis focuses on the pre-accession assistance by the Czech Republic and Austria, which is subsequently compared. Then the main focus is given to the analysis of policy change in particular subchapters of Chapter 27. In the final part, the Thesis mainly focuses on determinants of mutual relation, domestic affairs and dynamics of mutual relation.

From the methodological point of view, the work can be included in the qualitative case studies. In the first section of the analytical part, the Thesis will focus on pre-accession assistance by the Czech Republic and Austria. It will compare the efforts of both countries and analyze in which categories of Twinning's were states the most active. Then, the presented work analyzes the progress in Chapter No. 27 Environment and climate change implementation. The special focus is given to the period after 2012 when Serbia officially received candidate

country status.⁷ The Chapter is then divided into more concrete segments, and each of them is analyzed. Consequently, every policy segment is then applied in Radaelli's analytical framework to assess changes in the selected policy area. At last but not least, the next part will assess the overall Europeanization process based on the findings, determinants, and dynamics with the application of another analytical framework, which is based on the thoughts of Ondřej Filipec and Frank Schimmelfennig. This analytical framework consequently divides Europeanization scenarios into four categories, according to the positive and negative actors' attitudes.

The theoretical part is based primarily on the issue of the Europeanization phenomena. This concept is written in almost unlimited number of book publications, articles or online periodicals. Currently, Europeanization is one of the most emphasized and used concepts in European and International Relations studies in the context of the European Union effects. The first comprehensive complex within the study Europeanization was set by Robert Ladrech, who in *Europeanization of Domestic Politics and Institutions: The Case of France* tried, probably as the first scholar, to theorize this concept. Moreover, in the current articles, very popular is the Europeanization concept by Kevin Featherstone and Claudio Radaelli. Especially their edited book *The Politics of Europeanization*, which contains either theoretical approaches, conceptualization of impacts or even analytical tools. This book also contains a chapter by Heather Grabbe, *Europeanization Goes East: Power and Uncertainty in the EU Accession Process*, which deals mainly with the issue of the Europeanization influence on the countries of Central and Eastern Europe. Subsequently, the article offers a possible explanation for the difference between Europeanization within the EU and Europeanization vis-à-vis the candidate countries. In *Whither Europeanization: Concept Stretching and Substantive Change* Radaelli deals with problems of categorizing the effects of Europeanization influence within various areas, such as institutions, public administration or public policy. This article is not just about theoretical contribution of Europeanization, but also concrete analytical framework for measuring changes related to the Europeanization effects, was introduced. In *The Many Faces of Europeanization*, Johan Olsen also attempts for a categorization of Europeanization. In the first part, he theorizes the possible use of this concept, then categorizes five specific areas of change due to Europeanization effects. Moreover, some of them are also applicable in the context of the candidate countries or third countries. In terms of the Europeanization dimension vis-à-vis third and candidate countries, Frank Schimmelfennig and Ulrich Sedelmeier offer a

⁷ Serbia: Status of negotiations. *consilium.europa.eu*, [online]. Date not specified [viewed 14 October 2021]. Available from: <https://www.consilium.europa.eu/en/policies/enlargement/serbia/>

comprehensive theoretical concept. In their work *Europeanization Beyond Europe*, they define theoretical perspectives and come up with their own typology of Europeanization mechanisms for these countries, which are based on two basic logics. Othon Anastasakis, in his work *The Europeanization of the Balkans*, addresses the issue of Europeanization in the context of the Western Balkans. Among other things, it presents historical and contemporary specifics, which then form the overall picture of the Europeanization of the local region. This is then supplemented by Jelena Subotić who also analyzes the Europeanization of the Western Balkans region. In her work *Europe is a State of Mind: Identity and Europeanization in the Balkans*, she analyzes the region's specifics and explains the possible reasons for the failure of these processes.

2. Theoretical Framework of Europeanization

In the following chapter, the thesis focuses on the conceptualization of Europeanization phenomena. At first, it briefly introduces the concepts according to the Ladrech, Börzel, and Olsen definitions. In the next part, the more concrete definitions by Radaelli, Featherstone, and Anastasakis are introduced. These approaches offer a theoretical background for most current studies dealing with the influence of the European Union.

The partial aims of this chapter are to introduce the concept of Europeanization, the complexity of terminology, as well as the volatility of its use in different academic disciplines, which leads to even greater ambiguity. Within the subsequent subchapter, then the thesis focuses on the definition of Europeanization's impact on the enlargement process.

2. 1. Complexity of Definitions

The Europeanization process is mostly perceived as a contemporary and modern process and is often associated with the establishment of modern European integration project in the 1950s. However, it would be a mistake to look at this framework without the historical context, entirely missing in most related literature. This absence is often emphasized in Trine Flockhart's texts. In one of them, Flockhart argues: “[...] it is a process involving the transfer of a specific idea set from one group of agents to another, usually followed by behavioural change through different forms of internalization, social learning, adaptation and institutionalization, leading to norm change.”⁸ She further emphasizes that Europeanization is not just a modern phenomenon but a continuous historical process that changes over time and needs to be clearly divided into the period before and after the beginning of modern European integration.⁹ Additionally, the idea of historical perspective is supported by Kevin Featherstone, who divides the Europeanization process into four categories. The first category describes Europeanization as a historical phenomenon and can be dated to the British, French, Spanish, and Portuguese colonialism, which exports European social, cultural, and religious values and standards abroad.¹⁰

Additionally, the Europeanization phenomenon is not specified and analyzed only in political science research. Even though it first appears in the fields of law and political sciences

⁸ FLOCKHART, T. Europeanization or EU-ization? The Transfer of European Norms across Time and Space*. *Journal of Common Market Studies*, 2010, 48(4), p. 796.

⁹ *Ibid.*, pp. 798-805.

¹⁰ FEATHERSTONE, K. Introduction: In the Name of ‚Europe‘. In: FEATHERSTONE, K. and C. Radaelli (eds.). *The Politics of Europeanization*. Oxford: Oxford Scholarship Online, 2003, p. 6.

and then has spread to other research spheres over time.¹¹ The German historian Wolfgang Schmale uses the term to define the process that led to the development of a unified European cultural base, which is partly in line with Featherstone's historical approach. As Schmale mentions, the unified European culture arose in the 15th century during Renaissance. However, it has its origins during the spread of Roman culture during the expansion of the Roman Empire.¹² Subsequently, after World War II, it was the base for future economic and political integration. For the character of this work, however, Europeanization will be used in European studies, political science, and international relations context, which is connected primarily with the activities of the Union, its institutions, and member states.

As mentioned in the article above, there is a clear differentiation of the concept across disciplines, not only in the fields of sociology, history, or political science. However, in none of the scientific disciplines is this concept reflected as much as in European studies and international relations.¹³ In the first decade of Europeanization analysis, only a few publications were produced. A decade later, the concept has become one of the most researched topics in political science. Increased scientific interest can be connected to the fact that the Community, or later the European Union, significantly increased in its competencies during the 1980s and 1990s, especially in the areas relating to the completion of the internal market, monetary union, human rights, or cooperation in the field of home affairs and justice.

Despite the fact that the term Europeanization has been researched since the 1980s, across many disciplines and especially in the field of political science, the concept is still not consistent, and there is no universal definition, and significant differences remain. The inconsistency in the definition of Europeanization can be demonstrated in a simple way. There is still no agreement on how to name this phenomenon. In English articles, we can find terms "Europeization" and "Europeanization" and in the Czech interpretation, there is even more significant variance.¹⁴ In this case, as Kristina Špottová mentions: "*Because of the many Europeanization definitions, it is not appropriate for any theoretical studies to be based on a single one. [...] Instead, Europeanisation should be characterized in the most general elements*

¹¹ HIRSCHHAUSEN, U. and K. K. PATEL. Europeanization in History: An Introduction. In CONWAY, M. and K. K. PATEL (eds.). *Europeanization in the Twentieth Century: Historical Approaches*. London: Palgrave MacMillan, 2010, p. 1.

¹² SCHMALE, W. Processes of Europeanization. *ieg-ego.eu* [online]. 3 December 2010 [viewed 2 January 2021]. Available from < <http://ieg-ego.eu/en/threads/backgrounds/europeanization/wolfgang-schmale-processes-of-europeanization>>

¹³ FEATHERSTONE: *Introduction...*, p. 3.

¹⁴ DANČÁK, B., P. FIALA and V. HLOUŠEK. *Evropeizace: nové téma politologického výzkumu*. Brno: Mezinárodní politologický ústav Masarykovy univerzity, 2005, p. 15.

that repeat regularly."¹⁵ Because of the unclear definitions, Olsen states that there is a question of whether we can talk about a real and stable concept. Nevertheless, as he further mentions, it would be a pity not to operate with the concept and avoid Europeanization's academic potential.¹⁶ Even though there is an almost limitless number of Europeanization definitions, many common elements can be found. It can be clearly defined that this is a process that partly consists of the Union's influence on individual domestic politics, policies, and politics as well. As a reaction, there exist many possible types of responses to European efforts according to domestic preferences.¹⁷

2. 2. Theoretical Background

In current research of Europeanization, theories from the authors Featherstone, Olsen, and Radaelli are the most frequently used. Each of them uses a different approach to this phenomenon and defines it in a unique way. As mentioned above, Europeanisation can be briefly described as a change related to the activities of the European Union. The oldest classifications of Europeanization divide this phenomenon into two categories, i. e. "bottom-up" and "top-down". During the first years of research, scholars were focused mainly on the first category, which investigated the impact of the Community on the individual Member States. Over time, authors began to analyze the opposite direction as well. Over time, authors began to analyze the opposite direction as well. Currently, the development of the study of Europeanization can be divided into two generations which are presented in the following table No. 1.¹⁸

Table 1: Two generations of Europeanization research

<i>First Generation</i>	<i>Second Generation</i>
Top-down dimension, seeking to explain domestic reactions to pressures from the EU	Bottom-up, top-down effect, vertical and horizontal dimensions
Assumed 'mismatch' between EU and domestic level	More focused on beliefs, interests, values and ideas

¹⁵ ŠPOTTOVÁ, K. Horizontální evropeizace: teoretická úvaha nad horizontální formou konceptu evropeizace. *Acta Politologica* [online]. 2017, 9(2) [viewed 10 April 2021], p. 2. Available from: https://www.researchgate.net/publication/316550960_Horizontalni_evropeizace_teoreticka_uvaha_nad_horizontalni_formou_konceptu_evropeizace

¹⁶ OLSEN: *The Many...*, pp. 921-922.

¹⁷ BACHE, I. Europeanization: A Governance Approach. *University of Sheffield: Policy Paper* [online]. 2002 [viewed 15 June 2021], pp. 4-5. Available from: https://www.researchgate.net/publication/29992230_Europeanization_A_Governance_Approach

¹⁸ *Ibid.*, p. 6.

Emphasized reactive and involuntary nature of adaptation	Greater emphasis on voluntary adaptation through policy transfers and learning
Policy and polity dimensions focused	Focus on politics (mainly electoral behaviour, identities, parties, party systems)
Expected increasing cross-national convergence	Emphasizes differential impact of Europe
Defined Europeanization in substantive terms	Emphasizes impact of Europeanization on domestic political, institutional and policy dynamics

Source: Bache 2002, 6 p (edited by author)

Probably the first definition of Europeanization in European studies was made by Robert Ladrech. According to Ladrech, Europeanization is: "*an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making.*"¹⁹ However, this definition doesn't deal with important factors. On the one hand, it focuses on one political dimension only. On the other, it particularly mentions the European impact and influence on a national level. Nevertheless, it is clear that the Europeanization is complex and two-way process. When it comes to the conceptualization of Europeanization, it is evident that Ladrech's definition corresponds with the first-generation research, even though he also confirms the possibility of "uploading" domestic preferences on the European level in his later analysis. In this case, Tanja Börzel developed a complex typology of Europeanization when she operated with the division into two dimensions, bottom-up and top-down. The first-mentioned concept was at the forefront of research, especially in the first decades. However, as she mentioned, the relationship between the Union and the Member States cannot be seen as a one-way process. Member States cannot be considered a passive and automatic beneficiaries of EU policies. States can play an active role in *policy-making* process. Above that, they can form and change European policy, so its implementation could be cheaper and easier for the member state.²⁰

Currently, a frequent theoretical approach to Europeanization is Radaelli's definition, which is formulated on segments of Ladrech's, Börzel's, and Risse's knowledge. According to Radaelli's, Europeanization is: "*(...) (phenomena) consists of processes of (a) construction (b)*

¹⁹ LADRECH, R. Europeanization of Domestic Politics and Institutions: The Case of France. *Journal of Common Market Studies*, 1994, 32(1), p. 69.

²⁰ BÖRZEL, T. How the European Union Interacts with its Member States. *Political Science Series* [online]. 2003, 93 [viewed 17 June 2021], pp. 3-19. Available from <http://aei.pitt.edu/1049/>

diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things, 'and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures, and public policies."²¹ This broad definition stresses the importance of change in political behaviour as a major defining characteristic. However, due to the type of this thesis, it is necessary to redefine this definition to correspond with the candidate countries' typology. As Heather Grabbe mentions, in applying Radaelli's theory to the candidate countries, it is necessary to focus primarily on points b) and c), i.e., *the transfer of EU rules, procedures, and political paradigms.*²²

As reported by Featherstone, the Europeanization process is irregular, uneven, and different according to the time and place of reaction. Moreover, Featherstone divides Europeanization into four main categories. The first two (*Europeanization as a historical phenomenon* and *Transnational cultural diffusion*) have less association with the activities of the European Union and are more usable in historical, sociological, or cultural-anthropological research. However, the other two categories (*Institutional Adaptation* and *Adaptation of Policies and Political Processes*) have a significantly stronger connection with the Union's activities.²³

Europeanization theorist Johan Olsen further introduced his own typology with five categories of uses, which are presented in the following table No. 2.

Table 2: Olsen's Typology of Europeanization

Typology	Meaning
<i>Changes in external boundaries</i>	Territory expansion of the European Union
<i>Developing institutions at the European level</i>	Coordinated and coherence centre with the ability to enforce binding decisions and to sanction non-compliance
<i>Central penetration of national system of governance</i>	Division of responsibilities and powers to various levels of governance (from central to local)

²¹ RADAELLI, C. The Europeanization of Public Policy. In FEATHERSTONE, K. and C. RADAELLI (eds.). *The Politics of Europeanization*. Oxford: Oxford Scholarship Online, 2003, p. 30.

²² GRABBE, H. Europeanization Goes East: Power and Uncertainty in the EU Accession Process. In FEATHERSTONE, K. and C. RADAELLI (eds.). *The Politics of Europeanization*. Oxford: Oxford Scholarship Online, 2003, p. 309.

²³ FEATHERSTONE: *Introduction...*, pp. 3-12.

<i>Exporting forms of political organization</i>	Export of political and governance habits and rules to non-European countries and organizations
<i>Political unification project</i>	The level to which the EU is becoming a more unified and stronger entity

Source: author.

The first point, *Changes in external boundaries*, is associated with the Union's territorial reach, which forms a unique political and geographical entity, and which is increasing with every EU enlargement. *Developing institutions at the European level* is an irrelevant category to the purpose of this work, because it describes the formation of central institutions. *Central penetration of the national system of governance* simply means a division of powers between local and central levels, where mutual balance is crucial.²⁴ Nevertheless, special focus is given to *Exporting forms of political organization*. Nowadays, this concept of Europeanization is the most common. It is a belief that Europeanization means a change in the governance of domestic institutions or policies in consequence of the development of European institutions, identities, and policies. Moreover, this category gives focus on the issue of the European Union's influence on the Member States, especially on its influence on domestic actors and institutions.²⁵ The effects of Europeanization and its impact on specific countries were also examined by Christoph Knill and Dirk Lehmkuhl. In this case, they distinguish three mechanisms, which are also illustrated in the following table No. 3., through which European requirements, issues, and topics are transferred to the national level. However, authors emphasize that in practice, these mechanisms are not applicable in their "pure theoretical" form. In practice, most European issues can essentially be characterized by a combination of mechanisms mentioned above.²⁶

Table 3: Different Mechanisms of Europeanization

Policy/integration type	<i>Positive Integration</i>	<i>Negative Integration</i>	<i>Framing Integration</i>
	New Regulatory Policy	Old Regulatory Policy	

²⁴ OLSEN: *The Many...*, pp.923-924.

²⁵ Ibid., p. 924.

²⁶ KNILL, Ch. and D. LEHMKUHL The National Impact of EU Regulatory Policy: Three Europeanization Mechanisms. *European Journal of Political Research* [online]. 2002, 41(2) [viewed 12 August 2021], pp. 260-261. Available from: https://www.researchgate.net/publication/238346880_The_national_impact_of_European_Union_regulatory_policy_Three_Europeanization_mechanisms

Dominant Europeanization Mechanism	Institutional Model for Domestic Compliance	Changing Domestic Opportunity Structures	Changing Beliefs of Domestic Actors
Explanation of Domestic Adaptation Patterns	Degree of Institutional Compatibility	Degree of Resource and Power Redistribution Between Domestic Actors	Degree of Support Mobilization for Domestic Reforms

Source: Knill and Lehmkuhl 1999, 4 p.

The process of change can be realized through so-called *institutional compliance*. In practice, the European institutions create requirements (most often by adoption of new policies, i. e. *directives, regulations, decisions, etc.*) which the country must accept and adapt to. As these measures are usually concrete, actors have limited options on how to reach an agreement. Knill and Lehmkuhl describe this mechanism as *positive integration*.²⁷ Primarily, this approach is visible in the areas of environment, health, safety at work, and in some areas of social policy.

The second mechanism takes place through a change in domestic opportunity structures and is called "negative integration". In this case, the EU is creating alternative rules to national rules, which may also lead to changes in the country's division of power and resources.²⁸

The last mechanism that Knill and Lehmkuhl stresses is Europeanization through the *mobilization of domestic support*, so-called *indirect* or *framework* integration. The main characterization is that it does not influence the national setting directly. In this context, the Union only reflects its expectations and values and thus motivates the country to transform. Subsequently can offer a possible solution to a specific problem.²⁹

2. 3. Europeanization Concept and Enlargement Process

The next subchapter complements the basic theoretical perspectives of the Europeanization process with the enlargement phenomenon. The partial goal of this part is to answer the research question (RQ1) "*How can Europeanization be defined in the context of EU enlargement?*" The answer to this question will help to extend the basic theoretical framework to the enlargement process in terms of Europeanization and will help to create a theoretical framework on which

²⁷ KNILL, Ch. and D. LEHMKUHL. How Europe Matters. Different Mechanisms of Europeanization. *European Integration online Papers* [online]. 1999, 3(7) [viewed 14 August 2021], p. 2. Available from: https://www.researchgate.net/publication/5014928_How_Europe_Matters_Different_Mechanisms_of_Europeani_zation

²⁸ Ibid.

²⁹ Ibid.

the subsequent analysis of individual policies will be based. EU enlargement is an extremely various and complicated process, and each enlargement wave had different Europeanisation features. Southern enlargement, for example, meant historical challenge. There were significant gaps between member states and candidate countries, especially in the fields of democratic consolidation and development. In contrast, a completely different situation was visible in 1995, when well-developed European countries with functioning democratic principles, market economies, the ability to meet their membership obligations, and high standard of living joined the project. However, considerable attention was paid to the latest enlargement, when the countries of Central and Eastern Europe became part of the Union. The related feature was a significant shift in principles and standards, which until then had no analogs in the history of European integration.³⁰ As the European Union's motto says, "United in diversity", the Union's goal is not, and has never been, to create a monolithic group of completely identical state entities. In practice, the most transparent is the adoption of individual policies, consisting of negotiations between the Union and the candidate actors. The individual thematic areas are divided into chapters, and gradual progress within the admission is published in annual reports.

In the categorization of Europeanization and its impact on the enlargement process, Olsen mentioned *the Changes in external boundaries* category. Over the years, the Community, and later the Union, has become an attractive and perspective project for other European state actors. Though, the reasons for accepting new members are mechanicals: if the candidate meets the conditions for admission, it is accepted. As Olsen mentions: "*(i)n less automatic situations the underlying process may be one of arguing and persuading. Actors appeal to a shared collective identity and its implications. They evoke common standards of truth and morals. (And/or) actors argue that there is an historic opportunity to ,reunify Europe' after decades of artificial separation.*"³¹ Moreover, as was evident in the past, the Union has never established itself as a judge who compares the pros and cons of a country's membership. Moreover, as Schimmelfennig says, EU enlargement policy and its roots are based on the ideas of the Pan-European Community of Free and Liberal States. In addition, non-member countries have been able to even strengthen their negotiating position with this kind statements about the normativity of the whole European project and its values. Especially, this approach was evident within the so-called Eastern enlargement when the countries of Central and Eastern Europe

³⁰ VISIER, C. Beyond Europeanization: EU enlargement and policy transfer studies. In DELCOUR, L. and E. TULMETS (eds.). *Policy Transfer and Norm Circulation: Towards and Interdisciplinary and Comparative Approach*. London: Routledge, 2019, p. 119.

³¹ OLSEN: *The Many...*, pp.926-927.

presented significant differences between members' rhetoric and real behaviour. The Member States, that were initially in strong opposition to enlargement, thus had to back down from their objections, as they would risk losing their credibility within the EU. The strategy of future cooperation then almost perfectly copied the geographical locations. The member countries in the immediate neighbourhood of the candidate actively supported the future acceptance of these countries. The reasons were potentially simpler mutual trade and a greater impact on the security situation in the neighbourhood.³² During the accession process, some Member States, which were not very much in favour of further enlargement, used transition periods instruments to solve stalemates, in which the old Member States feared possible material losses due to the economic integration with the new members or in the context of a reduction Union funds.³³ In this regard, it is obvious that individual member states are not always motivated in their decisions on future enlargement by the idea of a united Europe, which is based on the beliefs of a unified history, norms, and values. Nevertheless, the main motivation of stance toward candidate country was a potential benefit in many cases.

In this section, thesis focuses on the first research question (RQ1) "*How can Europeanization be defined in the context of EU enlargement?*" Based on the analysis above, Europeanization is an extremely various concept, which leads us to many facts. Additionally, the general Europeanisation theories of relations between actors established two categories of interrelationship - bottom-up and top-down. Nevertheless, this view is inapplicable in the field of candidate countries analysis. The relations between the actors are not equivalent in this case, as, for example, in the case of the relationship between the Union and the member states, where both actors influence each other at the same time. Member States can enforce their interests at the EU level through official ways and can thus actively contribute to the development of individual EU policies. However, candidate or potential candidate countries have extremely limited opportunities how to affect the policy-making process in the EU because of the unequal position within the relationship. If the final goal of the actor is to achieve membership in the Union, it must sufficiently fulfil the obligations to which it commits itself during the accession process. Anyway, it has no opportunity how to shape EU policy to its needs. In this respect, candidates are a pure recipient of EU standards and norms, which only confirms the unequal position mentioned before. Olsen established Europeanization perspective in the context of

³² SCHIMMELFENNIG, F. The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organization*, 2001, 55(1), pp. 47-51.

³³ SCHIMMELFENNIG, F. and T. WINZEN. Eastern enlargement and differentiated integration: towards normalization. *Journal of European Public Policy*, 2017, 24(2), p. 243.

enlargement from a geopolitical point of view. In his typology, the enlargement of the Union due to Europeanization can be motivated by the candidate countries through the attractiveness associated with the benefits of the project. At the same time, this fact is even reinforced by the idea of a shared identity, when, after many years of disputes and wars between European nations, a historic opportunity for European unification has arisen. Europeanization in the context of enlargement thus offers various phenomena of multiple actions and processes, the diversity of which can be compared with the Europeanisation approach within the member states. Nevertheless, the theoretical variety of Europeanization does not necessarily have to be an obstacle to future research. As Ondřej Filipec mentions: “(...) *Europeanization is a multidimensional and multi-level process of change. (...) (which) is influenced by the actors involved in the process and the conditions in which it takes place. Both are very mutable. Therefore, it makes sense to study the essence of Europeanization.*”³⁴ Each Europeanization process can thus offer different characteristics due to various actors and circumstances. Therefore, that may be possible to use established concepts of such diverse phenomena.

2. 4. Europeanization of Candidate Countries

The following chapter and subchapter deal with the Europeanization phenomenon in terms of candidate countries with an emphasis on the Western Balkans. This part will help to supplement and expand the theoretical framework on which the subsequent analysis will be based. At the same time, however, it will assess the level of knowledge of the issue and the definition of the Europeanization of member countries. The aim of the chapter and subchapter will be to answer the research question (RQ2) "*What are the defining features of the Europeanization of external actors, especially third countries and candidate countries?*"

In contrast to the processes of Europeanization, whether the above-mentioned bottom-up and top-down dimensions, which were the main focus of the early stages of researching this phenomenon, or the horizontal approach, which focused on the mutual interaction processes between the member states, and which was researched in particular a few years later,³⁵ the issue of the impact of the Europeanization process on third countries or candidate countries is certainly not a much-explored area. In the initial period, the research focused mainly on individual changes within the EU Member States. However, over time, in the context of a faster and more comprehensive pace of European integration, especially in the 1990s, research by

³⁴ FILIPEC, O. *Europeizace: Rámeč pro analýzu*. Olomouc: Iuridicum Olomoucense, 2019, pp. 28-29.

³⁵ BACHE, I., S. BULMER and D. GUNAY. Europeanization: A Critical Realist Perspective. In: EXADAKTYLOS, T. and C. RADAELLI (eds.). *Research Design in European Studies – Establishing Causality in Europeanization*. London: Palgrave MacMillan, 2012, p. 66.

non-member state actors also became relevant. The fall of communism in Central and Eastern Europe also has a significant impact on this, as a direct result of the start of the processes of transformation and democratic transition in these countries, where many of the "new democracies" have set themselves the goal of their foreign policy to become part of European integration structures. This desire has led to increased pressure for rapprochement with the EU, which has led to the signing of many trade or association agreements.³⁶ While, in terms of research, the transfer of policy competences shows less limited scope for change in the Member States of the Union, in candidate countries the impact on the reorientation of domestic policies has been much more pronounced. An even stronger impact was detected in countries with a very strong vision of early membership of the Union.³⁷ And it is the vision of their membership within the Union that is a great attraction for the countries of the Western Balkans, which often have this in mind for their foreign policy strategy.

Here, too, the terminological divide that the related literature offers is quite obvious. This process of Europeanization is often referred to as *Europeanization of candidates and accession countries* or *Enlargement europeanization*. In practice, however, they discuss the same phenomenon. Nevertheless, it is possible to meet the term Europeanization East as well, especially in older literature. However, it was often associated mainly with the period before the so-called Eastern enlargement and the designation is more of a technical nature.

Based on the analysis of the available literature, Andrea Gawrich, Inna Melnykovska and Rainer Schweickert also divide Europeanization on the basis of the scope in which *Membership Europeanization*, *Enlargement Europeanization* and *Neighbourhood Europeanization* can be divided. The vast majority of current literature is devoted to the first category, i.e., Europeanization of the Member States, the Union's interaction with the Member States or, where appropriate, interaction between the Member States. The last category, on the other hand, deals with countries close to the Union, and the authors include countries associated under the European Neighbourhood Policy that do not have the prospect of EU membership in the near future.³⁸ Moreover, as Othon Anastasakis mentions, each of these categories will view Europeanization in a different way, where "(...) for the less advanced European countries, it means structural transformation and modernization; for the more developed and richer

³⁶ SCHIMMELFENNIG, F. and U. SEDELMEIER. Candidate Countries and Conditionality. In: GRAZIANO, P. and M. VINK (eds.). *Europeanization: New Research Agendas*. London: Palgrave MacMillan, 2007, p. 88.

³⁷ FEATHERSTONE, K: *Introduction...*, p. 11.

³⁸ GAWRICH, A., I. MELNYKOVSKA and R. SCHWEICKERT. Neighbourhood Europeanization through ENP: the case of Ukraine. *Journal of Common Market Studies*, 2010, 48(5), p. 1209.

countries, it is a smooth process of steady reform and adjustment."³⁹ However, this communication is nothing new from the point of view of the European integration process and EU enlargement, as it has always been a process of associating different countries, each with a different level of readiness for membership. In the past, the Union has expanded to include very advanced countries, for example Finland and Austria, which did not impose any burden on the EU and whose preparedness for this act was high. Though, there were countries that underwent an extremely demanding transformation process from the planned central economy, authoritarian regime with the government of one party and the eastern orientation of its foreign policy, which, although their membership was one of the main priorities, had to meet a number of demanding criteria in order to become part of the EU at all. Likewise, the Union had to prepare sufficiently for this change, and therefore a number of essentials, not only of an institutional and economic nature, had to be adopted.

In addition, it is obvious that the issue of the Europeanization process and its impact on third countries is not so researched topic compared to the EU's interaction with the individual Member States, the integration process, or the so-called *quasi-member* states as Norway or Switzerland, which are mostly analyzed in current texts.⁴⁰ Frank Schimmelfennig and Ulrich Sedelmeier pay significant attention to the issue and theorization of the Europeanization of candidate or third countries. In their analysis of the existing literature from 2005 focused on the new acceding countries of Central and Eastern Europe, they divide the mechanisms of Europeanization towards these countries into two levels. In addition to the traditional division, where the "engine" of Europeanization can be either the Union as an institution or a given Europeanized state, it also comes with a division based on institutionalist logic and introduces two new terms - *logic of consequences* and *logic of appropriateness*. The first mentioned assumes that the given actor/state chooses those options that mean the greatest possible benefit for him in the given circumstances. In principle, it works on the so-called *stick and carrot* metaphor, where the Europeanisation process is driven by the European Union through sanctions and rewards. The success of these external incentives then depends on the calculation of one particular country and the nature and size of the incentive. In contrast, the *logic of appropriateness* argues that the actor chooses the behaviour that at the moment corresponds to his social role and norm. The whole process has the character of social learning and takes place

³⁹ ANASTASAKIS, O. The Europeanization of the Balkans. *The Brown Journal of World Affairs*, 2005, 12(1), p. 78.

⁴⁰ SCHIMMELFENNIG, F. Europeanization beyond Europe. *Living Reviews in European Governance*, 2012, 7(1), p. 5.

mostly on the basis of intergovernmental interactions through negotiation or persuasion, just as it can take place at the supranational level. In a nutshell, a country decides to adopt a standard if it finds it legitimate and, on the basis of its self-identification with the EU.⁴¹

In addition to the already mentioned typology of the Europeanization process (bottom-up/top-down), i.e., the direction in which the whole process takes place, two basic levels of Europeanization can be distinguished, namely *vertical* (EU to individual member states, international organizations to non-EU countries) and *horizontal* (ongoing between the EU and other international actors). However, in relation to non-EU countries, a different Europeanisation direction can be observed. As Filipec mentions: “*Special status is given to non-EU countries, which also operate in an international environment, but have a specific relationship with the EU, which, from the logic of division, can be called 'diagonal'*”.⁴² This diagonal direction must to a large extent reflect the principles of voluntariness, as it depends on each individual actor of the third country to what extent it accepts the influence of Europeanization. The situation is different for candidates. Here, the principle of voluntariness is largely limited by the fact that, while a candidate country wants to become part of the Union on its own initiative, in order to do so, it must accept all the obligations of membership. In the case of non-candidate countries (i. e., the Eastern Partnership countries for example), it is then mainly a question of the extent to which they are able and willing to meet the conditions of mutual cooperation on the basis of which they can then draw various benefits.⁴³

In their analysis of the effects of the Union's rule on the countries of Central and Eastern Europe in the first half of 2004, Schimmelfennig and Sedelmeier divided the two basic dimensions of the EU's influence on states. The first one is *Democratic conditionality*. Here, the EU conditions the basic political principles on which today's EU is based (respect for human rights, the principles of liberal democracy). This principle gained its justification especially during the Eastern enlargement to the post-Soviet bloc countries.⁴⁴

However, the so-called *Acquis conditionality* is more important for the purpose of this work. Here, the impact of *external governance* on the candidate countries was almost ubiquitous. Although the candidate countries adopted European legislation before the EU communication, as legislative compliance is an essential part of the accession process, after the

⁴¹ SCHIMMELFENNIG F. and U. SEDELMEIER. Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: SCHIMMELFENNIG, F. and U. SEDELMEIER (eds.). *The Europeanization of Central and Eastern Europe*. New York: Cornell University Press, 2005, pp. 13-17.

⁴² FILIPEC: *Europeizace...*, p. 92.

⁴³ GRABBE: *Europeanization...*, p. 313.

⁴⁴ SCHIMMELFENNIG, F. and U. SEDELMEIER. „Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe. *Journal of European Public Policy*, 2004, 11(4), p. 677.

institutionalization of these rules, the speed of adoption increased dramatically across countries, policies and soon became a priority for candidate countries in terms of policy-making process.⁴⁵ In this respect, Schimmelfennig and Sedelmeier distinguish three models of Europeanization mechanisms on the basis of which non-member countries adopt EU legislation. The process of Europeanization can thus be led by the EU or the country. It might seem that the EU will put adaptive pressure on all policy areas, as the requirement for full legislative compliance is one of the key conditions for membership, however, as Schimmelfennig and Sedelmeier point out, “*the EU has not been vigorous in enforcing its conditionality some policy areas, such as the Social Dialogue. (...) Moreover, while the EU might demand adjustment and actively promote the adoption of its rules in a particular issue areas, its action might merely coincide (...) a process of rule adoption, that a state has embarked on independently.*”⁴⁶ This is also evidenced by the fact that the recent enlargement of the EU has shown that the admission process has pushed countries towards greater and more concrete convergence with EU policies than has already been seen for existing members, and that it was often specific non-EU countries that they initiated themselves. It is the accession process that already sets out the clear conditions under which a country can join the Member States, so that the adaptation of Central and Eastern European countries to EU policies has taken less on average than, for example, Greece's accession, which took a very long time to adapted to single market standards. Notwithstanding the fact that the EU agenda is now much larger, more comprehensive and that the Union now has a greater impact on public *policy-making*, also by being able to impose additional ad hoc requests for changes in various regulations and policies than in the period before Eastern enlargement.⁴⁷

To analyze the Europeanization of individual actors, the presented work will use analytical framework, which is based primarily on the thought constructions of Filipec and Schimmelfennig. The created construct will then be applied in the analysis of the access chapter, which will also illustrate the overall Europeanization relationship and help answer the research question (RQ5) “*How to assess the Europeanization relationship between the European Union and Serbia based on the analytical framework?*” The framework consists two actors and variables depending on behaviour of each actor, which give rise to four interactive outputs or scenarios, namely *active-active*, *active-passive*, *passive-active* and *passive-passive*.⁴⁸

⁴⁵ Ibid.

⁴⁶ SCHIMMELFENNIG and SEDELMEIER: *Introduction...*, pp. 12-13.

⁴⁷ GRABBE: *Europeanization...*, pp. 306-308.

⁴⁸ FILIPEC: *Europeizace...*, p. 95.

These individual outputs are shown in Table 4, which will then help with the evaluation of the Europeanization relationship.

Table 4: Mutual Interactions

Outputs of mutual interactions		
<i>Scenario:</i>	EU	Actor
Deliberate Europeanisation (A)	active	active
Forced Europeanization (B)	active	passive
Voluntary Europeanisation (C)	passive	active
Latent Europeanization (D)	passive	passive

Source: Filipec 2019, p. 95 (edited by author)

In the case of an *active* role of the domestic entity, the actor tries to act actively, cooperates fully with the Union, fulfils the agreed obligations without major problems and on time. At the same time, it implements EU standards and rules into its legal order. It can also be based on the normative dimension of the EU, where there is no need for direct influence of the Union and where it serves mainly as a popular source of inspiration (traditionally, for example, human rights or the environment). Conversely, the passive role of the domestic entity may be based on the presence of a Eurosceptic government in the country, or on insufficient administrative capacity to implement the necessary standards. The actor acts passively, and membership is not a real possibility in a given constellation, only an idealistic idea within a few years.

The scenario of *deliberate Europeanization* (active-active) is based on active and positive interaction, where both actors try to play an active role in mutual rapprochement. The state actor is active towards the EU, fulfils its obligations, implements EU rules and adopts the *acquis communautaire* effectively and efficiently.⁴⁹ New EU policies are adopted without undue delay and the need for external motivation, i.e., in the form of reports, urgencies or, in some cases, even sanctions. Such an approach could be likened to the initial years of Swedish membership of the Community in the field of the environment, where not only did it meet the applicable standards, but it also sought a stricter approach on the premises of the Union institutions.

The model of *forced Europeanization* (active-passive) assumes the passive attitude of the Europeanized state. This may be due to a deliberate negative attitude of a state ruled by a Eurosceptic government, or to an unintentional situation where the entity would not resist

⁴⁹ Ibid.

greater Europeanisation influence but does not have sufficient capacity to do so.⁵⁰ The accession process is stagnating considerably, in some areas a negative attitude towards further convergence may prevail, policy adoption may also take place due to external stimuli, and there are often signs of delays. In reality, this situation may correspond to the Union's modern relations with Iceland, where there is a certain level of policy convergence, where Iceland must meet standards based on its membership of the European Economic Area (EEA), where it only acts as a passive recipient of internal market norms and standards without any influence on *policy-making* process. Iceland's passive role in this regard is based on several factors, the main one being an economic factor and concerns about the impact of EU policies on fisheries and agriculture. Another reason may be the fact that Iceland has a very limited administrative apparatus, which could have significant problems in implementing EU policies, but there is also a real fear that it will not be able to effectively promote national interests at EU level. Last but not least, the issue of Icelanders' national awareness and national sovereignty in general also plays a strong role here. Iceland has not been a separate state for most of its history, and the Union is simply not seen as a guarantor of Iceland's sovereignty, and politicians are more comfortable with independent trade agreements with many major foreign partners, such as the EU, Canada and China, on an individual basis.⁵¹ The last parliamentary elections in September 2021 did not bring a revolutionary increase in hopes for further integration, where parties with a rather eurosceptic attitude dominated. In addition, as can be seen from data from the Icelandic research agency Maskina, the Icelandic public maintains a constant EU reserve stance. Between 2013 and 2021, the level of support for Iceland's accession to the EU was around 30%, while over 44% of the population held the opposite view.⁵²

In the case of *voluntary Europeanization* (passive-active) there is a mutual convergence mainly due to the initiating influence of a given state, which can adopt EU rules on the basis of suitability logic, when it recognizes that the adoption of such a resolution would mean certain benefits. In practice, this may be the case, for example, in areas where the Union plays a normative role, such as human rights, the environment and others, as well as in the regulation of chemicals in some Asian countries.⁵³ Thus, the adaptation of EU rules can occur even without the need for initial efforts by the EU or its direct influence. A real example is Taiwan and its

⁵⁰ Ibid.

⁵¹ BERGMAN, T. Europeanization and Icelandic political parties. *aei.pitt.edu* [online]. 13 June 2008 [viewed 7 October 2021], pp. 4-5. Available from: <http://aei.pitt.edu/7695/>

⁵² The undecided normally culminates below 30% percent. Source: INGÓLFSSON, A. P. Íslendingarnir sem vilja helst ganga í ESB. *kjarninn.is* [online]. 25 February 2021 [viewed 10 October 2021]. Available from: <https://kjarninn.is/skyring/2021-02-24-islendingarnir-sem-vilja-helst-ganga-i-esb/>

⁵³ FILIPEC: *Europeizace...*, pp. 95-96.

chemicals regulation legislation. Here, over time, through an amendment to the law in force since 2014, Taiwan has taken measures very similar to those regulated by the REACH Regulation within the EU, where, among other things, companies that manufacture or import chemicals are required to register substances in a similar way and registered with the competent authority.⁵⁴ In addition, the regulation, effective from January 2020, tightens the registration obligation beyond REACH, which imposes an obligation on manufacturers or importers to register those substances whose production or import exceeds one tonne per year. Thus, under the Taiwan amendment, substances in excess of 100 kilograms per year are subject to registration.⁵⁵

The last scenario of *latent Europeanization* (passive-passive) assumes a passive approach of both actors within the mutual interaction. In practice, there is no real vision of EU membership and mutual Europeanization is rather a possible goal or vision for the future.⁵⁶

2. 4. 1. Europeanization in the Context of Western Balkan

A separate subchapter then is the territory of the Western Balkans, which today, as in the past, forms an extremely geopolitically important area. As is known from history, this region has often been the centre of efforts of external actors to gain influence, due to its peripheral position, where there have often been conflicts of civilizations to gain a strategic advantage associated with gaining this territory. For these reasons, too, some local countries are accustomed to, to a large extent, influencing their policies by external actors. For the first time in history, however, in connection with Europeanization, it is a matter of promoting democratic principles, a market economy and strengthening civil society.⁵⁷ As these are countries in the immediate vicinity of other Member States, and therefore also the Union as such, where, moreover, there was a bloody conflict a few years ago, the EU pays considerable attention to security and stability in the region. For this reason, the so-called Stabilization and Association Process, which was created in the wake of the war in Kosovo and the subsequent instability in the region, was presented to the Feira European Council in June 2000. Five countries⁵⁸ in the region have been offered an

⁵⁴ ChemSafetyPRO. Taiwan Toxic Chemical Substance Control Act (TCSCA). *chemsafetypro.com* [online]. 31 December 2015 [viewed 11 October 2021]. Available from: https://www.chemsafetypro.com/Topics/Taiwan/Taiwan_Toxic_Chemical_Substance_Control_Act_TCSCA.html

⁵⁵ ZHOU, B. Chemical regulatory updates in Taiwan. *european-coatings.com* [online] 20 December 2020 [viewed 14. October 2021]. Available from: <https://www.european-coatings.com/articles/chemical-regulatory-updates-in-taiwan>

⁵⁶ FILIPEC: *Europeizace...*, p. 96.

⁵⁷ ANASTASAKIS: *The Europeanization...*, p. 81.

⁵⁸ These included Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia (Northern Macedonia) and the Federal Republic of Yugoslavia (Serbia and Montenegro).

EU assistance program with a view to possible membership and better access to EU markets. On the other hand, local governments have committed themselves to institutional reforms, moving closer to European standards and greater co-operation.⁵⁹ The real promise of membership was the result of the EU Council meeting in Thessaloniki three years later, where, in addition, the so-called Thessaloniki Agenda for the Western Balkans was adopted, which is considered a milestone in mutual relations. In addition, it has been explicitly mentioned in this document that it is in the vital interest of both parties, the Union and the Western Balkan countries, for the future of these countries to be in the European Union. At the same time, however, it was made clear that it depended on the individual efforts of each candidate country in terms of how it would properly meet the Copenhagen criteria or the conditionality of the Stabilization and Association Process, and the subsequent possibility of membership in European structures.⁶⁰

As part of the so-called Eastern enlargement, which was the most ambitious attempt to change the project of European integration, Slovenia began its path to membership with the declaration of independence in 1991. It made an official application in June 1996 and was considered one of the best prepared candidates in pre-accession negotiations. Its advantage lies mainly in a relatively well-functioning and efficient economy, and it was able to quickly establish high policy compliance with the *acquis*, although in 2003, a year before the country joined the EU, there was a serious mismatch in the recognition of qualifications in some areas of healthcare.⁶¹ Bulgaria or Romania (which according to some sources can be considered part of the Balkans) had a more complex process. The two countries both applied for membership of the Union in February 1995. In the case of Bulgaria, the Commission assessed in particular the country's political readiness for membership, especially in the event of compliance with mutual legislation. However, public administration and judicial reforms remained insufficient, as did the problem of corruption. Romania also did not sufficiently fulfil the policy areas in particular, but the problem of insufficient public administration reform, the judiciary, property

⁵⁹ KAMINSKI, B. and M. DE LA ROCHA. Stabilization and Association Process in the Balkans: Integration Options and their Assessment. *World Bank Policy Research* [online]. 2003 [viewed 18 October 2021], pp. 1-4. Available from: https://www.researchgate.net/publication/228867422_Stabilization_and_association_process_in_the_Balkans_Integration_options_and_their_assessment

⁶⁰ ASPRIDIS, G. and M. PETRELLI. When the EU met the western Balkans: Ready for the wedding? *Journal for Labour and Social Affairs in Eastern Europe*, 2012, 15(1), pp. 9-10.

⁶¹ European Commission. Comprehensive monitoring report on Slovenia's preparations for membership. *op.europa.eu* [online] 5 November 2003 [viewed 14. June 2021]. Available from: <https://op.europa.eu/en/publication-detail/-/publication/f54183d0-3c45-400d-9712-1e3bbe29e798/language-en>

protection or media freedom also persisted.⁶² Both countries subsequently became part of the EU in early 2007, completing the process of ambitious Eastern enlargement to 12 countries, which, for the most part, were still part of the Eastern Bloc several years earlier and were now ready to participate in the European market economy integration process with significant competitiveness. However, even after their accession, both countries needed to continue their judicial reforms, the fight against corruption or organized crime. For this reason, the so-called Cooperation and Verification Mechanism was created - Bulgaria and Romania. Within it, both countries were able to use not only material assistance to support the reforms of the mentioned problem areas. It is the accession process and the subsequent acceptance of Bulgaria and Romania as full members of the organization that have shown that the EU counts on the Balkan region as an integral part of Europe.⁶³ The last enlargement to include the Balkans was also the last enlargement of the EU as such. When Croatia joined in July 2013 and the number of member states reached 28, the Union extended its direct scope to almost the entire Adriatic Sea. The shift in EU interest *vis-à-vis* the Western Balkans has been accompanied by two related effects. Firstly, there has been a clear increase in demand for further integration in the countries concerned, but the question remains whether the European Union is ready for further enlargement and whether the enlargement strategy will be effective, but also whether the candidate countries will be able to meet the necessary requirements.⁶⁴

The process of Europeanisation and the attempt to define it in relation to the countries of the Western Balkans is still not a well-explored area. However, its definition will be characterized mainly by four main factors, which Anastasakis described in connection with Europeanization. It is clear from the nature of the position of the actors that this will be a phenomenon with significantly different elements than in the previous examples, and there will be a much more observable top-down factor. This is logical, moreover, because these countries have no influence on transferring their agenda to the European level, while they must meet their pre-accession commitments on time, which the European Commission regularly monitors in its annual reports. The asymmetry of the relationship is further strengthened by the fact that the countries of the Western Balkans have weak and unstable political actors, the economic

⁶² European Commission. Comprehensive monitoring report on the state of preparedness for EU membership of Bulgaria and Romania. *op.europa.eu* [online]. 25 October 2005 [viewed 14 June 2021]. Available from: <https://op.europa.eu/en/publication-detail/-/publication/ed29b04a-f9e4-4da3-acc5-caec0eaff5e9>

⁶³ TIEDE, W. Croatia and Serbia on their road to EU accession – halfway there? *Journal for Labour and Social Affairs in Eastern Europe*, 2007, 10(1), p. 7.

⁶⁴ ELBASANI, A. Europeanization travels to the Western Balkans: Enlargement strategy, domestic obstacles and diverging reforms. In: ELBASANI, A. (ed.). *European Integration and Transformation in the Western Balkans: Europeanization or business as usual?* London: Routledge, 2013, p. 3.

condition of the countries is weak and high financial dependence on Western economies also plays a major role here. All these points give the EU much more influence and scope to enforce its objectives than in other cases, and if these countries do not meet their commitments, the Union may take certain steps, such as suspending the co-financing of certain projects.⁶⁵

The gradual development of the European Union, together with the specificity of the region, gives rise to another unique point, which is associated with growing demands on the acceding countries. With further EU integration, the adoption of new regulations and treaties, today's European agenda is incomparably more complex and greater than the commitments that had to be made by acceding states in the past, creating increasing and increasing pressure on potential new members. In addition, higher demands are placed here in other additional criteria, which reflect the already mentioned specification of the region and which relate in particular to issues of borders, security or gradual transition based on the communist past of the region. Although in terms of Europeanization, many variables can be found here that are identical to the Europeanization of the countries of Central and Eastern Europe, the so-called starting position of the Western Balkans is even worse. States are weak, so are local political elites, there is considerable political corruption of the elites, self-government is inefficient, and the country also has to face a regular outflow of human capital, which has a significant impact on their slow development.⁶⁶

In the following paragraph, the thesis returns to the second research question (RQ2) "*What are the defining features of the Europeanization of external actors, especially third countries and candidate countries?*" The first part of the answer offers Europeanization mechanisms. As mentioned in the previous chapter, a distinction can be made between the Europeanisation of Member States, candidate countries, potential candidates or third countries. In this regard, it is necessary to approach this in terms of mechanisms. A key concept in this area is the *conditionality* introduced by Schimmelfennig and Sedelmeier vis-à-vis external actors in the framework of Europeanisation mechanisms. It is therefore essential to proceed in this regard from the logic of consequences and the logic of appropriateness.

Within a given region, it is possible to take into account certain specificities which have their influence in the formation of mutual relations, and which have an impact on the overall form of the Europeanisation effect. Unlike the countries of Central and Eastern Europe, the countries of the Western Balkans have a more difficult position in terms of weakness and inefficiency of elites, weakness of the administrative apparatus, which is related to the departure

⁶⁵ ANASTASAKIS: *The Europeanization...*, pp. 82-83.

⁶⁶ *Ibid.*, pp. 82-84.

of large numbers of qualified citizens to the European Union. In addition, they face more EU legislation than any candidate in history, as a result of the ever-expanding areas of EU policy influence. In the case of Serbia, moreover, its relationship with Kosovo may play a role, where good neighbourly relations are one of the many conditions for membership of the Union and where limited progress has been made so far.

The dynamics and nature of the interrelationships between the actors can help to fully understand the Europeanisation of candidate and third countries. Analysis is based on analytical framework, which is presented in the following chapter and which will then be applied in the framework of illustrating the overall Europeanisation dynamics in the relationship between the Union and Serbia.

2. 5. Europeanization Impacts on Policy

Europeanization is a complex phenomenon whose effects and consequences can be observed in almost every sector monitored. Therefore, its effects cannot be clearly anticipated, and all cases must be assessed individually. It should be noted that the EU's implications for domestic policy are no longer disputed, as they occur on a daily basis in an increasing number of areas.⁶⁷ This is also evident from the development of the EU, which has been gradually expanding EC/EU competences for decades, which now has a very wide range of areas. Börzel and Risse also studied the effects of Europeanization on the domestic scene. In their analysis, they divide the typology of the effects of Europeanization into three groups based on three categories (*policy, politics and polity*)⁶⁸ which are shown in the Table 6.

Table 5: The Domestic Effect of Europeanization

Europeanization		
Processes, policies, and institutions		
Policies	Politics	Polity
standards	processes of:	political institutions
instruments	interest formation	intergovernmental relations
problem-solving approaches	interest aggregation	judicial structures
policy narratives/discourses	interest representation	public administration

⁶⁷ RISSE, T., M. G. COWLES and J. CAPORASO. Europeanization and Domestic Change: Introduction. In: COWLES, M. G., J. CAPORASO and T. RISSE (eds.). *Transforming Europe: Europeanization and Domestic Change*. New York: Cornell University Press, p. 4.

⁶⁸ BÖRZEL, T. and T. RISSE. When Europe Hits Home: Europeanization and Domestic Change. *SSRN Electronic Journal* [online]. 2000, 4(15) [viewed 17 October 2021], p. 22. Available from: https://www.researchgate.net/publication/26587764_When_Europe_Hits_Home_Europeanization_and_Domestic_Change

	public discourses	identities and many others
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Source: Börzel, Risse 2000, p. 22., edited by author

As Ailin Güney and Ali Tekin mention, policy changes as a result of Europeanization mostly focus on the issue of "(...) *how national policies are shaped by the consequences of European integration.*"⁶⁹ An integral part of this fact is the implementation of legislation according to, in this case, the European model. Implementation can be formulated as the term "(which) means to give a practical effect to, and to ensure actual fulfillment by concrete measures. (...) Implementation refers to the processes through which European norms are transposed, adhered to and enforced at the domestic level."⁷⁰ In the context of EU enlargement, this is a crucial fact, as the candidate countries must demonstrate, *inter alia*, "the ability to take on the membership obligations, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union."⁷¹

It is clear from the logic of the matter that in order for change to be detected or measured, there must be a contradiction or difference between the original state of politics, processes or institutions and the desired state to be achieved through Europeanization. The mentioned difference between the two facts was given the technical name "misfit" or "mismatch". And it is the presence and level of this element that leads to adaptive pressures on the actors and results in the expected change. However, Filipec points out that *misfit* can sometimes be overestimated, and the above-mentioned causal relationship does not necessarily apply. For example, for Member States in a very costly environmental policy, the *misfit* can be easily overcome, as the benefits of adopting European rules far outweigh. However, on issues that significantly affect national interests, identities or sovereignty, there is a reluctance to accept these changes, which can lead to various negative references to the Union.⁷² However, it should be noted that in the case of candidate countries, it is possible to detect a reluctance to implement certain policies, which can be costly for the country or affect its sovereignty. However, the room for manoeuvre in the implementation of the rules is largely limited by the fact that the country must adopt the rules and must be able to fully monitor their compliance, but without the opportunity to actively

⁶⁹ GÜNEY, A. and A. TEKIN. Introduction: A framework for Europeanization of public policies. In: GÜNEY, A. and A. TEKIN (eds.). *The Europeanization of Turkish Public Policies*. London: Routledge, 2015, p. 2.

⁷⁰ SVERDRUP, U. Implementation. In: GRAZIANO, P. and M. VINK (eds.). *Europeanization: New Research Agendas*. London: Palgrave MacMillan, 2007, p. 197.

⁷¹ EUR-Lex. Glossary of summaries: Accession Criteria (Copenhagen Criteria). *eur-lex.europa.eu* [online]. Date not specified [viewed 11 October 2021]. Available from: https://eur-lex.europa.eu/summary/glossary/accesion_criteria_copenhagen.html?locale=en

⁷² FILIPEC: *Europeizace...*, p. 36.

participate in their adoption or modification. In practice, this means that candidate countries find themselves in a difficult situation where they have to implement a much larger number of policies of various scales in a much shorter period of time than existing members in implementing new European policies.⁷³

However, in the context of Europeanization research, one can mention the problem of how to measure a given phenomenon. To this end, Radaelli has created an analytical framework, which will also be used in the present work. He then categorized the four levels of output that can be observed in the context of policy change that arises as a result of the interactions of EU rules and standards and their counterparts at national level.⁷⁴

The first of the categories is the so-called *inertia* (inactivity) describing the state of lack of change. In practice, this may occur if a country assesses that the *misfit* between the European and domestic forms is too broad and decides to make changes as slowly as possible. However, such a situation is poorly sustainable in the long run and can lead to various crises in mutual relations. However, due to long-term disinterest and the crisis, there may be room for radical change, or it may lead to the use of specific mechanisms such as *opt-outs* within EU terminology.⁷⁵

Absorption refers to a policy change that transposes European policies to the national level, but without a change that would have an impact within existing processes and institutions. In practice, this often involves the adoption of minor changes, which, while adapting to EU requirements, do not change domestic structures or political behavior. The detected change will thus be low in this case.⁷⁶

Transformation represents a complex measure of change in the whole essence, direction, and logic of politics. On the other hand, *Regression* means the opposite effect to that shown by previous models. In this case, on the contrary, less policy coherence can be observed than in the period before the Europeanisation impact.⁷⁷

Enabling the analysis of change within the given *policy* is possible only if we know the current state of convergence in the area, which we can compare with the original, state 0, which for this analysis will be the timeline of the last 20 years, when Serbia launched democratic

⁷³ HILLE, P. and Ch. KNILL. 'It's the Bureaucracy, Stupid' The implementation of the Acquis Communautaire in EU Candidate Countries, 1999-2003. *European Union Politics*. 2006, 7(4), pp. 534-535.

⁷⁴ RADAELLI: *The Europeanization...*, pp. 36-37.

⁷⁵ SAURUGGER, S. Beyond Non-Compliance with Legal Norms. In: EXADAKTYLOS, T. and C. RADAELLI. *Research Design in European Studies*. London: Palgrave MacMillan. 2012, p. 107.

⁷⁶ RADAELLI: *The Europeanization...*, p. 37.

⁷⁷ *Ibid.*, pp. 37-38.

process and when to start talking about a possible rapprochement with the European integration project.

3. Analytical Part

The accession process to the structures of the European Union is a challenging process for the candidate country. Western Balkans countries and Serbia are no exception. The country has to meet the Copenhagen criteria, including adopting and enforcing EU policies, the so-called *acquis communautaire*. It requires a sufficiently large and efficient administrative apparatus with knowledge of the implementation and *know-how*. In this regard, under the auspices of the European Commission, the Member States offer assistance to external actors within the so-called *Twinning Projects*. They can operate on many different topics, from environmental policy to energy security to migration, etc. Serbia participated in these projects at a time when it was not a candidate country and to this day has participated in dozens of such projects under various thematic areas. So, one of the main aims of this chapter is to answer the research question (RQ3): “*Within which Twinning Projects did Serbia cooperate with the Czech Republic and Austria and in what specific areas? Which Member State has been more active in this kind of mutual assistance?*” The answer to this research question will help understand this type of pre-accession assistance in the Serbian context and show how many projects Austria and the Czech Republic have cooperated with Serbia and in which areas. Then, it will be possible to test the hypothesis that Austria has been particularly active in home and justice affairs projects, which primarily address security and migration issues. These are traditional issues that Austria has long emphasized in the integration of the Western Balkans.

In the next part, the presented work will focus on analyzing the implementation of EU policy, also known as the *acquis communautaire*. However, as the accession process is a too complex topic where the analysis of the adoption of all individual policy chapters would cover the entire book publication, the thesis focuses on the selected chapter No. 27 Environment and Climate Change. Moreover, the chapter will analyze Serbia's developments in key segments, such as air quality, waste management, water protection, and quality, nature protection, and chemicals. The next aim of the chapter is to answer the research question (RQ4): “*Is there a significant Europeanisation impact in environmental and climate change policy?*” Based on the analysis of policy developments, Radaelli's theoretical framework will be applied within the groups. The answer to the fifth research question will provide the background for answering the research question (RQ5): “*How to assess the Europeanisation relationship between the European Union and Serbia on the basis of the mentioned analytical framework?*” It will provide a closer analytical insight into the dynamics of the relationship and will give a detailed insight into the level of convergence between the European Union and the Serbian partner, as

well as assessing the implementation capabilities of this candidate country, where the adoption of policies is an integral and necessary condition of membership.

The next chapter will analyze the Twinning processes between these countries. Special emphasis will subsequently be placed on those projects whose funding has come from the IPA pre-accession assistance fund since 2012, i.e., since Serbia received candidate country status. These will then be discussed in more detail. The analysis is based on the data set of political scientists Fotios Fitsilis, Aleksandra Jovanović, and Dimitrios Garantziotis,⁷⁸ who deal with the topic of Twinning projects in their articles. The data set is subsequently modified and edited by the author to match the present. The last part compares the approaches of both countries within this type of pre-accession assistance and analyzes the categories within which projects were realized.

3. 1. Twinning Project: Czech-Serbian and Austrian-Serbian Cooperation

As the EU accession process is extremely complex and demanding, the candidate countries can use several forms of pre-accession assistance during the period. However, as one of the crucial areas is adapting and enforcing EU standards and commitments, the Member States are also helping in this area. Therefore, through the so-called Twinning projects, the Member States, under the auspices of the European Commission, communicate know-how or how to strengthen the administrative apparatus, which directly impacts the country's ability to adapt the EU *acquis*. Cooperation in Twinning projects can be realized in many different ways in many specific areas. The following chapter explains in which specific Twinning projects Serbia cooperated with the Czech Republic and Austria, where the emphasis is placed primarily on the period after receiving candidate country status. However, Twinning projects cooperation is not the privilege of candidate countries, and even associated countries within the European Neighbourhood Policy project can participate. The partial aim of this subchapter will be to answer the research question (RQ3): “*Within which Twinning Projects did Serbia cooperate with the Czech Republic and Austria and in what specific areas? Which Member State has been more active in this kind of mutual assistance?*” This part will help present pre-accession assistance in Serbia and cooperation with two Member States in this type of assistance. At the same time, the hypothesis, whether the Austrian involvement and its emphasis on the security and migration dimension towards the Western Balkans region, which was stated in the Austrian-Serbian Cooperation Action Plans as well, is reflected in some way within the

⁷⁸ FITSILIS, F., A. JOVANOVIĆ and D. GARANTZIOTIS. EU Twinning projects in Serbia data set. *figshare.com* [online]. 13 September 2019 [viewed 2 October 2021]. Available from: https://figshare.com/articles/dataset/EU_Twinning_projects_in_Serbia_data_set/9816806

Twinning projects, i.e., whether topics with a security dimension dominate in cooperation between Serbia and Austria, will be tested.

3. 1. 1. Czech-Serbian Cooperation

The Czech Republic joined the European Union within the first wave of the so-called Eastern Enlargement in 2004. The Czechia is a long-time supporter of EU closer integration with the countries of the Western Balkans, and the case of Serbia is not an exception. Even before Serbia officially submitted the EU membership application, Czech officials presented this position. But with an emphasis that it is still necessary to evaluate each country in the region on the basis of an individual approach with an emphasis on compliance with the accession conditions. Serbian integration into the Union's structures is a strategic issue for the Central European region, and, in this regard, Czech President Milos Zeman said during the Visegrad talks in October 2019: “I am glad that we, the presidents of Visegrad countries, have supported the integration of Serbia into the European Union.”⁷⁹ Former Czech Foreign Minister Tomáš Petříček also expressed a similar kind of support, emphasizing the need for a European perspective for the Western Balkans, accelerating EU enlargement and the Czech Republic's determination to help Serbia within the process.⁸⁰ The importance of the EU enlargement topic and Serbia is also highlighted by the fact that this issue should be one of the main ones during the Czech presidency to the Council of the EU, where one of the priorities should be to set the exact date of Serbian and Montenegro's accession to the Union.⁸¹

A total number of 87 projects were announced, but not all of them were finally realized. As part of the Twinning cooperation with Serbia, the Czech Republic has participated in six cases and three times since the specified period. The first project in the period under analysis is *the Strengthening Capacities of National Quality Infrastructure (NQI) and Conformity Assessment (CA) Services in the Republic of Serbia project* in 2015. Only the Czech Republic, as the project leader, and Serbia, as a partner, participated in it. The main goal was to help harmonize national legislation with EU legislation in terms of technical requirements for products such as children's toys or cosmetics. Strengthen the administrative capacity so that it

⁷⁹ Seznam Zprávy. Jednomyslný souhlas. Hlavy států V4 chtějí Srbsko v Evropské unii. *seznamzpravy.cz* [online]. 3 October 2019 [viewed 15 October 2021]. Available from: <https://www.seznamzpravy.cz/clanek/zive-hlavy-statu-v4-se-sesly-na-zamku-v-lanech-debatovaly-o-rozsireni-evropske-unie-80042>

⁸⁰ Novinky. Česko chce rychlejší rozšiřování EU, řekl podle médií Petříček v Bělehradě. *novinky.cz* [online]. 30. March 2021 [viewed 15 October 2021]. Available from: <https://www.novinky.cz/zahranicni/evropa/clanek/cesko-chce-rychlejsi-rozsirovani-eu-rekl-podle-medii-petricek-v-belehrade-40355579>

⁸¹ Lidovky. České předsednictví EU by mohlo pomoci Srbsku a Černé Hoře, řekl Kulháněk. Ve volbách kandidovat nechce. *lidovky.cz* [online]. 27 June 2021 [viewed 15 October 2021]. Available from: https://www.lidovky.cz/domov/kulhanek-ma-za-jednu-z-priorit-predsednictvi-v-eu-rozsireni-o-zapadni-balkan.A210627_072030_in_domov_lihem

will be able to control the quality and safety of such products and unify the product conformity assessment process in line with the European. This progress should subsequently result in improvement in the competitiveness abilities of Serbian companies within the EU market.⁸² Moreover, easier market access was declared by the Serbian officials as a huge opportunity for this project because it is one of the long-term strategic goals of the Serbian government, even though 75% of the technical rules were harmonized before the project started.⁸³

This was followed in 2017 by the *Further Capacity building in the area of Plant Protection Products and Pesticide Residues in the Republic of Serbia project*, which is related to the agricultural sector. The Czech Republic participated with the United Kingdom in order to streamline and train the administrative apparatus in Serbia, as well as to prepare the local authorities for the harmonization of legislation in the field of plant protection products.⁸⁴ The result of the mutual cooperation was positively evaluated by the Serbian agents. All the original goals were achieved. Additionally, a system of registration and regulation of pesticides, which fully complies with EU standards, was created.⁸⁵

The last project with Czech participation in the period under review is *Support and improvement of occupational safety and health and labour inspection in the Republic of Serbia project*, which took place between 2019 and 2021 and in which the Czech Republic cooperated with Slovakia. During the project, the capacity of control of the Serbian Labour Inspectorate was strengthened, and the relevant administrative apparatus was trained. At last but not least, senior training units were created, which will then provide the *know-how* to control bodies on lower administrative levels. It also included the creation of a strategic plan to sustain the results achieved during the project.⁸⁶

As part of pre-accession assistance to Serbia, the Czech Republic participated in a total of six projects, half of which are based on the period covered by projects financed from the IPA

⁸² Velvyslanectví České republiky v Bělehradě. Slavnostní zahájení twinningového projektu v oblasti infrastruktury kvality. *mzv.cz* [online]. 23 October 2015 [viewed 14 October 2021]. Available from: https://www.mzv.cz/belgrade/cz/obchod_a_ekonomika/slavnostni_zahajeni_twinningoveho.html

⁸³ EU in Serbia. EU Support for Capacity Strengthening within Quality Infrastructure System. *europa.rs* [online]. 22 October 2015 [viewed 15 October 2021]. Available from: <https://europa.rs/eu-support-for-capacity-strengthening-within-quality-infrastructure-system/?lang=en>

⁸⁴ SVOBODA, P. V Srbsku byl slavnostně zahájen twinningový projekt. *mzv.cz* [online]. 25 May 2017 [viewed 14 October 2021]. Available from: https://www.mzv.cz/belgrade/cz/obchod_a_ekonomika/slavnostne_zahajeni_twinningovy_projekt.html

⁸⁵ Sektor za ugovaranje i finansiranje programa iz sredstava Evropske unije. Uspešno završen projekat "Jačanje kapaciteta u oblasti sredstava za zaštitu bilja i rezidua pesticida u Republici Srbiji". *cfcu.gov.rs* [online]. 22 October 2018 [viewed 14 October 2021]. Available from: <http://www.cfcu.gov.rs/vest.php?id=496>

⁸⁶ Velvyslanectví České republiky v Bělehradě. Česká účast v twinningovém projektu v oblasti inspekce práce. *mzv.cz* [online]. 10 June 2021 [viewed 14 October 2021]. Available from: https://www.mzv.cz/belgrade/cz/informace/ceska_ucast_v_twinningovem_projektu_v.html

2012 pre-accession fund and newer. In terms of categorization, Czechia participated in various topics, where only the field of Justice and Home Affairs was represented more than one time. Environment, Competitiveness, Agriculture, and Health Protection were the areas where the Czech Republic implemented its assistance only one time. With a total of six participations, Czechia remains among the countries with a smaller number of mutual cooperation. This, moreover, contradicts the often-declared Czech effort to integrate Serbia into the Union and the effort for pre-accession assistance within integration structures.

3. 1. 2. Austrian-Serbian Cooperation

Just a few EU countries have such historical and geographical connections with the Western Balkans region as Austria. For Austria, this region is one key issue in its foreign policy.⁸⁷ Moreover, the former Austrian Chancellor Sebastian Kurz even said in the context of Western Balkans as part of the Union: "*The EU will not be complete until all the countries of the Western Balkans have acceded. The Western Balkans is a region in the immediate vicinity of Austria, with which we are very closely linked in terms of economics, politics, and culture. Therefore, we are very interested in stability in the Western Balkans.*"⁸⁸ In terms of trade, Austria is one of the most solidary countries in the case of foreign investment. According to Serbia's Development Agency (RAS) data from 2021, Austria was fourth in terms of the amount invested and third in terms of the number of projects in which it was involved. In terms of total spending, Austria is thus more active than the United States and even more than China.⁸⁹ The possibility of EU membership provides incentives for those states to continue their transformation processes leading to the stability of the whole region, as well as respect for democratic principles and human rights. Additionally, these are crucial fundamentals of the European integration process and are an integral part of EU standards.

Since receiving candidate status in March 2012, Serbia has cooperated in a total of 35 Twinning projects, of which Austria has participated in 12 cases. The very first one, *the Creation of a monitoring, reporting and verifying system for the successful implementation of the EU Emissions Trading Scheme project*, was related to the environment, i.e., a category that

⁸⁷ ALGIERI, F. Austria. In: BALFOUR, R. and C. STRALUTAT (eds.). *EU member states and enlargement towards the Balkans*, 2015, p. 93.

⁸⁸ Bundeskanzleramt. Bundeskanzler Kurz: Österreich bleibt ein engagierter Unterstützer des Westbalkans und seiner Zukunft innerhalb der EU. *bundeskanzleramt.gv.at* [online]. 5 July 2021 [4 November 2021]. Available from: <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2021/07/bundeskanzler-kurz-oesterreich-bleibt-ein-engagierter-unterstuetzer-des-westbalkans-und-seiner-zukunft-innerhalb-der-eu.html>

⁸⁹ Razvojna agencija Srbije. Počev od 2007. godine, Srbija je privukla preko 34 milijarde evra stranih direktnih investicija. *ras.gov.rs* [online]. Date not specified [5 November 2021]. Available from: <https://ras.gov.rs/podrska-investitorima/zasto-srbija/uspesne-price>

is significantly challenging in the accession process. In this case, Austria cooperated mainly with France and Germany. As part of this project, which was realized between 2013 and 2015, the main goal was to strengthen the administrative and institutional capacity to implement an emission reduction system that can effectively help with the implementation of Directive 2009/29/EC on Emissions Trading.⁹⁰

The second was an eight-month agriculture project *Assistance to the Managing Authority of the Serbian MAEP in the negotiation and accreditation of the IPARD 2014-2020 Program*. The aim of the plan was to strengthen administrative structures and prepare Serbia for the implementation of Common Agricultural Policy, in line with the effective use of IPARD pre-accession assistance.⁹¹ The result of this project was the creation of a plan that would allow the Serbian authorities to operate effectively under the IPARD fund.⁹²

Environmental project *Improvement of hazardous waste management in the Republic of Serbia - IHWMS* from 2015, in which Serbia cooperated with Germany and Austria in the case of hazardous waste management, especially its collection, transport, and disposal infrastructure issues. As a part of the project, training programs for government and local government officials were formulated. Representatives of industry or civil society also took part within the meeting. It also included the organization of several seminars and 12 workshops in Serbia. Representatives of the member states prepared particular analyses of the current Serbian legislation and analyzed possible future improvements. The project also included the future training of a Serbian administrative apparatus in Germany and Austria to enhance the issue knowledge. The final result of this cooperation was the formulation of a concrete draft law, which guaranteed full harmonization with the EU acquis in this specific area and the creation of the strategic plan for the management of specific hazardous waste substances.⁹³ In this regard, Austria participated in another environmental project together with Slovenia. *Further Development of Chemicals and Biocides Management in the Republic of Serbia* project aimed

⁹⁰ Srbija i klimatske promene. Creation of a monitoring, reporting and verification system for the successful implementation of the EU Emissions Trading System (EU ETS) in the Republic of Serbia. *Klimatskepromene.rs* [online]. Date not specified [viewed 11 October 2021]. Available from: <https://www.klimatskepromene.rs/en/projects/eu-ets-project/>

⁹¹ Agrarmarkt Austria. Serbia: Summary Sheet. *ama.at* [online]. Date not specified [viewed 22 October 2021]. Available from: <https://www.ama.at/Allgemein/International-Cooperation/News/Twinning-Light-Project-Serbia-Closing-Meeting>

⁹² Agrarmarkt Austria. Twinning Light Project Serbia – Closing Meeting. *ama.at* [online]. 7. December 2015 [viewed 22 October 2021]. Available from: <https://www.ama.at/Allgemein/International-Cooperation/News/Twinning-Light-Project-Serbia-Closing-Meeting>

⁹³ Sektor za ugovaranje i finansiranje programa iz sredstava Evropske unije. Unapredjenje upravljanja opasnim otpadom u Republici Srbiji. *cfcu.gov.rs* [online]. 30 May 2017 [viewed 28 October 2021]. Available from: <http://www.cfcu.gov.rs/vest.php?id=400>

primarily at improving the chemicals and biocides management in Serbia. Partially, it provided regular training of the administrative apparatus, which resulted in the easier and more effective adoption of the relevant EU legislation.⁹⁴ At the same time, leaders introduced a concrete plan for effective funding during the implementation process of REACH Regulation.⁹⁵

The mutual cooperation authorized *Support to the advancement of human rights and zero tolerance to discrimination in Serbia project* related to the category home and justice affairs. In this case, leaders were representatives of Austria and Slovenia. The aim of the project was to provide documents for the preparation of an *Action Plan for the fulfilment of the commitment under Accession Chapter No. 23*. Special focus was given to the area of promoting basic human rights, tolerance, rights of socially vulnerable groups and minorities.⁹⁶ The Austrian-Slovenian team also strengthened the capacity of the Serbian administrative apparatus by ensuring the adoption of an effective monitoring system to handle this form of discrimination within 20 local administrative units. Additionally, another success was a de facto administrative assistance with the implementation of the Action Plan and increased efficiency at the local levels.⁹⁷

The main goal of *the Strengthening Capacities project for the implementation and further development of the legislative framework in the field of organic production and food policy project* was to face new challenges in the agriculture sector. The whole project was coordinated by Italian, French, and Austrian agents. Another object was to strengthen administrative apparatus, especially veterinary, phytosanitary, and agriculture inspection officials who have competence in the field of food quality. Subsequently, the partial goal was to create a comprehensive catalogue of products with Serbian geographical indications.⁹⁸ At the end project, two separate catalogues with Serbian geographical indications of origin were introduced. The first, *Authentic Serbia*, covers agricultural and food products, in particular

⁹⁴ EU in Serbia. EU Support for Environmental Protection. *europa.rs* [online]. 15. December 2015 [viewed 11 November 2021]. Available from: <https://europa.rs/eu-support-for-environmental-protection/?lang=en>

⁹⁵ Welcomeurope. IPA II – Twinning – Further development of chemicals and biocides products management in the Republic of Serbia – 2014. *welcomeurope.com* [online]. Date not specified [viewed 24 October 2021]. Available from: <https://www.welcomeurope.com/en/calls-projects/ipa-ii-twinning-further-development-of-chemicals-and-biocides-products-management-in-the-republic-of-serbia-2014/>

⁹⁶ Sektor za ugovaranje i finansiranje programa iz sredstava Evropske unije. Pocetak EU tvining projekta "Podrska unapredjenju ljudskih prava i nulta tolerancija za diskriminaciju". *cfcu.gov.rs* [online]. 10 October 2015 [viewed 22 October 2021]. Available from: <http://www.cfcu.gov.rs/vest.php?id=324>

⁹⁷ Ludwig Boltzmann Institute: Fundamental and Human Rights. Closing event of the EU Twinning project on anti-discrimination in Serbia. *bim.lbg.ac.at* [online]. Date not specified [22 October 2021]. Available from: <https://bim.lbg.ac.at/en/story/news/closing-event-eu-twinning-project-anti-discrimination-serbia>

⁹⁸ Sektor za ugovaranje i finansiranje programa iz sredstava Evropske unije. Tvining projekat u oblasti organske proizvodnje i kvaliteta hrane. *cfcu.gov.rs* [online]. 26 April 2018 [viewed 20. October 2021]. Available from: <http://www.cfcu.gov.rs/vest.php?id=472>

specific types of fruit, vegetables, cheeses, cold cuts, or honey. While the second, *Wine Treasure of Serbia*, concerns the sale of wine. Products are divided into eight categories based on the locality where it comes from. At the same time, several amendments to food quality laws were created to help Serbia become more in line with the EU standards.⁹⁹ In this way, Serbia is trying to adapt to modern trends in the food industry, where regional production is being promoted, and is trying to meet EU standards and increase the popularity of local foods in the EU market.

The project in line with Austria's interests in the Region, according to the mentioned mutual relations strategy, started in September 2018. Austria and Slovenia participated with Serbia in the project *Supporting the Strengthening of the Struggle against Trafficking in Human Beings*. In addition to improving the institutional framework, the administrative apparatus has been strengthened by increasing the capacity of the criminal police.¹⁰⁰ The general aim of the project was to harmonize Serbian policies with the EU model. This is a necessary detail in the accession process. At the same time, leaders provided a detailed analysis of this type of crime with practical examples of its form on the domestic scene.

The unsatisfactory situation in the field of water protection was analyzed by the Support to Policy Planning in Water Management Sector project, in which representatives of Austria, Germany, and the Netherlands have been participating with Serbia since April 2019. The main goal was to improve water quality standards to a level similar to EU Framework Directive, and strengthen specific institutions. Generally, this project was one of the most expensive, with allocated funds of 1.5 million euro.¹⁰¹ A partial goal was to create the River Basin Management Plan for the period 2021-2027. As a result, the ecological standards of the river, which are already regulated at the Member State level, should be reached in the future. Consequently, other rivers in Serbia will be analyzed as well.¹⁰² Cooperation in this category is a significant opportunity for Serbia. The area of water quality is an extremely administratively,

⁹⁹ Ekapija. Uskoro moguća registracija proizvoda - Završen tvining projekat u oblasti organske proizvodnje. *ekapija.com* [online]. 3 February 2021 [viewed 18 October 2021]. Available from: <https://www.ekapija.com/news/3163168/uskoro-moguca-registracija-proizvoda-završen-tvining-projekat-u-oblasti-organske-proizvodnje>

¹⁰⁰ Sektor za ugovaranje i finansiranje programa iz sredstava Evropske unije. Svečana ceremonija otvaranja twinning projekta "Podrška jačanju borbe protiv trgovine ljudima". *cfcu.gov.rs*, 28 September 2018 [viewed 22 October 2021]. Available from: <http://www.cfcu.gov.rs/vest.php?id=493>

¹⁰¹ Ministarstvo poljoprivrede, šumarstva i vodoprivrede. Tvinning projekat za poboljšanje standarda kvaliteta vode u Srbiji. *minpolj.gov.rs* [online]. 11 April 2019 [viewed 14 October 2021]. Available from: <http://www.minpolj.gov.rs/tvining-projekat-za-poboljšanje-standarda-kvaliteta-vode-u-srbiji/?script=lat>

¹⁰² Support to policy planning in water management sector. Field trip within the EU Twinning Project "Support to policy planning in water management sector". *wfd-serbia.eu* [online]. Date not specified [viewed 14 October 2021]. Available from: <http://wfd-serbia.eu/2019/09/11/field-trip-within-the-eu-twinning-project-support-to-policy-planning-in-water-management-sector/>

infrastructurally, and financially demanding part of Chapter 27. Assistance from member states whose standards in this area are very high is a significant opportunity for Serbia in terms of further development.

Another project related to the JHA category, which addressed the issue of national security cooperation at the EU level, was led by Austria and Slovenia with the name *Support the preparation for establishing the "Supplementary Information Request at the National Entries" (SIRENE) Bureau in Serbia*. The object was to establish police meetings on a regular basis to exchange information between Serbia and the Member States security actors for reasons of preventive security.¹⁰³

3. 1. 3. Assessment of Czech and Austrian Twinning Participations

As has been mentioned above, the accession process to the EU is a very difficult task for both the Union and the candidate actor. That's why accession countries can use various forms of pre-accession support, which can facilitate the process as a whole. In addition to financial forms of assistance, there is also a variant of support to strengthen administrative apparatus, which has a direct impact on a country's implementation ability. One of these forms is so-called Twinning Projects. The previous chapter focused on Czech and Austrian twinning pre-accession assistance to Serbia. And, based on the analysis above, this chapter will try to answer the research question (RQ3) "*Within which Twinning Projects did Serbia cooperate with the Czech Republic and Austria and in what specific areas? Which Member State has been more active in this kind of mutual assistance?*"

The Czech Republic participated in six projects in five different categories, which corresponds to a representation of only 6.9%¹⁰⁴ of all projects. Two of them are categorized in *justice and home affairs* subgroup. On the one hand, this number of cases means that the Czech Republic is a country with rather lower participation. On the other, and in the context of countries that joined the EU during the East Enlargement, Czechia is the second most participated country within Twinning Projects in Serbia.¹⁰⁵ The position of the most active actor, from the new member states, is held by Slovenia which participated in 12 projects. The Slovenian case could be the subject of further research. It is impossible to presume limited specialization in thematic areas within which cooperation was established, as Slovenia has been largely involved in all categories of Twinning Projects. A possible explanation could be Slovenia's administrative skills or linguistic similarity, which facilitates mutual cooperation.

¹⁰³ ANNEX C1: Twinning Fiche no. EuropeAid/165970/DD/ACT/RS, p. 2.

¹⁰⁴ The analysis shows the final numbers rounded to one decimal place.

¹⁰⁵ Same as Slovakia and Hungary.

In the Austrian case, it is obvious that the country tried to play a very active role in pre-accession assistance within the Twinning Projects when it realized its efforts in 21 individual projects out of a total of 87, i.e., in 24.1% of projects. Such a frequency makes Austria the most active Member State in terms of this type of support. The second highest participation was analyzed in Germany, which engaged in 19.5% of projects. In terms of cross-sectoral cooperation, of the 21 projects in which Austria participated, the highest contribution was in the environment, i. e., nine cases, which means that almost 43% of all projects in which Austria participated were in the field of the environment. The interesting point is that it represents 60% of all projects in this area because the total number of environmental-related projects is 15 to this day. Another frequent participation has been analyzed in the area of justice and home affairs (JHA), which covers security issues like migration as well. Austria has participated in six JHA-related projects, representing 28.6% of all Austrian activities. The third most participated category was agriculture, where Austria cooperated in five projects out of 19, which represents 26.3%. Therefore, the original hypothesis, which assumed a higher involvement of Austrian representatives in JHA projects, cannot be confirmed. One of the reasons for this could be the high participation of Austrian representatives in the field of environmental assistance, due to the fact that Austria is one of the leaders of EU environmental policy, and its administrative apparatus and know-how is possibly expected to be in this area as well. Serbia still has shortcomings in this area, due to insufficient funding. So, it is thus obvious that most of the cooperation focuses primarily on strengthening administrative capacities (in various forms of workshops or training programs, etc.) which should have contributed to increasing the efficiency of the Serbian state administration. Serbia still has shortcomings in this area, due to insufficient funding. So, it is thus obvious that most of the cooperation focuses primarily on strengthening administrative capacities (in various forms of workshops or training programs, etc.) which should have contributed to increasing the efficiency of the Serbian state administration. From long term strategy, it can help solve the necessary tasks for implementation and harmonization of EU rules and get the national law in line with the European. The projects sought to reflect the shortage of environmental policy officials primarily through revisions to funding plans and strategies. At the same time, foreign officials formulated concrete plans to implement EU norms and standards, thus helping the congested Serbian administration.

Based on the analysis above, it is obvious that Austria has been a much more active player in pre-accession assistance in the form of Twinning Projects. However, not only in comparison to the Czech Republic, but to all member states, as Austria generally had the highest

percentage of projects participation. A possible explanation lies in the strategic interest, as Austria often declares the importance of the Western Balkans region. However, it did not confirm the original hypothesis. Austrian officials have cooperated the most in the field of the environment and the strongly emphasized topic of the JHA was not so frequent when it comes number of projects involved. However, the role of the Czech Republic should be stressed. Apart from Slovenia, none of the "new" Member States have participated in so many projects. It reflects a certain level of administrative sophistication in some areas and the efforts of Czech officials to help candidate countries during the accession process.

3. 2. Environmental Policy of the European Union

Environmental policy is currently one of the priorities of the European integration project, and the Union usually represents a normative ideal in this area, often followed even by geographically distant actors. But it has changed over time. EU environmental policy has undergone a dramatic, very dynamic, and surprising development. This is evidenced by the constant increase in EU environmental legislation over the years. While in 1957, there were only several regulations and directives related to this subject. Nevertheless, in 2014, it consisted of more than 240 regulations and 250 directives. As the number of adopted legal acts increased, their broadness and ambitions increased as well. The initial treaties, which set the beginnings of the integration process, did not mention environmental issues at all, and the EC/EU did not have any powers in this field. But the fact is, however, some legal standards with an environmental impact have already been adopted at the beginning of the European integration process. So, it would not be correct to say that the environment was not concerned at that time. But their environmental impact was rather a secondary aspect that followed the main goal of creating a common market.¹⁰⁶ Above that, no institutional framework or resources in this area were envisaged.¹⁰⁷ The beginning of the 1970s became crucial as this topic became one of the main ones in the public debate. The Stockholm Conference in 1972 meant significant change as these topics were discussed at the international level for the first time. As a consequence, mutual declaration highlighting serious environmental issues, together with the establishment of the "United Nations Environment Program", were adopted. A significant change at the EU level developed in October of the same year when the Paris European Council took place.¹⁰⁸

¹⁰⁶ DELREUX, T. and S. HAPPAERTS. *Environmental Policy and Politics in the European Union*. London: Palgrave MacMillan, 2016, pp. 12-15.

¹⁰⁷ KOLÁŘOVÁ, H. Co je a kde se vzala evropská politika životního prostředí. *czp.cuni.cz* [online]. Date not specified [viewed 10 October 2021]. Available from: https://www.czp.cuni.cz/en/wikidata/hk/Evropska_politika_ZP.pdf

¹⁰⁸ At that time, still in a rotating mode, when the presidency was held by the state, which also chaired the Council of the EU.

Here, the leaders of the Member States expressed a desire to coordinate environmental actions and called on the Community institutions to set up an Environmental Action Program (EAP) with specific plans.¹⁰⁹ It contained several non-binding specific plans and goals to improve the unsatisfactory environmental situation. The ideas were subsequently harmonized into concrete form in the 1980s when 15 directives in water, waste, and air protection were introduced.¹¹⁰

Another milestone in the development was the adoption of the Single European Act (SEA) in 1987. It identified the main environmental issues as one of the formal objectives of the EC and set its legal basis.¹¹¹ The SEA has set comprehensive environmental objectives for the EC. Another significant point was a provision stating that environmental protection requirements will be part of other Community policies. Suddenly, the policy started to operate with legitimacy that never had before. Another significant change set by the SEA introduces the possibility of qualified majority voting (QMV) in the Council in areas related to the internal market. Within most environmental policies, a unanimous decision-making system still prevailed, but in some circumstances, the procedure allowed the application of QMV. It happened, for example, with the adoption of cars emission standards.¹¹² The Maastricht Treaty introduced further significant development, introducing the term "sustainable growth" within the Treaties. This concept was introduced in 1987 by the Brundtland Commission in its article *Our Common Future*.¹¹³ In addition to providing an institutional framework, the Union has gained extra powers in many areas, for example, in a new field of economic and monetary union, provisions of European civil rights, education, culture, or the environment. At the same time, however, the Maastricht Treaty introduced the so-called co-decision method, which effectively strengthened the role of the European Parliament.¹¹⁴ The co-decision method has been recently used whenever the so-called harmonization article has been applied. However, QMV with the Council and the Parliament's equal status became the standard voting system in all environmental issues. The reduced interest in a coordinated environmental policy was

¹⁰⁹ CVCE. Statement from the Paris Summit (19 to 21 October 1972). *cvce.eu* [online]. 18 December 2013 [viewed 17 October 2021]. Available from: https://www.cvce.eu/content/publication/1999/1/1/b1dd3d57-5f31-4796-85c3-cfd2210d6901/publishable_en.pdf

¹¹⁰ CONNAUGHTON, B. *The implementation of environmental policy in Ireland: Lessons from translating EU directives into action*. Manchester: Manchester University Press, 2019, pp. 50-51.

¹¹¹ KOLÁŘOVÁ, H. Co je a kde se vzala evropská politika životního prostředí. *czp.cuni.cz* [online]. Date not specified [viewed 10 October 2021]. Available from: https://www.czp.cuni.cz/en/wikidata/hk/Evropska_politika_ZP.pdf

¹¹² HAIGH, N. *EU Environmental Policy: Its journey to centre stage*. Oxfordshire: Taylor and Francis, 2015, pp. 38-39.

¹¹³ BÄR, S. and A. KRAEMER. European Environmental Policy After Amsterdam. *Journal of Environmental Law*. 1998, 10(2), p. 316.

¹¹⁴ KNILL, Ch. and D. LIEFFERINK. The establishment of EU environmental policy. In: JORDAN, A. and V. GRAVEY (eds.). *Environmental Policy in the EU*, 2021, pp. 24-26.

particularly noticeable in the first half of the 1990s when legislative adoption was significantly declining. Thus, as a main legislative initiator, the Commission tended to promote self-regulation, free access to information, and an incentive system. A significant change happened with the enlargement of the Union to Austria, Sweden, and Finland, which caused a shift in the balance of power within the Council and gave a new impetus to adopting new legislation.¹¹⁵ The Amsterdam Treaty did not set much modification to the environment but has extended the integration objectives of this policy to other areas and extended the ranges of co-decision. Moreover, at the Swedish request, the term "sustainable development" was included in the agreement, which expresses the extended effort for the environmental dimension of the new agreement.¹¹⁶ However, since the Amsterdam Treaty, there has been a significant shift in the Commission's approach to environmental policy. The number of measures taken has stopped increasing, and the Commission has rather begun to push for a dialogue approach. As a result, the number of action plans, green or white papers adopted has increased.¹¹⁷

3. 3. Europeanization Impacts on Serbian Environmental Policy

The following chapter analyses the development of Serbian environmental policy in the context of the adoption of the *acquis*, which implementation is one of the crucial elements during the accession process. Special focus is given to the period after the disintegration of the State Union of Serbia and Montenegro, i. e., which led to the establishment of the Serbian new state entity. The analysis is divided into several separates' categories, especially Air Quality, Waste Management, Water Protection, Nature Protection, and Chemicals. Based on the findings, Radaelli's matrix, introduced in the previous chapters and which operates as an analytical framework in this case, is then applied to every category to evaluate Europeanization's effects. Subsequently, the aim of following chapters is to answer on the research question (RQ4) "*Is there a significant Europeanisation impact in environmental and climate change policy?*" The answer to this research question will thus provide a comprehensive response to the Europeanization process in Serbia and its implications, which are analyzed in the field of environmental policy.

Like in other countries of the former Eastern bloc, the Serbian environment has suffered severely from the consequences of heavy industrialization combined with the reckless and uneconomical treatment and use of natural resources. In addition, after the events in the 1990s

¹¹⁵ DETERS, H. European environmental policy at 50: Five decades of escaping decision traps? *Environmental Policy and Governance*, 2019, 29(5), pp. 319-320.

¹¹⁶ MAHMOUDI, Said. Protection of the European Environment after the Amsterdam Treaty. *scandinavianlaw.se* [online]. Date not specified [14 October], p. 124 s. Available from: <https://scandinavianlaw.se/pdf/39-8.pdf>

¹¹⁷ MCCORMICK, J. *Environmental Policy in the European Union*. New York: Palgrave, 2001, pp. 62-65.

and subsequent transformation, an economic recession halted possible significant investment in the environment.¹¹⁸ The legal framework for environmental policy is already outlined in the Serbian Constitution¹¹⁹ in the Article 47, where it is explicitly stated that: “*Everyone shall have the right to healthy environment and the right to timely and full information about the state of environment. Everyone, especially the Republic of Serbia and autonomous provinces, shall be accountable for the protection of environment. Everyone shall be obliged to preserve and improve the environment.*”¹²⁰ A significant milestone, not only in the field of the environment, in the relationship between Serbia and the European Union, was the end of Slobodan Milosević in the office of Serbian President and his replacement by Vojislav Koštunica, which European leaders welcomed.

Serbia established the institutional basis for future environmental cooperation in 2004 when the Ministry of Environmental Protection (MEP) founded the Environmental Protection Agency (EPA) to create and manage a national environmental information system, as well as analyze thematic data, and create strategies for implementing environmental standards in line with close cooperation with the European Environmental Agency (EEA) and the European Environment Information and Observation Network (EIONET). However, the EPA's abilities were very limited by the low resources allocated to its administration, with only 22 employees. The real functionality was thus significantly limited.¹²¹ In October 2004, the Serbian parliamentary document mentioned the need to harmonize EU environmental rules and standards as an integral part of the EU accession process for the first time.¹²² The first plan of environmental harmonization with *acquis* was introduced in the National Environmental Strategy (NES) in 2006. It envisages a two-phase reform of Serbia's environmental policy. The NES is based on the fact that Serbia aims to become part of the European Union, and therefore, harmonization with the *acquis* is a matter of top priority. The Strategy includes significant institutional and administrative strengthening, especially in establishing the Ministry of Environmental Protection (MEP) and the strengthening of the EPA.¹²³ The actual process of bringing Serbia closer to EU environmental standards subsequently began in 2009, when

¹¹⁸ Environmental Economics Unit: Göteborg University. Serbia Environmental and Climate Impact Analysis. *bgcentar.org.rs* [online]. 29 February 2008 [viewed 10 October 2021]. Available from <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/12/Environmental-policy-brief-Serbia.pdf>

¹¹⁹ The Serbian Constitution of 2006, which was adopted as a result of the disintegration of the then state entity Serbia and Montenegro.

¹²⁰ Act No. 98/2006, Constitution of The Republic of Serbia, as amended.

¹²¹ United Nations: Environmental Performance Reviews: Republic of Serbia n. ECE/CEP/143 from 2007 (exact date not specified), p. 22.

¹²² National Environmental Approximation Strategy for the Republic of Serbia from December 2011, p. 20.

¹²³ National Environmental Strategy. *asser.nl* [online]. 2006 [viewed 10 October 2021]. Available from: https://www.asser.nl/media/2271/cms_eel_id109_1_neap-eng.pdf

Belgrade introduced a package of *so-called* green laws, consisting of 16 rules and an amendment to the existing Law on Environmental Protection. In addition, in 2010, the National Program for Environmental Protection (NPEP) was adopted as part of establishing the institutional framework in the field of the environment. In the *Commission Opinion on Serbia's application for membership* from 2011 states in the fields of environment and climate change that “(...) *further coordinated and sustained efforts will be needed to align with the EU acquis and to implement it effectively. These should include substantial investments and strengthening of the administrative capacity. (...) Full compliance with the acquis could be achieved only in the long term.*”¹²⁴ According to the statement, it is evident that, despite the efforts made by the Serbian party in the post-transformation period, the current situation did not even indicate that this task could be fulfilled in the short term period.

The environmental impacts of planned or ongoing projects are carried out under the Environmental Impact Assessment (EIA) mechanism. Among other things, it examines the alternative options how to reduce the impacts that could negatively affect the environment within the project. This evaluation system began to take shape in the 1960s when the public's increased interest in the environmental field. In the EU, these mechanisms were implemented through the Environmental Impact Assessment Directive, which was introduced in 1985 and subsequently amended several times. A total of three amendments were codified finalized by Directive 2011/92/EU, which was last amended in 2014. To sum up, the proposer of a project must provide information on the project's environmental impact. Both the environmental authorities and the public must be informed and consulted during the process. If the public is not sufficient with the decision, then it can challenge it in a court.¹²⁵ In Serbia, complete harmonization and effectiveness in this area of public control are currently hampered by several factors. The main one is the inadequate administrative structure, especially at the local levels, where there is a lack of trained staff to carry out high-quality environmental impact studies and who face high pressure from investors and politicians.¹²⁶

Closely related is the topic of data access in the environmental field, which is addressed at the EU level primarily by Directive 2003/04/EC, which has been fully transposed through the 2016 Law on Environmental Protection (OGRS, No. 014/2016). However, a long-standing

¹²⁴ Commission Opinion on Serbia's application for membership of the European Union n. COM (2011) 668 from 12 October 2011, p. 11.

¹²⁵ European Commission. Environmental Impact Assessment – EIA. *ec.europa.eu* [online]. Date not specified [viewed 10 November 2021]. Available from: <https://ec.europa.eu/environment/eia/eia-legalcontext.htm>

¹²⁶ Koalicija 27. Serbia on the Road to EU Accession: Securing Ambition for Chapter 27. *koalicija27.org* [online]. Date not specified [viewed 17 October 2021]. Available from: <https://www.koalicija27.org/tematske-oblasti/>

problem is the persistent lack of data quality and free access, even though Article 74 of the Constitution mentions the right of every citizen to environmental information. Nevertheless, from the public opinion data, it is clear that little attention has been paid to this issue by citizens. However, there has been a marked increase in focus in recent years, as there has been a visible deterioration of the air situation, especially in large cities and industrial areas. However, published data outputs are often skewed, non-transparent, or published with considerable delay. The delayed publications and the weak position of EPA are preventing the complete harmonization of this directive. However, the issue of data is a more complex matter, and it also reflects, among other things, the insufficient administrative capacity of workplaces at the national or local level and insufficient long-term funding.¹²⁷

At present, European environmental policy is made up of more than 200 major legal acts.¹²⁸ According to the EU screening report, Serbia stated that implementation difficulties could be expected in some areas within the chapter, mainly due to its high costs. Nevertheless, Serbian officials said that the administrative and institutional apparatus is ready. However, more investments in this area will be needed, especially from external sources.¹²⁹

3.3.1. Air Quality

The air quality is a long-term issue for Serbia, even though it has high level of alignment with European *acquis*. Due to long-term industrialization during socialistic regime, current petrochemical industry, metallurgy and many thermal power plants, Serbia has traditionally been placed among the most polluted countries in Europe, especially when it comes to the quality of ambient air. According to IQ index, which assesses the level of ambient air pollution, Serbia has been ranked as 29th in the world. Worse situation, among member states, has only been in Bulgaria and among candidate countries only Northern Macedonia or Bosnia and Herzegovina. Long-term impacts on ambient air quality have been in Serbia caused by intervention of NATO units in 1999 as well. During this event more than 35 000 air raids have destroyed several industrial areas, chemical plants or repository warehouses. This has caused that huge amount of carcinogenic, allergenic, toxic, mutagenic and other substances have been released into the air.¹³⁰ In terms of particulate matter (pm), Serbia exceeds more than twice the

¹²⁷ National Programme for the Adoption of the Acquis from February 2018, p. 1145.

¹²⁸ Environment Accession Project 3. *naturvardsverket.se* [online]. Date not specified [viewed 12 October 2021]. Available from: <https://www.naturvardsverket.se/globalassets/media/internationellt/bilateraltmiljosamarbete/serbien/envap-fact-sheet-eng-envap-3.pdf>

¹²⁹ Screening report Serbia: Chapter 27 Environment from the period 15 September 2014-21 November 2014, p. 2.

¹³⁰ MILAČIĆ, S. and J. ŠIMIC. The Consequences of NATO Bombing on the Environment in Serbia. *IAEA: International Nuclear Information System* [online]. 2004 [viewed 10 October 2021], p. 1. Available from: https://inis.iaea.org/search/search.aspx?orig_q=RN:35070442

world limits, according to the World Health Organization.¹³¹ This, of course, has a negative impact on healthcare. According to Global Alliance of Health and Pollution (GAHP) analysis, 175 persons per 100 thousands of citizens dies each year in Serbia as a result of insufficient air quality. This has placed Serbia on 9th position globally, where it can be compared with countries such as India, Somalia or Niger.¹³² It is necessary to continue to implement other legislation, as well as to create the National Air Protection Strategy (NAPS), i.e., a comprehensive national plan for heavily polluted locations, which has not yet been developed in some areas and whose complete implementation the EU has been urging since 2016.¹³³

Directive 2008/50/EC (Ambient Air Quality and Cleaner Air for Europe) and Directive 2004/107/EC (4th Daughter Directive) concerning air quality and the content of certain metals in the air are largely transposed into Serbian national law through Law on Air Protection (OGRS 36/09, 10/13) and other individual provisions. Serbia is aware of certain inconsistencies in domestic and EU legislation. This is because the directive provides for the creation of a country-wide air quality zone on the basis of population density other criteria.¹³⁴ Subsequently, a draft law was drafted on the basis of which full compliance should be achieved, the remaining provisions were planned to be adopted by 2018, however, implementation by 2020 is still not complete.

The National Emission Ceilings Directive (NEC) 2001/81/EC has been partially transposed through Law on Air Protection and other relevant legislation. Full transposition was foreseen in 2018 through the adoption of the Regulation on establishing national emission ceilings and the ratification of the Gothenburg Protocol. In 2016, however, it was replaced by Directive 2016/2284/EU. From the date of entry into force of the Directive, Member States have a certain period of time to transpose the Directive into their own national legislative systems. Serbia has now decided to analyze the situation with transposition within the member states and on this basis to create its own overall implementation plan, which is to help a group of foreign experts.¹³⁵

¹³¹ IQ Air. Air Quality in Serbia. *iqair.com* [online]. Date not specified [viewed 10. October 2021]. Available from: <https://www.iqair.com/serbia>

¹³² Global Alliance on Health and Pollution. Pollution and Health Metrics: Global, Regional, and Country Analysis. *gahp.net* [online]. 18 December 2019 [viewed 10 October 2021]. Available from: https://gahp.net/wp-content/uploads/2019/12/PollutionandHealthMetrics-final-12_18_2019.pdf

¹³³ Commission Staff Working Document: Serbia 2020 Report n. SWD(2020) 352 from 6 October 2020, p. 106.

¹³⁴ LJUBOJEV, N. and M. DUKIĆ MIJATOVIĆ. Protection of the quality of air in the legislation of the Republic of Serbia as a process of harmonisation with the EU legislation. *Oxidation Communications* [online]. 2013, 36(4) [viewed 14 October 2021], p. 1221. Available from: https://www.researchgate.net/publication/292468641_Protection_of_the_quality_of_air_in_the_legislation_of_the_Republic_of_Serbia_as_a_process_of_harmonisation_with_the_EU_legislation

¹³⁵ National Programme for the Adoption of the Acquis from February 2018, p. 1153.

Serbia has faced a long-term criticism from several sources due to absence of complex strategy restriction of emissions. National Emission Reduction Plan (NERP) was subsequently introduced already in 2016 after an agreement with Energy Community (EC)¹³⁶, however, its formal adoption by Serbian government has been suspended for a certain time and approved in January 2020 after a dispute by the EC has been initiated. The document concerns the reduction of emissions, especially SO₂, NO_x and dust from large combustion plants, where Serbia has been failing to comply with the limits resulting from the Large Combustion Plant Directive (LCPD) of 2001, which has been in force in the EC since 2018. Full harmonization with EU emission limits should take place at the end of 2027.¹³⁷ Nevertheless, in March 2021, the EC Secretariat initiated disputes with Serbia and three other Western Balkan countries for non-compliance with emission limits for 2018 and 2019. The disputes are still ongoing, the Serbian side now has room to communicate its position.¹³⁸

In the case of emissions, Serbia also had long-standing problems with the implementation of Directive 1999/32/EC, which aims to reduce the use of sulphur in certain types of fuels by up to 1%, as part of a strategy to maintain lowering sulphur dioxide emissions,¹³⁹ when Serbia has failed to implement the directive as of the end of the year 2011. The non-compliance resulted in repeated warnings, the failure of which did not lead to the adoption of an Energy Community (EC) resolution on a serious and persistent infringement, with Serbia receiving a deadline before the Article 92 (EC) measures were imposed. The situation was not resolved until December 2020, when new rules were adopted on liquid fuels, which changed the exemption for the sulphur content of heavy fuel oils.¹⁴⁰

The above analysis of air quality shows that Serbia has made progress, and even on the basis of European Commission reports, it is clear that the alignment of Serbian legal standards with EU legislation is at a relatively high level in this area. However, it is clear that in some areas there is a very slow development and implementation, where the change often occurs due

¹³⁶ The Energy Community is an international organization uniting the EU and selected neighbouring third countries to create a single pan-European energy market. All countries are committed to the relevant EU standards and acquis. Source: <https://www.energy-community.org/aboutus/whoweare.html>

¹³⁷ TODOROVIĆ, I. Serbia adopts national emissions reduction plan – NERP. *balkangreenenergynews.com* [online]. 31 January 2020 [viewed 10 October 2021]. Available from: <https://balkangreenenergynews.com/serbia-adopts-national-emissions-reduction-plan-nerp/>

¹³⁸ Energy Community. Secretariat initiates dispute settlement procedures against four Contracting Parties in relation to NERPs. *energy-community.org* [online]. 16 March 2021 [viewed 10 October 2021]. Available from: <https://energy-community.org/news/Energy-Community-News/2021/03/16.html>

¹³⁹ Council directive No 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC.

¹⁴⁰ Energy Community. Case ECS-04/13S: Serbia/environment. *energy-community.org* [online]. Date not specified [viewed 10 October 2021]. Available from: <https://www.energy-community.org/legal/cases/2013/case0413SRS.html>

to external stimuli or urgencies in many years. The directives setting the basic outlines of air quality are almost fully transposed. Some other directives have also been transposed, but other provisions are still in the process. However, the biggest problem remains the absence of a developed national air protection plan (NAPS), the absence of which in the annual reports has long been criticized by the European Commission. The level of publicly published data also remains unsatisfactory. However, despite the relatively decent level of adoption of the EU *acquis* in the field of air protection, this category remains very problematic for Serbia, also due to the persisting environmental problems. Based on Radaelli's typology, the process of Europeanization in terms of air quality can be assessed as *absorption*. The detected change is slowly taking place, and Serbia is able to transpose EU rules into its national legislative system, but in some aspects very slowly, often several years later than originally planned. In some cases (data publication), in addition, the directive has actually been transposed into the national system, but Serbia has long failed to apply these rules in practice.

3.3.2. Waste Management

The current consumer lifestyle, acceleration and intensification of production, together with the declining durability of consumables, arithmetically leads to an unprecedented increase in waste and Serbia often becomes the last destination for these, often almost unusable products and materials varying from the automotive industry to home appliances.¹⁴¹ Despite the significant benefits associated with quality waste management, the complexity of EU law and the number of actors directly or indirectly affected, this sub-chapter is extremely challenging in terms of its harmonization with EU law.

Apart from the general legal framework for environmental protection, the issue of waste management in Serbia is addressed primarily through Law on Waste Management (OGRS 36/09), which has already undergone several amendments. It sets out the legal framework for definitions of what each term means, such as waste, landfills, waste decontamination, recycling and more. At the same time, it regulates the categorization of waste, where some materials, such as non-ferrous metals or paper, no longer fall into the categories of waste material, but as material with the potential for future use.¹⁴² This law, based on compliance with the Waste Framework Directive 2008/98/EC on waste and, together with 28 other decrees, transposes it into Serbian law. However, the plan for better waste management encounters several problems

¹⁴¹ KRSTIĆ, M. and T. MILENKOVIĆ-KERKOVIĆ. Comparative Analysis of Serbian and European Legislation in the Area of Waste Management. *Economic Themes*, 2017, 55(2), pp. 217-218.

¹⁴² *Ibid.*, pp. 229-230.

in Serbia, where it is highly inefficient, long-neglected in terms of technological and financial sophistication, and at the same time it is not given sufficient attention by the general public.

A separate problematic area within the waste treatment chapter is the issue of landfills. There are currently almost 170 municipal waste landfills in Serbia, but most of them do not meet the standards set by the EU Landfill Directive 1999/31/EC. It introduces *inter alia* uniform definitions and categorizations, where each landfill must be listed as hazardous landfills, non-hazardous landfills or inert waste landfills.¹⁴³ Serbia has largely transposed this Directive into its legal framework through Law on Waste Management (OGRS 36/09) together with Rulebook on Landfills (OGRS 92/10). Furthermore, there are only seven landfills for hazardous waste that meet the standards, but also 164 which do not meet these criteria. However, an analysis from 2019 shows that there are still more than 2100 in Serbia (according to some sources even over 3000) illegal municipal landfills, which contain over 20% of all waste material.¹⁴⁴¹⁴⁵ In addition, illegal landfills that do not meet various standards are also problematic in terms of safety. They are often a source of fires and explosions, which are no exception in Serbia in this regard. Aleksandar Jovović a professor of mechanical engineering and waste management expert, even described the Vinči landfill fire, one of the largest landfills in Europe, in the suburbs of Belgrade in August 2021, as the biggest accident in Serbia since the NATO bombing.¹⁴⁶ The accompanying phenomenon is the formation of a huge amount of pollutants, which are released into the air during fires, which cause significant damage, that has a direct impact on air quality, and which was analyzed in the previous chapter. In this regard, the Serbian government, in a plan for implementation after 2021, is committed to setting up waste treatment networks and building landfills that will meet all the standards of mentioned directive.¹⁴⁷

Waste recycling is also a very problematic section in terms of environmental impact. Serbia currently recycles five to eight percent of its municipal waste. However, this is a national average where recycling does not take place at all in some regions. That is why in 2017, Serbia introduced a new recycling strategy, which should increase the share of recycled material to 50

¹⁴³ Council Directive No 1999/31/EC of 26 April 1999 on the landfill of waste, pp. 230-232.

¹⁴⁴ Among other things, Directive 2018/850 / EU, which reinforces the objectives of the original Directive 1999/31/EC, stipulates that the Member States shall take the necessary measures to ensure that by 2035 the total amount of landfill waste does not exceed 10% of municipal waste.

¹⁴⁵ MARINKOVIĆ, L. Deponije u Srbiji: Ekološke tempirane bombe. *bbc.com* [online]. 9. August 2019 [viewed 14 October 2021]. Available from: <https://www.bbc.com/serbian/lat/srbija-49172486>

¹⁴⁶ NIKOLETIĆ, I. Jovović: Požar na deponiji u Vinči najveći akcident od NATO bombardovanja. *danas.rs* [online] 20 August 2021 [viewed 16 October 2021]. Available from: <https://www.danas.rs/vesti/drustvo/pozar-na-deponiji-u-vinci-najveci-akcident-od-nato-bombardovanja/>

¹⁴⁷ National Programme for the Adoption of the Acquis from February 2018, p. 1166.

percent by 2030.¹⁴⁸ On the other hand, on the basis of the Waste Framework Directive 2008/98/EC, the member states agreed on 50% recycling of this type of material, when Germany, as the best recycling state in the EU, already in 2017 managed to dispose of this waste in more than 60 % of cases.¹⁴⁹ In terms of packaging materials recycling, Serbia has still partially transposed Directive 1994/62/EC. However, Directive 2018/852/EU, which amended the original directive, remains to be transposed. At the same time, it sets goals that individual countries should achieve. By 2025, a total of 50% of all plastic packaging, 70% glass and 75% paper and cardboard should be recycled. By 2021, Serbia had achieved its target for paper, cardboard and plastic packaging. However, there is still a lack of fulfilment of the agreed arrangements also in terms of glass packaging. The new Directive 2019/904/EU, which bans the single use of certain plastic products, including certain types of packaging, while partially amending the above-mentioned directives, is now being analyzed by Serbian actors and its transposition is expected in the coming months.¹⁵⁰

However, as Mladen Krstić and Tamara Milenković-Kerković mention, the transposition of EU standards into the national legal system is only the first step towards converging with unified standards. Another is the implementation, i. e., practical functionality of such legislation. This requires strong institutions and administrative capacity to oversee compliance with the commitments, as well as the financial resources involved.¹⁵¹ In this aspect, Serbia is only at the beginning of the road in terms of waste management. According to the European Commission's evaluation reports, Serbia is relatively successful in transposing waste management legislation into its national system. However, the implementation is problematic when the required goals and efficiency have not yet been met, also due to low financial resources and insufficient administrative capacity. Based on the Radaelli typology, the subchapter on waste management can be evaluated as *absorption*. Over the years, there has been a visible tightening of waste management conditions, bringing Serbia closer to EU standards, but the resulting efficiency is still low, as Serbia itself expects to fully implement some directives in more than ten years. The recycling of packaging materials, which Serbia

¹⁴⁸ Balkan Green Energy News. Božović: Serbia to recycle 50 percent of municipal solid waste by 2030. *balkangreenenergynews.com* [online]. 11 February 2017 [viewed 14 October 2021]. Available from: <https://balkangreenenergynews.com/bozovic-serbia-to-recycle-50-percent-of-municipal-solid-waste-by-2030/>

¹⁴⁹ Balkan Green Energy News. EU recycles 44 percent of waste, target is to reach 50. *balkangreenenergynews.com* [online] 17 February 2017 [viewed 14 October 2021]. Available from: <https://balkangreenenergynews.com/eu-recycles-44-percent-municipal-waste-target-is-to-reach-50/>

¹⁵⁰ Ministarstvo za evropske integracije. Kako smanjiti ambalažni otpad i postići ciljeve EU. *euinfo.rs* [online] 25 March 2021 [viewed 14 October 2021]. Available from: <https://euinfo.rs/plac3/vesti/kako-smanjiti-ambalazni-otpad-i-postici-ciljeve-eu/>

¹⁵¹ KRSTIĆ, M. and T. MILENKOVIĆ-KERKOVIĆ. *Comparative Analysis...*, p. 231.

today, with the exception of glass packaging, is now able to reuse in the quantities imposed by the directives even in a shorter time than the relevant legislation obliges the Member States, is being managed efficiently. However, recycling in general is still insufficient. The situation regarding illegal landfills, which not only threatens the environment in Serbia and which is not improving at a sufficient rate, is also worrying. Waste management has been a long-standing topic in Serbia for a long time and the general public has not paid attention to it for a long time. However, some problematic parts of this subchapter still persist in a rather unsatisfactory form.

3.3.3. Water Quality

Due to its financial, administrative and in some cases infrastructural demands, the subchapter protection and quality of water is one of the most expensive categories in Chapter 27. At the EU level, it is regulated by Directive 2000/60/EC. It partially transposes this into the national legal system Law on Waters (OGRS 90/10). Full transposition was to take place by the end of 2018 through an amendment, however, the delayed and long-awaited amendment to the 2016 Act still does not regulate standards according to European Union standards.

The main problem is the long-term unsatisfactory water quality, resp. its pollution. Standards and norms in the field of environmental water quality are addressed at the EU level by Directive 2008/105 / EC. It is mostly transposed by the Serbian legal framework through Law on Waters. However, implementation is still in its infancy and is expected by 2033. In terms of water quality monitoring, Serbia has a sufficient amount of measuring equipment, which is not distributed to all areas. In practice, only 20% of water areas are sufficiently and completely measured.¹⁵² Significant regional differences persist even within the level of pollution and water quality, with the area of Vojvodina, where this problem has been neglected for many years, traditionally deteriorating. In many places in Serbia, the wastewater treatment system is even partially or completely lacking. As a result, only about 10% of the population in Serbia today has access to municipal water that has undergone some kind of treatment. In this respect, Serbia lags far behind other EU countries, where the share is higher than 80%. Improvements in this area would require further large investments. Environment Minister Goran Trivan has calculated that in order to make significant improvements in this direction, it will be necessary to build about 300 wastewater treatment systems, which will require between four and five billion euros.¹⁵³ A positive step is that in recent years, several projects have

¹⁵² Evropski pokret Srbija. Poražavajuće stanje zaštite voda u Srbiji. *emins.org* [online]. Date not specified [viewed 15 October 2021]. Available from: <https://www.emins.org/porazavajuće-stanje-zastite-voda-u-srbiji/>

¹⁵³ Environmental Approximation Strategy. Seminar: „Specifični planovi implementacije direktiva u sektoru voda”. *eas.europa.rs* [online]. 22 March 2018 [viewed 15 October 2021]. Available from: <https://eas.europa.rs/2018/03/22/seminar-specificni-planovi-implementacije-direktiva-u-sektoru-voda/?lang=sr>

actually been launched to build wastewater treatment plants, especially in the towns of Šabac, Niš, Bela Crkva and Belgrade. A significant part of the construction costs of these complexes is covered by foreign donors.

The Union has long commented on the absence of any strategic water protection plans for Serbia. It started to be developed as late as in 2019, although the original plan was until the end of 2012. Above all, the issue of water quality in Serbia is quite unsatisfactory. There is a lack of sufficient administrative apparatus and the construction of an infrastructure network. Also for this reason, the implementation of some EU rules in this area is planned as late as after 2030. The problem is also a significant interconnection with other sectors, and therefore there is a regular delay in some projects. In addition, in June 2017, there was an important intervention in the institutional structure, when it was decided to divide the Ministry of Agriculture and Environmental Protection into the Ministry of Environmental Protection and the Ministry of Agricultural, Forestry and Water Management. The area of water thus now falls within the competence of the two newly created ministries, which in practice only brought problems in terms of coordination, which the Serbian non-profit sector often draws the government's attention to.

Another problem is the lack of funding, which would require huge investments in strengthening the infrastructure network, especially in improving wastewater treatment. However, these projects are beyond the real possibilities of the Serbian government, which, rather than trying to draw funds efficiently through various funds and funds that are allocated to these types of adjustments, tries to save as much as possible within the given area. The small amount of funding is also reflected in weak administrative capacity, and for this reason the implementation of EU rules is estimated in a few years. A similar problem applies to water quality control mechanisms.

The category of water protection and quality thus remains the main challenge of the Serbian side in terms of Accession Chapter 27 and thus remains one of the main obstacles to Serbia's potential EU membership. According to Radaelli, Europeanization change in the field of water falls into the first category of *inertia*. Over the years, only a slight improvement in the situation is evident; the required and necessary government strategy documents and action plans are either not developed at all or with annual delays. The level of water quality is still significantly below EU standards and the newly adopted legislation does not meet them even from a technical point of view. There are also no realistic plans for financing these projects with the help of external actors. In short, for the Serbian side, this chapter is so financially, administratively and infrastructurally demanding, moreover, with a visible result only after

many years, that this topic is rather delayed and postponed. Therefore, the effort of Serbian officials to change something with the current situation cannot be assessed positively. Compliance with the EU *acquis* therefore remains weak to this day.

3.3.4. Nature Protection

With the development of industry and agriculture, human influence and global warming, nature and natural biodiversity have logically been threatened. The Union is aware of this threat and has therefore created the largest coordinated protected area in the world over the last 25 years, which is one of the Union's most significant achievements.¹⁵⁴

The Habitats Directive 92/43/EC and the Birds Directive 2009/147/EC are the most important in this regard at the EU level. Both are partly covered by Law on Nature Protection (OGRS 36/09) and Law on Game and Hunting (OGRS 18/10). Both were expected to be easy to implement by the end of 2020 but are still not harmonized. For the Habitats Directive, one of the problems was the absence of a multi-annual Nature Conservation Program. The original plan for 2019-2025 was revised several times and its last amendment was finally adopted in May 2021.¹⁵⁵¹⁵⁶

The main and long-standing problem was non-compliance with the Birds Directive, where Serbia allowed the hunting of certain species of birds to be protected under the regulation throughout the year. Article 4 (1) of that directive states: *'The species listed in Annex I must be the subject of special measures concerning the conservation of their habitat in order to ensure their survival and reproduction in their area of distribution,'*¹⁵⁷ when the turtle dove (*Streptopelia turtur*) is mentioned directly within the scope of this directive as an endangered species, when its numbers decrease every year, it has decreased to half of the population in the last 15 years, and therefore it is part of the Red List of Endangered Species International Union for Conservation of Nature (IUCN),¹⁵⁸ and has even created its own action plan to increase numbers. However, Serbia has long allowed this bird to be hunted for a certain period of the year, thus conflicting with the Union act. A promising step in this direction may be the decision

¹⁵⁴ European Commission. Nature and biodiversity. *ec.europa.eu* [online]. Date not specified [viewed 18 October 2021]. Available from: https://ec.europa.eu/environment/nature/index_en.htm

¹⁵⁵ Ministarstvo zaštite životne sredine. Usvojen program zaštite prirode Republike Srbije za period od 2021. do 2023. godine. *ekologija.gov.rs* [online]. 24 May 2021 [viewed 17 October 2021]. Available from: <https://www.ekologija.gov.rs/lat/saopstenja/vesti/usvojen-program-zastite-prirode-republike-srbije-za-period-od-2021.-do-2023.-godine>

¹⁵⁶ Additionally, the Plan should be fully in line with the provisions and objectives of the EU Environment Action Program 2030.

¹⁵⁷ Directive No 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, Art. 4.

¹⁵⁸ The IUCN Red List of Threatened Species. *Streptopelia turtur*. *iucnredlist.org* [online]. 14 August 2019 [viewed 11 November 2021]. Available from: <https://www.iucnredlist.org/species/22690419/154373407>

of the Serbian ministers to change within the Rulebook on Declaring and Closed Hunting Season for Protected Wild Game Species, i.e., a document which explicitly lists the individual bird species and their hunting season, which temporarily bans turtle dove and gray partridge (*perdix perdix*) fishing until August 2024 and shortens the common quail (*coturnix coturnix*) hunting season by 15 days,¹⁵⁹ and which could be another step towards greater compliance with basic EU nature protection legislation. In December 2016, Serbia even transferred the management of four bird species to hunting authorities, in violation of the above-mentioned directive and the Berne Convention of the Council of Europe on the Conservation of European Wildlife and Natural Habitats, to which Serbia has been a signatory since 2008.¹⁶⁰ In this regard, Serbia is also cooperating on the Natura 2000 project, which brings together the most valuable protected areas on land and water in Europe in order to achieve biodiversity and improve the status of endangered species. As part of this project, and the above-mentioned directives, Serbia must establish a list of sites with the most valuable and endangered species and monitor their prosperity.¹⁶¹

Like many other topics in the field of environmental policy of the accession negotiations, the topic of nature protection is significantly lagged behind in terms of the attention of government officials. On the basis of this, an insufficient amount of funds is subsequently allocated, which do not cover the necessary administrative apparatus. The direct consequence is little progress in converging policies over the period under review, alignment remains insufficient and, on the basis of the Radaelli scale, thus corresponds to *inertia*. However, as in the previous case of water protection and quality, insufficient progress is unlikely to be attributed to the excessive costs of a given subchapter. Nor can it be assessed that the *misfit* in this case between EU and Serbian legislation was too broad, and therefore the Serbian government and authorities did not take sufficient action. Rather, it is not a sufficiently attractive topic, which has thus lagged behind in many respects compared to others, which are in a more priority position in terms of severity.

¹⁵⁹ Energetski Portal. Važan korak ka zaštiti ugroženih ptica selica. *energetskiportal.rs* [online]. 1 October 2021 [viewed 11 September 2021]. Available from: <https://www.energetskiportal.rs/vazan-korak-ka-zastiti-ugrozenih-ptica-selica/>

¹⁶⁰ Council of Europe. Chart of signatures and ratifications of Treaty 104. *coe.int* [online]. Date not specified [viewed 17 October 2021]. Available from: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=104>

¹⁶¹ EU za tebe. EU za Naturu 2000 u Srbiji. *euzatebe.rs* [online]. Date not specified [viewed 15 October 2021]. Available from: <https://www.euzatebe.rs/rs/projekti/eu-za-naturu-2000-u-srbiji->

3.3.5. Chemicals

REACH Regulation No. 1907/2006 on the Registration, Evaluation, Authorization and Prohibition of Chemicals has been in force in Serbia through Law on Chemicals and its amendments (OGRS 36/09, 88/10, 92/11, 93/12 and 25/15) since 2009, except for provisions which are binding only on the Member States. In addition, the March amendment in 2015 strengthened the scope for regular inspections, which the European Commission acknowledged in its report.¹⁶² In addition, together with the 2009 amendment, it introduces a Register of Chemicals a year later, which includes all chemicals (manufactured in Serbia and imported) that appear on the Serbian market in annual quantities of more than 100 kg. However, effective cooperation was temporarily slowed down in 2012, when the amendment to the Law on Chemicals terminated the activities of the Serbian Chemicals Agency and transferred its competencies to the Ministry of Agricultural and Environmental Protection, reducing the efficiency of the administrative apparatus to only 13 officials. However, thanks to the adoption of Law on Chemicals and Law on Biocidal Products and their amendments, Serbia has acquired a solid chemicals management system that meets strict EU standards, except for those parts of the REACH Regulation which are binding only on Member States and which mainly concern registration and authorization procedures.

At the same time, in 2017 Serbia updated the *Rulebook on classification, packaging, labeling and advertising of chemicals and certain products* and the *Rulebook on the List of Classified Chemicals* to meet the uniform standards and norms of not only the EU but also the UN, which addresses these issues in a unified manner through Globally. The Harmonized System of *Classification and Labeling of Chemicals* (GHS) published in 2003 and which is regularly reviewed and updated every two years, of which Serbia has been a part since 2010.¹⁶³

With reference to the REACH Regulation, which deals with the protection of human health and the environment in relation to the use of chemicals, and its amendment through Regulation 2016/2235 / EU of December 2016, which bans the use of bisphenol A in thermal paper in concentrations higher than 0.02%, there was a ban on higher concentrations at the EU level since January 2020. The Serbian government transposed this amendment in 2018 and the ban took place in June 2020.

¹⁶² EC 2015 Report s 67.

¹⁶³ United Nations Economic Commission for Europe. About the GHS: Globally Harmonized System of Classification and Labelling of Chemicals (GHS). *unece.org*, Date not specified [viewed 15 October 2021]. Available from: <https://unece.org/about-ghs>

Regulation on Biocidal Products (528/2012/EU) is partly contained in Law on Biocidal Products, but did not meet all EU requirements and standards. The transposition was to take place through an amendment to the law, which was proposed in 2017 and approved in 2020, but full harmonization will not be possible until the situation of Serbian membership in the Union, as it transfers some competencies to the European Chemicals Agency (ECHA) and the European Commission. However, the adoption of this legislative act will facilitate mutual trade in biocidal products between the two parties through closer cooperation in dossiers and authorization procedures. At the same time, in 2019, Serbia launched the Register for Biocidal Products, which contains data on biocidal products and whose recognition procedure is fully in line with the EU, which together with the Register of Chemicals and the Register of Plant Protection Products form the Integrated Chemicals Registry.

Mercury Regulation 1102/08, which significantly reduced mercury exports outside the Union since 2011. The EU has thus responded to mercury contamination in many areas and, given the negative effects of this heavy metal on humans and the environment, has decided to take action. Serbian national legislation has covered this regulation since 2010, except for those parts of the resolution which were binding only on member states. This Regulation was subsequently replaced by Regulation 2017/852 / EU. This limits the use of mercury even more severely than in the original legislation. At the same time, unlike the original, it significantly reduced mercury imports into the EU.

In terms of international cooperation, Serbia is a signatory to the 2001 *Stockholm Convention* on Persistent Organic Pollutants.¹⁶⁴ In its original version, the Stockholm Convention defined 12 substances or groups of substances whose quantities need to be eliminated, but the number has been gradually expanded. Serbia signed the agreement in 2002 and has been in force since 2009 after approval by Parliament.

The level of compliance with the EU *acquis* in the field of chemicals is at a high level, which is also evident from the regular evaluation reports of the European Commission. Thanks to regular amendments to its legislation, which are in line with very strict EU standards and norms, Serbia has built a compact and well-functioning chemical management system. At the same time, Serbia is updating the SVHC in time to meet the same settings as in the EU, which simplifies mutual trade. The effects of Europeanization in the field of chemicals can be assessed

¹⁶⁴ Persistent organic pollutants, abbreviated POPs, are toxic, organic, bioaccumulative substances that are likely to have significant adverse effects on human health or the environment, with the potential for the substance to travel hundreds to thousands of miles. Source: Ministerstvo životního prostředí. *Persistentní organické polutanty. Edice Planeta 2001: Odborný časopis pro životní prostředí*, 2001, 9(2), pp. 3-5.

as *absorption*. Serbia is cooperating with the Union on this basis on an active basis, but the change cannot be assessed as a *transformation*, as it presupposes a complete change in the direction of the policy, which did not happen in this case, as even the original discrepancy was not significant. The weakening of the administrative apparatus after the restructuring, which resulted in a reduction in the effectiveness of mutual cooperation, as well as extended deadlines for ratification of some international treaties, thus remain a negative phenomenon in this area.

3. 3. 6. Assessment of Europeanization influence on Serbian environmental policy

The previous chapter dealt with the Europeanization influence on Serbian environmental policy. It focused mainly on selected categories of this chapter, where an analysis of the development of compliance with EU rules and standards was performed. The results of the research were then subjected and placed in Radaelli's theoretical framework, which divides the Europeanization influence on the basis of the four categories mentioned above. This returns the thesis to the research question (RQ4): “*Is there a significant Europeanisation impact in environmental and climate change policy?*” and which will try to answer in the next part.

The most problematic area of Accession Chapter No. 27 *Environment and Climate Change* is the issue of water protection and quality. Serbia has made only limited progress here in the accession process and the impact of Europeanization can be seen as an inertia. Serbia has been lagging behind in this area for a long time and no significant improvement has been detected in recent years. The newly adopted standards are still not fully in line with EU standards, and significant improvements would require significant investment in this area and a significant change in infrastructure. In view of the high, not only financial, demands for harmonization with EU standards in this area, Serbia seems to be delaying the problem rather than addressing it effectively. This also corresponds to the absence of strategic long-term plans for solving water problems. The problem in terms of financing this challenging chapter could be largely helped by conceptual strategies for planning to obtain new funding from foreign partners. However, the matter was not resolved satisfactorily either. At least the effort to solve the catastrophic situation of wastewater through the expansion of systems for its treatment remains positive, when several projects have been developed in the last few years.

On the contrary, the category of chemicals that does not pose major problems in the accession process is the area of chemicals. The solid coherence of EU policy with Serbia has long been evident here. Serbia complies with the essential provisions of the REACH Regulation and the Regulation on Biocidal Products to the maximum extent possible for a non-member country, with the exception of those provisions which, by their nature, are binding only on the Member States. Also positive is the introduction of the Integrated Chemicals Registry, which

brings together three other regional registries and which, together with the above-mentioned regulations, provides Serbia with very solid chemicals management with standards similar to those of the EU. The good news is also in line with the Union's belief in the harmfulness and reduction of mercury, in which Serbia also participates. Although Serbia has problems in some areas of the data, the creation of an internet database of chemicals is positive. Based on the Radaelli scale, the chemicals thus correspond to the absorption category. A comprehensive view of the issue is important in this regard. Serbia does have a very good coherence of domestic policy with the EU in the field of chemical management, however, it should be noted that the compliance was already at a relatively high level at the beginning of the period under review. In order for the field of chemicals to be assessed at a higher degree of change as a result of Europeanisation, the nature and direction of domestic policy would also have to change completely. That has not happened in this regard. The detectable change was noticeable, Serbia is cooperating at a high level, but basically it is just continuing its good results in this area. In terms of the accession process, the issue of chemicals will not be a more serious problem for Serbia in the current circumstances.

The area of nature protection can also be included in the category of *inertia* according to Radaelli's typology. As mentioned above, nature conservation as a sub-chapter of the environment is not, compared to others, a very costly part. These are often things of a technical nature that do not necessarily require investments of hundreds of millions of euros in infrastructure or technology. Nevertheless, average progress can be observed in this respect over the period under review, as it has still not been possible to fully cover all areas of the two main regulations. This part of the environment chapter is thus probably not very attractive to political representatives. This is also indicated by the amount of funds provided and insufficient administrative apparatus. The lack of interest may also be evidenced by the fact that one of the main problems in transposing the regulation is the unification of the accompanying national document banning and authorizing hunting of certain game species with the EU, i.e., a completely trivial matter in terms of the overall accession process. However, the October adjustment from this year provides a slight hope for improvement in this area as well.

A little complicated is the area of waste management, where Serbia faces its long-standing problems, especially in the area of landfills. Most of them do not meet EU standards and illegal landfills also form a separate chapter in this area. These are a major problem from many points of view. On the one hand, this pollution often decontaminates adjacent water areas, and at the same time they are the centre of multiple fires every year, which result in extensive damage to air quality. In the area of used material recycling, the situation is improving,

however, there are significant differences across regions, with some undergoing almost no recycling. On the positive side, however, Serbia is succeeding in meeting the standards of the new plastic and paper recycling directive even before the directive calls on the Member States. Based on Radaelli's definition, the area of waste treatment thus corresponds to the category of *absorption*. Serbia is moving closer to meeting EU standards in some areas, but there are still many problems where they will require considerable time, infrastructure and investment.

The situation is similar in this area in the field of air quality. Compliance with EU rules is at a decent level, significant progress has been visible, but significant problems still prevail. For these reasons, too, based on Radaelli's definition, the field of air protection corresponds to the *absorption* category. The situation has improved in recent years with the consequences and increased public attention, but this area still requires considerable effort. The negative is that Serbia is willing to act in some areas only at the moment I stimulate the external actor under the threat of sanction proceedings, as was the case, for example, in disputes with the EC. However, it is necessary to mention that the legislative setting is the first thing. The second, and much more demanding, is its actual application and enforceability. And that is currently failing in Serbia in the field of air protection. In many indicators of the level of pollution, Serbia lags far behind the EU reality and the standards set on the basis of the directives in the given issue, in some areas very significantly. The negative point is then the quality and provision of data. Serbia is still failing to publish all its data on time, and in some regions, there is not even enough measurement frequency in the directives. The level of air quality thus poses a significant challenge for the Serbian side in the future.

3. 4. Assessment of Europeanization Relation Between the EU and Serbia

Within this subchapter, the work returns to the last research question (RQ6) "*How to assess the Europeanization relationship between the European Union and Serbia on the basis of the analytical framework?*" But finding the answer will not be easy. In the following subchapter, the work, outside the environmental framework, focuses on the dynamics of mutual rapprochement between the two actors in the period since the disintegration of Serbia and Montenegro in 2006, at a time when Serbia was still relatively early in its transformation journey after the end of the president Milosevic. The dynamics of mutual relations will be reflected on the basis of certain determinants of mutual relations, determining the potential possibility of Serbia's integration into European integration structures.

The main determinant of Serbia's relationship with the European Union is geopolitical in nature and can be divided into two sub-categories, namely cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Kosovo issue. The ICTY, as the International Criminal Tribunal of the United Nations, aimed to investigate the events of the 1990s in the context of the conflicts in the Balkans. In the context of national political competition, the issue of cooperation with the ICTY acted as a significant *cleavage*. The political scene was formed primarily by two competing factions. One was the so-called reformists, who were mostly represented in the Democratic Party (DS) and who promoted Serbia's future within European structures and cooperation in ICTY processes. In contrast, the Conservative faction, composed mainly of the Democratic Party of Serbia (DSS), advocated a strategy of criticism and restrictions on cooperation with the ICTY, and mainly promoted the anti-Union current. However, this attitude was strategic and aimed mainly at a significant number of former Milosevic voters. The assassination of Prime Minister Zoran Djindjic in March 2003 marked a significant resurgence in Serbia's Europeanization efforts, as the main supporters of cooperation with the ICTY were removed. Vojislav Koštunica subsequently used the space on the power field, placing Milošević's supporters in some top positions as part of maintaining control.¹⁶⁵ The issue of co-operation with the ICTY has always been complicated for Serbia for many reasons. One was that the Union had created an equation between open cooperation and a look at Serbia's recognition of international standards of justice. In addition, as Jelena Subotić mentions: „(...) *it soon became the major, if not the only one, EU measurement of how far along Serbia was in adopting the idea of addressing crimes from its*

¹⁶⁵ SUBOTIĆ, J. Europe is a State of Mind: Identity and Europeanization in the Balkans. *International Studies Quarterly*, 2011, 55(2), p. 324.

recent past. This, in turn, then became shorthand for Serbia's readiness to Europeanize. "In addition, disillusionment was fueled by the fact that requests for assistance in many areas were conditional on Serbian cooperation with the ICTY¹⁶⁶ This in turn gave Serbian officials the opportunity to strengthen the victim's sense of feeling and continue to reflect it to the public. This feeling was further strengthened during the period of weakened cooperation with the ICTY, when the consequences of these steps led to the international isolation of Serbia. Another complicated point within the ICTY is its lack of legitimacy in the eyes of the Serbs. According to a 2011 OSCE Ipsos survey, most respondents believe that the creation of the ICTY was an unnecessary step that is not used objectively, but is decided on the basis of the nationality of the defendants. At the same time, 49% of respondents are of the opinion that Serbia should not cooperate with the ICTY and 57% think that the main purpose of the trials is to blame Serbian war crimes and meet international demand.¹⁶⁷ And even more recent data do not offer a more optimistic view, with 56% of respondents saying the ICTY was biased, while only 6% said they were the opposite, according to a 2017 Humanitarian Law Center survey. In addition, almost half believe that the ICTY has in no way helped to find the truth about the conflict.¹⁶⁸

The focus of rapprochement between the two actors has subsequently been replaced by the issue of Kosovo since the ICTY. It was until February 2008, when it declared independence, an integral part of Serbia with varying degrees of autonomy. This disputed territory has historically shown signs of mutual relations, which did not escalate into the war and the subsequent NATO military operation Allied Force in the first half of 1999. In the development of Serbian-EU relations, this event marked another milestone that has not yet been fully resolved and it represents a major challenge in the context of further convergence. However, resolving disputes is a very important issue in the accession negotiations with the European Union, where Serbia has candidate status and Kosovo is considered a potential candidate, as good neighborly relations are one of the key points of possible EU membership, with the European Commission saying this will be one of the main challenges for the integration of the region within the EU.¹⁶⁹ The European Union does not have its own competence to recognize

¹⁶⁶ SUBOTIĆ, J. Explaining Difficult States: The Problems of Europeanization in Serbia. *East European Politics and Societies*. 2010, 24(4), p. 600.

¹⁶⁷ Ipsos Public Affairs. Attitudes towards war crimes issues, ICTY and the national judiciary. *osce.org* [online]. October 2011 [viewed 10 November 2021]. Available from: <https://www.osce.org/files/f/documents/4/2/90422.pdf>

¹⁶⁸ KOSTIĆ, M. Public Opinion Survey in Serbia Sheds Light on ICTY Legacy. *ejiltalk.org* [online]. 22 January 2018 [viewed 10 November 2021]. Available from: <https://www.ejiltalk.org/public-opinion-survey-in-serbia-sheds-light-on-icty-legacy/>

¹⁶⁹ BOHNET, H. and J. GOLD. Serbia and Kosovo: Status Dispute and EU Membership. *kas.de* [online]. 5. January 2011 [viewed 14 November 2021]. Available from:

state independence, which rests exclusively with the Member States, and has therefore issued a neutral position in the situation, which gives it greater manipulation and mediation potential with a view to unduly deteriorating relations with both actors.¹⁷⁰ Most Member States have supported Kosovo's independence, but the issue remains problematic as some Member States have not yet done so.¹⁷¹ The Union's official position is to maintain a neutral position in the dispute between the two actors. However, individual representatives of some Member States will from time to time communicate an opinion unacceptable to the Serbian side. In February 2018, German Foreign Minister Sigmar Gabriel stated that: „(i)f Serbia wants to move toward the European Union, the building of the rule of law is a primary condition, but naturally also the acceptance of Kosovo's independence. (...) That is a central condition to take the path toward Europe.“¹⁷² However, such statements are not unique, but in practice this happens only at the level of individual statements of the actors, the official position of the EU has not yet changed and the EU is thus trying to fulfill the role of mediator of the dispute. After all, it also achieved real results, when in April 2013 the so-called Brussels Agreement was reached, which was supposed to lead to the normalization of relations.¹⁷³ Since then, there has been a continuous alternation of periods of stress reduction and escalation. The last deepening of relations was evident in September 2021, and the achievement of stability in relations had to be achieved only after negotiations between the two sides in Brussels. At the heart of the dispute was a new Kosovo rule stipulating that Serbian cars crossing the border with Kosovo must exchange their registration plate for a new one with a Kosovo marking. As a result, the border crossings were blocked by trucks. In response to the blockade, the Kosovo government sent a special police unit. The situation managed to de-escalate after two daily meetings in Brussels, which were mediated by the European Union. The result is the withdrawal of police forces from

<https://www.kas.de/en/web/auslandsinformationen/artikel/detail/-/content/serbien-und-das-kosovo-zwischen-statusfrage-und-eu-integration>

¹⁷⁰ VICERÉ, M. The Future is Back: The EU, Russia and the Kosovo-Serbia Dispute. *Instituto Affari Internazionali*, 2019, (19), p. 6.

¹⁷¹ In 2021, Kosovo is recognized by 22 member states of the European Union. Slovakia, Romania, Greece, Cyprus and Spain have not yet done so. Source: DEMJAHA, A. and P. V. SARRIÁ. Spain's Impact on Kosovo's Accession Process into the EU. *europeanwesternbalkans.com* [online]. 25 May 2021 [viewed 19 October 2021]. Available from: <https://europeanwesternbalkans.com/2021/05/25/spains-impact-on-kosovos-accession-process-into-the-eu/>

¹⁷² BYTYCI, F. Serbia must accept Kosovo independence to join EU: German foreign minister. *reuters.com* [online]. 14. February 2018 [viewed 16 November 2021]. Available from: <https://www.reuters.com/article/us-kosovo-germany-serbia-idUSKCN1FY329>

¹⁷³ European Commission. Serbia and Kosovo*: historic agreement paves the way for decisive progress in their EU perspectives. *ec.europa.eu* [online]. 22 April 2013 [viewed 16. November 2021]. Available from: https://ec.europa.eu/commission/presscorner/detail/en/IP_13_347

the post and the establishment of KFOR oversight for approximately two weeks in order to oversee security and freedom of movement.¹⁷⁴

In view of the above-mentioned geopolitical aspects, which have often led to Serbia's isolation on the international stage, the continuing feeling of sacrifice and other circumstances, Serbia's rapprochement with the Union can be divided into three separate periods. The first of these can be dated directly from the political end of Slobodan Milošević to mid-2008 and the appointment of Mirek Cvetković. It was a period of drastic changes not only in the approach of Serbia's integration into the process of European integration. An important milestone was the assassination of Prime Minister Djindjić, who represented a pro-European current in the initial years of Serbia's transformation. As a result, a power vacuum was created, which Vojislav Koštunica in particular was able to use. The EU's initial enthusiasm for a potential change in Serbian policy was soon replaced by a reserved stance due to Serbia's non-cooperation with the ICTY, which at one point led to an end to ongoing integration negotiations and Serbia's partial political isolation.

A significant improvement in co-operation with the ICTY was not apparent until the government of Mirek Cvetković took office, when Serbia began to provide significant co-operation to the judiciary and provided access to its own archives.¹⁷⁵ In addition, as a result of cooperation between the Serbian authorities and investigators, the ICTY's long-term goal of capturing General Ratko Mladić was met in May 2011,¹⁷⁶ one of the key figures of the wars in the Balkans in the 1990s. The period since mid-2008 can be seen as a phase of pro-European governments and an intensification of mutual cooperation. The SAA was signed in Luxembourg in October 2008. An important step in Serbia's European direction was the internal division of the SRS, which resulted in its strong and moderate wing, led by Tomislav Nikolić, establishing the Serbian Progressive Party (SNS) in October 2008. Thus, there was a significant weakening of anti-European ideas within the Serbian political scene, as the newly formed CIS promoted a much more pragmatic approach to the European integration process.¹⁷⁷ An important step in the integration was the abolition of the visa requirements for Serbs, Montenegrins and Macedonians in December 2009, who do not have to process visas during their travels within

¹⁷⁴ Al Jazeera. Kosovo, Serbia agree deal to end border tensions. *aljazeera.com* [online]. 30 September 2021 [viewed 16 September 2021]. Available from: <https://www.aljazeera.com/news/2021/9/30/kosovo-serbia-agree-deal-to-end-border-tensions>

¹⁷⁵ Report of the International Tribunal for the Former Yugoslavia n. 09-43587 (E) 200809 from 31 July 2009, p. 16.

¹⁷⁶ Report of the International Tribunal for the Former Yugoslavia n. 11-43859 (E) 110811 from 31 July 2011, p. 14.

¹⁷⁷ MAROŠKOVÁ, T. Rozšiřování Evropské unie jako nástroj transformace srbsko-kosovského konfliktu po roce 2008. *Czech Journal of International Relations*, 2018, 53(1), pp. 29-30.

the Schengen area.¹⁷⁸ That same month, Serbia submitted an official application for EU membership and was granted candidate status in March 2012.¹⁷⁹

The last period can be divided from May 2017, ie from the beginning of the presidential term of Alexander Vučić and the gradual Serbian transition to illiberal democracy. Based on Freedom House data, the situation in Serbia is constantly deteriorating, and since the 2019 analysis, Serbia has been classified as a partially free country.¹⁸⁰ As part of potential Serbian membership, the issue of Kosovo is very often emphasized, but in recent years Serbia has faced a number of other issues that are completely covered by the Kosovo issue, notably corruption and media freedom, and it should be noted that rather, it has stagnated in recent years, with the new accession chapter failing to open for almost two years.¹⁸¹

Serbia has long sought to reflect on the narrative of a neutral regional leader who wants to maintain good relations with both the EU and Russia. The strengthening of mutual relations has also contributed to the Russian alliance on Kosovo, which it still does not recognize and at the same time uses the right of veto at the UN Security Council to prevent Kosovo from becoming a member state.¹⁸² By contrast, Serbia has not joined in imposing sanctions on Russia for events in Ukraine, although other EU candidate countries, such as Albania and Montenegro, have done so. In addition, during the Ukrainian conflict, Serbia supported the Russian narrative about the non-participation of Russian troops in Donbass.¹⁸³ In addition, the growing influence of China has recently become apparent. Although it has been active in the Western Balkans for a long time, when, for example, it won large infrastructure contracts in 2010, such as the construction of a bridge over the Danube in Belgrade with a total length of more than 1,500 meters,¹⁸⁴ however, the influence has strengthened recently. The intensification of Chinese influence was particularly evident during the coronavirus pandemic, when Serbia was the first

¹⁷⁸ NOVÁK, P. EU zruší víza pro 3 státy bývalé Jugoslávie. *irozhlas.cz* [online]. 30 November 2009 [viewed 10 November 2021]. Available from: https://www.irozhlas.cz/zpravy-svet/eu-zrusi-viza-pro-3-staty-byvale-jugoslavie_200911300530_mmatlovic

¹⁷⁹ European Commission. European Neighbourhood Policy and Enlargement Negotiations: Serbia. *ec.europa.eu* [online]. Date not specified [viewed 10 November 2021]. Available from: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/serbia_en

¹⁸⁰ ĆURIĆ, A. Serbia's path to EU membership: a never-ending journey. *investigate-europe.eu* [online]. 4 November 2021 [viewed 12 November 2021]. Available from: <https://www.investigate-europe.eu/en/2021/serbias-path-to-eu-membership-a-never-ending-journey/>

¹⁸¹ Ibid.

¹⁸² Srpska Napredna Stranka. Vucic: We consider both Europeans and Russians among others as our true friends. *sns.org.rs* [online]. 4 October 2018 [viewed 4 November 2021]. Available from: <https://www.sns.org.rs/en/novosti/vesti/vucic-we-consider-both-europeans-and-russians-among-others-our-true-friends>

¹⁸³ MUJANOVIĆ, J. The EU and the Crisis of Democracy in the Balkans. *Political Insight*, 2018, 9(1), p. 10.

¹⁸⁴ DIMITRIJEVIĆ, D. Chinese Investments in Serbia—A Joint Pledge for the Future of the New Silk Road. *Baltic Journal of European Studies*, 2017, 7(1), p. 71.

country to offer its citizens Chinese vaccines. In September 2021, Serbia began construction of a vaccine factory from the Sinopharm brand. However, cooperation is also taking place in strategic areas of security, where Serbian law enforcement agencies often use Chinese technology.¹⁸⁵

The previous analysis and excursion into the approximation of Serbian environmental policy to EU standards, which was addressed in previous chapters, draws attention to the research question (VO6) "*How can the Europeanization relationship between the European Union and Serbia be assessed on the basis of this analytical framework?*" it is clear that this is a diverse relationship with significant differentiations within sub-chapters, where in some cases, such as chemicals, which are regulated at EU level by the REACH Regulation, Serbia even requires stricter standards, where substances lower than is given by the EU standard. On the contrary, especially in the area of water purity and quality, Serbia lags far behind EU standards. If the work focuses on the form of Europeanization influence, then on the basis of the analytical framework, Serbia can be included in the category of *forced Europeanization*. The Union's approach cannot be regarded as indirect or passive. This approach is also evident through the many initiation efforts that the Union has made during its rapprochement with Serbia, as well as, for example, through its mediation activities in the framework of the Serbo-Kosovo conflict. Serbian activity cannot be assessed as passive from the point of view of a government of a strongly Eurosceptic government, or on the basis of progress in some accession chapters, when in the area of the environment in particular, significant developments have been observed to align with EU regulations. However, the truth remains that many changes are needed in many areas, and some areas are far behind. A significant reason in this area is also the fact of Serbia's severely inadequate administrative apparatus, which is simply unable to achieve sufficient harmonization with EU regulations. From the point of view of the dynamics of the development of mutual relations, a considerable development is then evident. The beginnings of the transformation period alternated with cycles of positive and negative attitudes, when even in the period 2006-2007 there was even such a deterioration in relations due to Serbia's non-cooperation with the ICTY that the integration process was temporarily suspended. However, it gained new momentum in 2008 with the arrival of a new government.

¹⁸⁵ KHAZE MARKOVIĆ, Nina. The Balkans are China's New Gateway to Europe. *Internationalaffairs.org.au* [online]. 7 October 2021 [viewed 12 November 2021]. Available from: <https://www.internationalaffairs.org.au/australianoutlook/the-balkans-chinas-new-gateway-to-europe/>>

4. Conclusion

This Master's Thesis focused on the phenomena of EU enlargement in the context of Europeanization in the Serbian case. Effects of the Europeanization process were subsequently examined with special a focus on Chapter 27 Environment and Climate Change. The Radaelli's theoretical framework of policy change was then applied to the analyzed results in order to determine the development within the individual subchapters of Chapter 27. As the complexity and difficulty of the whole process were already mentioned in the thesis, particular cooperation of the two Member States of the European Union was also introduced. At last but not least, the work dealt with specific determinants of mutual relationship and dynamics, which to a large extent affect the overall Europeanization relationship.

In the first part, the Thesis introduced and analyzed theoretical background. At the beginning, theoretical shortcomings were mentioned. These problems are mainly caused by inconsistent and fluctuation of its use. In theoretical part, a particular focus was given to the approaches of Olsen, Featherstone and Radaelli, which nowadays are the most well-known concepts probably. Moreover, in the next part, the Thesis dealt with the newer approach, i. e., Europeanization in case of third and candidate countries. Nevertheless, this concept has its own specificities, so the Thesis focused mainly on the approaches of Featherstone and Sedelmeier to set up theoretical background in this concrete category. In the next section, the Radaelli's theoretical framework in the context of policy changes was presented. This concept is consequently used within the main analysis. The next part mainly focused on the pre-accession assistance within so-called Twinning Projects by the Czech Republic and Austria, which tried to demonstrate pre-accession cooperation's efforts of these two countries in case of Serbia. In a nutshell, it may indicate the country's overall view on Serbian possible membership. In the next sections, the Thesis offered an analysis of policy changes resulting from the Europeanization effects, in particular subchapters of Chapter 27. The Radaelli's theoretical framework was then applied to assess the concrete Europeanization's effects. Moreover, in the next section, work dealt assessing the overall Europeanization relationship according to the mentioned analytical framework, mainly introduced by Filipec's and Featherstone's ideas.

From the methodological point of view, the Thesis is presented as a qualitative case study. In the section of Twinning cooperation, the work operates on the presumption that Austrian efforts are the most indicated in the *justice and home affairs* category, because this issue was discussed many times during mutual cooperation strategies. Then, the Thesis compares Czech and Austrian Twinning cooperation efforts according to its categories. In the main analysis, work operates with Radaelli's theoretical framework which is formed by four

categories. Every category has its own defining characters related to the level of indicated change which is analyzed in the consequences of the Europeanization effects. This concept is then used to evaluate indicated changes within the Chapter. The mentioned results, supplemented by the particular determinants and dynamics of mutual interactions, offer an opportunity to assess overall relation according to the four possible Europeanization scenarios. Every scenario is based on the mutual interactions between actors. In context of this work, it offers four possible outputs which are then applied to the Serbian case.

The first research question (RQ1) "*How can Europeanization be defined in the context of EU enlargement?*" dealt with the theoretical issues. The answer stressed the fact of the limited applicability of bottom-up and top-down dimensions because of the uneven positions of both actors within mutual cooperation in the case of candidate countries. In contrast, the Member States can use official ways how to reproduce their interests on the EU level and can shape the policy-making process in this context. On the other hand, candidate countries have a very limited options. They must sufficiently fulfil the obligations to which candidates engaged themselves in the accession process with almost no possibilities how to shape the process. Consequently, the second research question (RQ2) "*What are the defining features of the Europeanization of external actors, especially third countries and candidate countries?*" operates in a similar way, which comes from the so-called mechanisms that are different for the Member States, candidate countries and third countries. In this case, the key concept is *conditionality* introduced by Schimmelfennig and Sedelmeier. It can simply be described as a so-called *stick and carrot* game. In this context, the Europeanization process is driven by the EU through incentives, which success then depends on the calculation of a particular country and the nature and size of the reward. On the other hand, the country can use the normative point of view as well. In this case, country decides to adopt European standards and norms if it finds them legitimate and, on the basis of its self-identification with the EU. In the context of Western Balkan countries, the process is also affected by some specific features. On the one hand, historically, this region was complicated due to its strategic position on the periphery where many external actors tried to gain influence. This could lead to smaller tendencies in the case of accepting external incentives. On the other hand, in general, countries in that region are poor with many internal issues, like corruption, weak political institutions, which make the whole process even more complicated.

The next part of Thesis focused on cooperation during the accession process and analysis of policy changes. When it comes to the next research question (RQ3) "*Within which Twinning Projects did Serbia cooperate with the Czech Republic and Austria and in what*

specific areas? Which Member State has been more active in this kind of mutual assistance?"

In this case, the formulated hypothesis was not confirmed. Austria is a very active player in this case of accession assistance. Even though the category with the most participation was the *environment*, behind *justice and home affairs* and *agriculture*. The Czech Republic participated in six projects, which represents just 28.6% of Austrian efforts. Nevertheless, in comparison to the other Member States which joined the EU after 2004, the Czech Republic is the second most active participant behind Slovenia. As mentioned before, it can reflect some level of administrative capabilities in some areas and efforts of both actors to help Serbia within the accession process. Subsequently, the next part focused on policy change analysis within particular subchapters of Chapter 27. The Thesis then tried to answer the fourth research question (RQ4) "*Is there a significant Europeanisation impact in environmental and climate change policy?*" Based on the analysis, various results were detected. Serbia made significant progress when it comes to *chemicals*, where the current system of chemical management is quite comparable with the European and even stricter in some areas. Even though, according to the Radaelli's typology of change, *chemicals* correspond to the *absorption* category. The main reason is that the level of alignment was high already even before the review period. Nevertheless, this case does not represent a serious case in terms of the accession process. On the other hand, *water protection* represents probably the most complicated issue, which corresponds to *inertia*. Serbia made just limited progress during the period, and this category remains a huge challenge. Moreover, there is still a problem with the absence of strategic plans, and the new adopted norms are still not in line with the EU standards. *Nature protection* corresponds to the *inertia* category as well, even though it is not as difficult topic in terms of financial resources or infrastructure as the previous one. The main reasons are limited progress, politician's lack of interest, and insufficient administrative apparatus. Quite different are topics *air protection* and *waste management* that correspond to *absorption*. Compliance with EU norms is at a decent level, significant progress in some areas was detected. But some problematic concerns still prevail, and Serbia acts only after external stimuli. Nevertheless, some indicators of air pollution and landfills remain a big challenge for Serbia for the future. When it comes to the sixth research question (RQ6) "*How to assess the Europeanization relationship between the European Union and Serbia on the basis of the analytical framework?*", from the findings above, the mutual cooperation can be described as a *forced Europeanization*. In many areas, Serbia meets the EU norms and standards, however, significant problems still prevail. The dynamics of mutual relation considerably changed during

the period from the enthusiasm at the beginning, to scepticism later, to some kind of moderate cooperation which can be detected today.

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Abstract

The diploma thesis examines the EU enlargement process in relation to Serbia, especially the evolution of the process of implementing the EU (i. e. Acquis Communautaire) with special focus on the Chapter 27 Environment and Climate Change. The analysis is conducted under the umbrella of the Europeanization process. At the beginning, the Thesis briefly describes Europeanization characteristics, especially about the candidate countries. In this regard, the cooperation of two member states (Austria and the Czech Republic) within the Twinning Projects, is compared. The thesis aims to analyze Serbian progress within the implementation of Chapter 27 norms and standards and assess the overall Europeanization relation.

Key words

Europeanization, Europeanisation, Western Balkan, Serbia, Environment, Air Quality, Twinning Projects, Nature Protection, Candidate Country, Waste Management, Chemicals, Water Protection, European Union, EU, European Commission, Environmental Protection, Accession Process, EU Enlargement