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Managing Bilateral Disputes During the EU Accession Process

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Content:

Introduction 4

From problems to possible solutions 5

Act before the dispute becomes an accession problem 6

Different disputes require different solutions 7

When a dispute enters the accession process, set clear boundaries 9

Preventing unresolved disputes from becoming permanent blockades 11

From individual solutions to a coherent strategy 13

Introduction

Bilateral disputes pose a significant challenge to the EU enlargement process, particularly when member states use their ability to block candidate countries' progress to pursue bilateral demands. An analysis of existing proposals for managing these disputes points to several key conclusions:

• **Early action and responsibility on the part of states** can prevent unresolved bilateral issues from becoming obstacles to European integration, but they cannot replace the political willingness to compromise.

• **Different disputes require different approaches to resolution**, ranging from international arbitration and court proceedings to political mediation and mechanisms for protecting minority rights.

• **The EU needs to define more clearly the limits of legitimate conditionality**, including which bilateral issues can be made conditions for accession, what exactly is expected of candidate countries, and when those conditions can be considered fulfilled.

• **Limiting the use of vetoes is not enough.** The EU needs a more coherent approach that brings together existing instruments, allows disputes to be addressed in parallel with accession negotiations, and reduces opportunities for political blockages unrelated to the accession criteria.

From problems to possible solutions

Bilateral disputes are not a product of the European integration process. They stem from unresolved political, territorial, historical, identity-related, minority rights and other issues between states. The countries of the Western Balkans entered the EU accession process with a considerable number of such issues still unresolved. The enlargement process, however, changes the context in which these disputes play out. The prospect of EU membership can encourage countries to resolve them, but member states' ability to influence candidate countries' progress can also give bilateral issues greater political weight. This is particularly relevant for Montenegro, which has made the most progress in accession negotiations with the EU but still has several unresolved bilateral issues with neighboring countries, including EU member states.

In an earlier analysis,[1] we examined the development of good neighborly relations as a condition for EU accession and how bilateral disputes have affected the European integration of the Western Balkans. We will not revisit the list of unresolved disputes here, nor will we return to their origins and nature. Instead, we focus on possible solutions: what has already been proposed in academic and policy debates, and to what extent these proposals could help resolve bilateral disputes without allowing them to become permanent obstacles to EU enlargement.

The proposals differ in terms of who should take action and when. Some emphasize the need for states to take action at an earlier stage, before bilateral disputes escalate. Others focus on making better use of regional and international mechanisms for dialogue, mediation and arbitration. A third group of proposals addresses perhaps the most difficult question for the EU itself: where to draw the limits of legitimate conditionality, and how to prevent bilateral disputes from blocking the accession process.

This analysis does not seek to develop a new model for resolving bilateral disputes. Its aim is more modest: to identify and organize relevant proposals already on the table, examine which types of disputes they might help resolve and where their limitations lie, and consider how to bring them together into a more coherent EU approach to managing bilateral disputes during enlargement.

[1] Milica Kovačević, *Good Neighbourly Relations in the Western Balkans: Bilateral Disputes and State-Level Politics That Perpetuate Them* (CDT), 2026.

Act before the dispute becomes an accession problem

Bilateral disputes do not begin when they become a problem for European integration. Unresolved issues often persist for years, pushed aside or left without serious political dialogue or efforts to resolve them, until changing political circumstances provide a reason or an opportunity to bring them back to the forefront. Relations between Serbia and Croatia offer a good example, as a number of outstanding issues between the two countries have remained at a standstill for years.[2] Such delays come at a cost. The longer a dispute remains unresolved, the more likely it is to become entangled in domestic politics, strain relations between the two countries and, when the opportunity arises, spill over into the European integration process.

This is why a common idea runs through different proposals for managing bilateral disputes: action should be taken before a dispute reaches the point where one country can use the other's EU accession process as leverage to pursue its demands. The proposed measures include regular bilateral dialogue, monitoring of unresolved issues and implementation of existing agreements, regional political forums, preventive diplomacy and the involvement of mediators when direct talks fail to produce results.

Earlier proposals included a joint declaration by Western Balkan countries committing not to use bilateral disputes to block their neighbors' European integration, an annual review of unresolved issues within the Berlin Process, and mediation when bilateral efforts fail. The idea was to encourage countries in the region to regularly report on the steps they had taken to resolve outstanding issues, rather than begin addressing them seriously only once they developed into a political crisis or an obstacle to EU accession.[3]

However, holding states responsible for resolving their own disputes does not mean leaving them to deal with these issues on their own. Regional cooperation and the Berlin Process can help keep unresolved issues on the political agenda, while mediation or other appropriate mechanisms can be used when direct negotiations fail. A credible dispute resolution process could also allow efforts to settle a dispute to continue alongside accession negotiations, without halting European integration.[4]

More recent proposals place greater emphasis on preventive diplomacy and on institutions that already have experience identifying and easing bilateral tensions early on. One example is the OSCE, particularly its High Commissioner on National Minorities, which can facilitate dialogue, monitor developments and help address the legal and political causes of disputes before tensions escalate.[5] However, the role of such institutions has its limits. International mediation can create opportunities for agreement, but it cannot replace the political willingness of the countries involved to resolve their differences.

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2 Miloš Paunović, Otvorena pitanja – Srbija i Hrvatska (*Open issues – Serbia and Croatia*), Centar za primenjene evropske studije, 2019.

3 Nikola Dimitrov, Marika Djolai and Natasha Wunsch, *Removing Obstacles to EU Accession: Bilateral Disputes in the Western Balkans*, BiEPAG, 2015.

4 Erwan Fouéré, *EU Enlargement and the Resolution of Bilateral Disputes in the Western Balkans*, CEPS, 2023.

5 Steven Blockmans and Butrint Berisha, *From Stalemate to Solution: Rethinking EU Approaches to Bilateral Disputes in the Context of Enlargement*, ICDS, 2025.

The problem, therefore, is not simply a lack of opportunities for dialogue. Nor is it realistic to expect the EU or any other international organization to resolve a dispute that the parties themselves are unwilling to address seriously. Disputes do not always persist because dialogue is absent or because the right mechanisms are unavailable. Sometimes, keeping a dispute unresolved is more politically useful than reaching a compromise. Under such circumstances, another meeting, a mediator, or a regional initiative will not, on its own, produce a solution. Early action can help prevent problems from accumulating over the years and being revived at politically convenient moments, but it cannot guarantee that a dispute will be resolved.

It is also important to recognize that the parties to a dispute do not always start from equal positions. The legacy of war, unresolved status issues and differences in political and international influence can give one side a considerably stronger position even before EU membership enters the picture. The accession process did not create these imbalances, but it can make them even more pronounced.

Different disputes require different solutions

Unresolved bilateral disputes do not necessarily lack mechanisms for resolution. International courts and arbitration, the UN, the Council of Europe, the OSCE and its specialized institutions already have different mandates, experience and expertise. Recent proposals therefore increasingly emphasize the need to direct different types of disputes towards the mechanisms best suited to resolving them.[6] Territorial disputes, minority rights issues and disagreements over history are different types of problems and cannot easily be resolved through the same means.

The clearest proposals concern territorial and border disputes. In 2018, the European Commission took the position that unresolved border disputes, if they cannot be settled bilaterally, should be referred unconditionally to final and binding international arbitration. Both parties would be required to fully implement and respect the decisions before joining the EU, and the outcomes would also be taken into account when preparing accession agreements.[7] More recent studies also identify arbitration and international courts as possible ways to address disputes that can be resolved through legal means.

For minority and human rights issues, proposals focus on making greater use of existing European standards and institutions. Specific recommendations include stronger reliance on the Council of Europe's Framework Convention for the Protection of National Minorities and judgments of the European Court of Human Rights, as well as cooperation with the OSCE High Commissioner on National Minorities and the Venice Commission.[8] This would place such disputes within a framework of rights and standards that apply to all countries, rather than letting the balance

6 Steven Blockmans and Butrint Berisha, *From Stalemate to Solution: Rethinking EU Approaches to Bilateral Disputes in the Context of Enlargement*, ICDS, 2025.

7 European Commission, *A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans* 2018; Elena Basheska, "EU Enlargement in Disregard of the Rule of Law: A Way Forward Following the Unsuccessful Dispute Settlement Between Croatia and Slovenia and the Name Change of Macedonia", *Hague Journal on the Rule of Law*, Vol. 14, 2022.

8 Erwan Fouéré, *EU Enlargement and the Resolution of Bilateral Disputes in the Western Balkans*, CEPS, 2023.

of political power between two states determine the scope of minority rights. However, these institutions cannot resolve every type of bilateral dispute. Human and minority rights bodies can assess whether rights are being respected, but they cannot determine whose interpretation of history, culture or national identity is "correct".

Historical and identity-related disputes therefore call for a different approach. Questions of identity, history and language that fall outside the accession criteria could be addressed through a separate process running in parallel with membership negotiations. For historical disputes, proposals refer to existing initiatives such as the Council of Europe's Observatory on History Teaching in Europe and EUROClio, which can support dialogue and reconciliation without attempting to settle historical disagreements themselves.[9] Disputes over status and political normalization require yet another approach, primarily longer-term political mediation involving the EU, the UN or other mediators.

The aim, therefore, should not be to find a single institutional solution for all bilateral disputes. Where a dispute concerns a legal question, courts or arbitration may offer an alternative to negotiations in which political power determines the outcome. Where international standards exist, as in the case of minority rights, institutions are available to interpret those standards and monitor their implementation. But no court can settle a dispute over identity, just as no international organization can force two countries to come to terms with their shared past.

The 2018 Prespa Agreement between Greece and North Macedonia shows that political compromise is possible even in long-standing identity disputes. The agreement paved the way for lifting Greece's blockade of North Macedonia's Euro-Atlantic integration, but it also demonstrated how politically costly such compromises can be at home.

Of course, legal mechanisms do not guarantee a solution either. Arbitration and international courts depend on jurisdiction, the consent of the parties and, ultimately, their willingness to implement the decisions. The experience of Croatia and Slovenia shows that even an arbitration ruling does not necessarily end a dispute. There are, however, examples of successful outcomes. Both countries accepted and implemented the 2009 International Court of Justice judgment on the maritime boundary between Romania and Ukraine.[10] Political mediation depends even more directly on the willingness of the parties to reach an agreement. The value of these mechanisms lies in their ability to reduce the extent to which political power alone determines the outcome of a dispute, and to bring the process back within a framework of law, shared standards or structured political dialogue.

[9] Ibid.

[10] Steven Blockmans and Butrint Berisha, *From Stalemate to Solution: Rethinking EU Approaches to Bilateral Disputes in the Context of Enlargement*, ICDS, 2025.

When a dispute enters the accession process, set clear boundaries

One of the main problems with the way bilateral disputes are handled in the accession process is that neither the starting point nor the end point of conditionality is clearly defined. No sufficiently clear answer exists on when and why a bilateral dispute becomes relevant to EU accession, or what a country must do for such a dispute to be considered resolved. This problem has long been highlighted in the literature: good neighborly relations have become a condition for accession, but the substance of that condition has never been defined precisely enough. This uncertainty becomes far more serious when a bilateral dispute starts determining whether a candidate country can continue its negotiations.[11]

Montenegro is already facing the consequences of such conditionality. As it approaches the final stages of accession negotiations, it has little time left to address outstanding issues with its neighbors. Border disputes, succession issues and other unresolved bilateral obligations did not emerge overnight, nor can they be attributed solely to pressure from neighboring countries. Years of limited progress in resolving them are now taking their toll on the accession process, where some of these issues have already become conditions for further progress. Montenegro therefore needs to show much greater initiative and political willingness to address problems it has left unresolved for years.

The first question is which bilateral issues should fall within the accession process at all. Some clearly overlap with obligations that the EU has legitimate grounds to monitor. The protection of minority rights, the rule of law and compliance with international obligations do not cease to be European concerns simply because they are also the subject of a dispute between two countries. It is much harder to justify applying the same approach to historical interpretations, identity, language or other claims that have no clear basis in EU law or membership criteria. This is why some proposals suggest assessing issues covered by the accession criteria under the same rules and standards that apply to all candidates, while addressing other bilateral disputes through a separate process running in parallel with membership negotiations.

The second question is when a dispute can be considered settled. If the EU requires bilateral disputes to be resolved before accession, what exactly counts as a resolution? Must the parties reach a final political settlement, sign an agreement, initiate arbitration, accept a court ruling or fully implement it? Or is it sufficient to have a credible process in place through which the dispute is being addressed?

The experience of Croatia and Slovenia illustrates just how unclear this can be. Their border dispute was serious enough for Slovenia to block the opening and closing of fourteen chapters in Croatia's accession negotiations. The 2009 arbitration agreement lifted that blockade, and Croatia joined the EU in 2013.[12] In other words, Croatia did not have to resolve the dispute before becoming a member. It was enough for the two countries to agree on a way to resolve it.

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11 Elena Basheska, *The Good Neighbourliness Condition in EU Enlargement, Contemporary Southeastern Europe, 2014; Elena Basheska, EU Enlargement in Disregard of the Rule of Law: A Way Forward Following the Unsuccessful Dispute Settlement Between Croatia and Slovenia and the Name Change of Macedonia, Hague Journal on the Rule of Law*, 2022.

12 Elena Basheska, *The Good Neighbourliness Condition in EU Enlargement, Contemporary Southeastern Europe*, 2014

Yet even that agreement did not ultimately end the dispute. In 2015, Croatia initiated proceedings to withdraw from the arbitration agreement and subsequently refused to accept the final arbitration ruling issued in 2017. In 2020, the Court of Justice of the European Union concluded that it lacked jurisdiction to rule on obligations arising from a bilateral international agreement whose subject matter did not fall within EU law.[13] The paradox is clear: the same dispute was considered sufficiently "European" to block Croatia's accession negotiations, but after Croatia joined the EU, it became a matter outside the scope of EU law. Membership removed Slovenia's ability to use the accession process as a means of pressure, while the unresolved dispute did not prevent either country from functioning as an EU member or participating in common EU policies.

This example also shows why requiring every bilateral dispute to be fully resolved before accession is not always realistic. What may matter more is that the parties have agreed on a credible way to resolve it. This reasoning underpins proposals to allow accession negotiations to proceed when an appropriate dispute-resolution procedure or mechanism is in place, with efforts to settle the dispute continuing in parallel.[14]

However, this does not mean that bilateral issues should simply be excluded from accession conditionality. If the EU considers an unresolved issue relevant to membership, it must clearly explain why, specify what it expects from the candidate country and establish how it will determine whether the obligation has been fulfilled. Without these safeguards, it becomes difficult to draw and maintain a clear line between legitimate conditionality and bilateral political pressure. The EU does not need to decide which side is right in every dispute between two countries. But it does need to explain why a particular dispute has become part of the accession process, what exactly is required and when the condition will be considered fulfilled.

The same principle applies to monitoring. If good neighborly relations and the resolution of outstanding issues are conditions for membership, they should also be subject to serious, continuous and sufficiently detailed monitoring. There is little sense in the EU addressing a bilateral dispute seriously only when a member state threatens to use its veto. Regular reporting should identify outstanding issues, the commitments made by the countries involved, what has been implemented, where progress is lacking and whose actions are contributing to delays or escalating tensions.

Proposals for annual monitoring of bilateral issues have been around for more than a decade. Examples also show that the EU can define obligations much more precisely when it chooses to do so. Serbia's commitments under the agreement on normalization with Kosovo have been incorporated into the accession criteria for Chapter 35, together with a specific mechanism for monitoring their implementation.[15] This model cannot be applied to every bilateral dispute, but it demonstrates that the EU can clearly establish what needs to be monitored and how progress should be assessed.

Without such clarity, a bilateral dispute can become serious enough to halt accession negotiations without anyone having clearly established what the obligation entails, how its fulfillment will be assessed or when it will cease to be an obstacle. If resolving bilateral disputes is an EU accession requirement, it should be governed by the same basic principles as other conditions: clarity, measurable requirements, consistent monitoring and a predictable point at which the condition is considered fulfilled.

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13 Elena Basheska, *EU Enlargement in Disregard of the Rule of Law: A Way Forward Following the Unsuccessful Dispute Settlement Between Croatia and Slovenia and the Name Change of Macedonia, Hague Journal on the Rule of Law*, 2022.

14 Erwan Fouéré, *EU Enlargement and the Resolution of Bilateral Disputes in the Western Balkans*, CEPS, 2023.

15 Elena Basheska, *The Western Balkans and the EU: Genuine and Sincere? The Story of Bilateral Disputes and Pretence, European Journal of Risk Regulation*, 2025.

Preventing unresolved disputes from becoming permanent blockades

The EU accession process gives member states numerous opportunities to block the progress of candidate countries. According to one estimate, the current methodology includes 49 points at which an individual member state can use its veto, while the German-Slovenian proposal to expand the use of qualified majority voting would reduce that number to 36.[16] Of course, not all of these decision-making points are intended to serve as instruments for resolving bilateral disputes. But any of them can be used for that purpose if a member state decides to make its consent to the next step conditional on a bilateral demand.

Among the proposals to limit such blockages, qualified majority voting (QMV) has attracted the most attention. In early 2024, Germany and Slovenia proposed introducing QMV for certain steps up to the opening of negotiating clusters, while retaining unanimity at key stages of the process, including the formal opening of negotiations, the closing of individual chapters and the final decision on membership.[17]

This would reduce opportunities for individual member states to block progress, but it would not eliminate them. QMV could prevent a single member state from blocking a technical step once a candidate has met the required criteria. However, it would not resolve the underlying bilateral dispute, nor would it offer much help when a bilateral demand has already been incorporated into the EU's accession conditions.

North Macedonia illustrates this limitation. After resolving its dispute with Greece, the country faced another blockade, this time over historical and identity-related disagreements with Bulgaria. Bulgaria later incorporated some of its demands into the EU negotiating framework, making North Macedonia's further progress depend on constitutional amendments that would include the Bulgarian community in the Constitution.[18] QMV offers little help in this situation, because changing the voting rules for later stages means very little to a country that cannot reach those stages in the first place.

This is why some proposals take a different approach. Rather than removing a member state's right to oppose a decision, they seek to place limits on how that right can be exercised. Under one such proposal, a member state's opposition at intermediate stages would not automatically bring the process to a halt. The state would have to demonstrate that a fundamental EU interest was at risk, that blocking the decision was proportionate to that risk and that no less restrictive measure could adequately protect the interest in question.[19] In other words, member states would retain the ability to block progress, but they would have to explain what interest they were protecting and how that interest related to the EU.

16 Strahinja Subotić and Filipa Cvetanova, *Reining in the Enlargement Vetoes: The German-Slovenian Non-Paper Under Review*, CEP, 2025.

17 Wouter Zweers, Isabelle Ioannides, Zoran Nechev and Nikola Dimitrov, *Unblocking Decision-Making in EU Enlargement: Qualified Majority Voting as a Way Forward?*, Clingendael Institute/DGAP/ELIAMEP/Solutions, 2024.

18 Strahinja Subotić and Filipa Cvetanova, *Reining in the Enlargement Vetoes: The German-Slovenian Non-Paper Under Review*, CEP, 2025.

19 Christophe Hillion, *Making a Success of EU Enlargement: Three Proposals*, SIEPS, 2025.

Proposals to give greater weight to the European Commission's technical assessments follow a similar logic. The Commission already evaluates whether candidates have met the required criteria and recommends whether they should advance to the next stage, but member states make the final decision. One proposal is therefore to leave certain intermediate technical steps to the Commission, rather than making every technical assessment subject to a political decision by member states.[20] The aim is not to exclude member states from enlargement policy, but to reduce the chance that a candidate meets the criteria, receives confirmation from the Commission, and then finds its progress blocked by an entirely unrelated issue.

A third approach starts from the assumption that an unresolved bilateral dispute does not necessarily have to bring accession negotiations to a standstill. Where a credible procedure or mechanism for resolving the dispute is in place, the accession process could continue while the bilateral issue is addressed in parallel.[21] This is not merely a theoretical possibility. As Croatia and Slovenia have shown, the EU has already accepted an agreed dispute resolution process as sufficient grounds to allow accession to continue, even though the dispute itself had not been fully resolved before membership.

None of these proposals would resolve bilateral disputes on their own. They could, however, help ensure that an unresolved dispute does not automatically bring enlargement to a halt at every stage. QMV could reduce opportunities for individual vetoes; requiring member states to justify their objections could make blockages harder to misuse, a stronger role for the Commission could give greater weight to technical assessments, and a parallel dispute resolution process could allow accession to continue without making the entire process dependent on the settlement of a single bilateral issue.

However, these approaches can only work if the EU first answers a more fundamental question: which bilateral demands can legitimately become conditions for accession? Without a clear answer, the EU could change its voting rules, strengthen the Commission's role and require member states to justify their vetoes, only to find that bilateral disputes continue to enter the accession process through the front door.

Finally, QMV should not be expected to achieve something it was not designed to do. The debate over limiting unanimity extends far beyond enlargement and is already taking place in other areas of EU policy, particularly foreign and security policy.[22] Enlargement is one area where the consequences of unanimity are especially visible. QMV could help make enlargement policy less vulnerable to blockages by individual member states, but it should not be presented as an institutional reform that the EU is pursuing specifically because of bilateral disputes in the Western Balkans.

[20] Ioannis Armakolas, Nikola Dimitrov, Isabelle Ioannides, Zoran Nechev, Oana Popescu-Zamfir & Valbona Zeneli, *EU Enlargement to the Western Balkans: Where There Is a Will, There Is a Way*, IWM/Europe's Futures, 2024

[21] Erwan Fouéré, *EU Enlargement and the Resolution of Bilateral Disputes in the Western Balkans*, CEPS, 2023.

[22] Wouter Zweers, Isabelle Ioannides, Zoran Nechev and Nikola Dimitrov, *Unblocking Decision-Making in EU Enlargement: Qualified Majority Voting as a Way Forward?*, Clingendael Institute/DGAP/ELIAMEP/Solutions, 2024.

From individual solutions to a coherent strategy

Proposals for managing bilateral disputes are plentiful, but no coherent policy brings them together. The EU already has accession criteria and negotiating frameworks, political mediation, international and regional partners, judicial and arbitration mechanisms, instruments for protecting minority rights, and procedures for monitoring commitments. What is missing is a clear strategy that connects these instruments and sets out how bilateral disputes should be handled during enlargement. The literature has raised the need for such a strategy for years, while more recent proposals go a step further by calling for specific guidelines or an EU institutional framework for managing bilateral disputes in the enlargement process.[23]

Such a strategy should not create another universal mechanism for resolving disputes. Instead, it should bring together the instruments already available and clarify who is responsible for what, when action should be taken, and which mechanisms are appropriate for different types of disputes. The countries involved should remain primarily responsible for resolving their own disputes. This means addressing outstanding issues early, engaging in serious negotiations, making use of available mechanisms and implementing the agreements they reach. The EU's responsibility begins when a bilateral dispute affects the accession process.

The EU should therefore clearly distinguish between bilateral issues that genuinely concern the EU acquis, membership criteria, minority rights or other European standards, and disputes over history, identity, borders or other matters that do not have the same basis in the accession process. The former should be assessed against clear European standards that apply equally to all candidates. For other disputes, an appropriate means of resolution should be identified, whether through bilateral dialogue, mediation, international courts or arbitration, regional and international mechanisms, or another form of political dialogue. Not every unresolved issue should automatically become a condition for taking the next step towards EU membership.

Where a bilateral issue does become an accession condition, it should not be enough for a member state simply to declare that a problem exists. It must clearly explain why the issue is relevant to membership, what exactly is expected of the candidate country, who will assess its progress, and when the obligation will be considered fulfilled. The same principle should apply to monitoring. If the EU expects candidate countries to maintain good neighborly relations and implement bilateral agreements, it should monitor both progress and the lack of it on a continuous basis, rather than addressing these issues only when a member state threatens to block accession.

It is equally important to distinguish between resolving a dispute and allowing accession negotiations to progress. Some disputes must be settled before membership, particularly when they directly affect the obligations a country assumes upon joining the EU. However, this does not mean that every unresolved bilateral issue should prevent progress at every stage of negotiations. Where a credible dispute resolution process is in place, efforts to settle the dispute should be able to continue in parallel with accession negotiations.

[23] Erwan Fouéré, *EU Enlargement and the Resolution of Bilateral Disputes in the Western Balkans*, CEPS, 2023; Steven Blockmans and Butrint Berisha, *From Stalemate to Solution: Rethinking EU Approaches to Bilateral Disputes in the Context of Enlargement*, ICDS, 2025.

This is why limiting the use of vetoes, introducing qualified majority voting or strengthening the Commission's role cannot substitute for a broader strategy. These measures could help prevent bilateral demands unrelated to the accession criteria from blocking the technical progress of candidates that have met the required benchmarks. But reducing the number of opportunities to use a veto does not, by itself, provide sufficient protection against its misuse. Nor can it replace a system in which the grounds for blocking progress are much more clearly defined from the outset. Based on the proposals examined in this analysis, several recommendations can be made for improving how bilateral disputes are managed during EU enlargement:

1. The European Commission and EU member states should establish clearer criteria to distinguish bilateral issues relevant to accession from those that should be resolved outside the negotiating process.

2. The European Commission should ensure continuous monitoring of unresolved bilateral issues, the implementation of agreements and progress towards resolving disputes, rather than addressing these matters only when they become grounds for blocking accession.

3. Western Balkan countries should take timely action to resolve outstanding issues, make use of existing bilateral, regional and international mechanisms, and fulfill the commitments they have undertaken.

4. EU institutions and member states should consider measures to reduce the risk of individual bilateral demands blocking the progress of candidates that have met the accession criteria. These could include wider use of qualified majority voting and a stronger role for the Commission in the technical stages of negotiations.

5. The EU and countries involved in bilateral disputes should allow dispute resolution to proceed in parallel with accession negotiations where a credible, mutually agreed mechanism is in place, except where the nature of the dispute requires settlement before membership.

Implementing these recommendations would not automatically resolve bilateral disputes, nor would it relieve the countries involved of their responsibility to address them. It would, however, make the EU's response less dependent on the particular dispute, the member state raising it or the stage at which that state decides to turn it into an accession condition. Clearer rules on which bilateral issues belong in the accession process, how they should be addressed and monitored, and under what circumstances they can affect a candidate's progress would make enlargement more predictable. They would also reduce the extent to which the balance of political power between a member state and a candidate country determines the outcome.


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