

FROM EU MEMBERSHIP APPLICATION TO ACCESSION NEGOTIATIONS: FREQUENTLY ASKED QUESTIONS

1. Who can apply for the EU membership?

In line with the Treaty on the European Union article 49, any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them.

2. How does the EU assess the readiness of an applicant country to join?

The EU assesses the readiness of applicant countries according to three accession criteria defined at the European Council in Copenhagen in 1993 and hence referred to as 'Copenhagen criteria'.

Specifically:

- Political criteria: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- Economic criteria: a functioning market economy and the capacity to cope with competition and market forces in the EU;
- EU *acquis* criteria: the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union.

At the same time, as defined by the 1995 Madrid European Council, applicant countries are expected to develop their administrative structures and the EU needs to be able to integrate new members.

Finally, as regards the Western Balkans, applicant countries also need to fulfil the 'Stabilisation and Association process' conditions, mostly relating to regional cooperation and good neighbourly relations.

3. What does the EU membership application include?

The membership application is usually an official letter signed by the country's highest executive authority, President, or Prime Minister, in which the country expresses its commitment to respect as well as promote the values on which the European Union is founded¹ and undertake all the necessary steps to comply with the EU membership criteria.

4. To whom is the membership application submitted?

The membership application is submitted to the rotating [EU Council Presidency](#)². Upon submission of an application, the EU General Affairs Council, namely the representatives of the 28 EU Member States decide when the application is forwarded to the European Commission, which is formally invited to prepare an opinion (*Avis*) on the merits of the country's application. The European Parliament and national Parliaments of EU Member States are also notified of the application.

5. What is a "Questionnaire" and what does it include? How many questions are there? Is there a deadline for its submission?

The Questionnaire is a formal instrument through which the Commission assesses the state of play and readiness of applicant countries to move forward in the accession process, namely to be granted candidate country status and open accession negotiations. The Questionnaire includes both simple and

¹ Article 2. of the Treaty of Lisbon (2009) stipulates that "the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

² The presidency of the Council rotates among the EU Member States every 6 months. Currently, the Netherlands holds the presidency (January – June 2016), and will be followed by Slovakia (July – December 2016) and Malta (January – June 2017).

complex questions aimed at providing precise information about the country, from the respect for political and economic criteria, to the extent of compliance with EU legislation, as well as information on institutional and administrative capacities necessary for the acceptance and implementation of European Union's legislation in each of the 33 policy areas of the EU *acquis* (e.g: agriculture, competition, public procurement, education and culture, etc).

The number of questions can vary depending on the country. For example, in case of Croatia there were 4,560, in case of the former Yugoslav Republic of Macedonia 4,666, in case of Montenegro 2,178 and in the case of Serbia, 2486 questions.

The applicant country is usually given a 3-month indicative deadline to complete the Questionnaire but quality is more important than speed and the applicant country may take more time to reply in order to achieve a higher quality of the answers.

The quality of the responses is of extreme importance for an accurate assessment of the situation in the country. Based on lessons learned from other countries which have gone through this process, it is not uncommon to have subsequent exchanges and follow up questions until all information received by the Commission from the applicant country is deemed satisfactory.

6. What is an Opinion of the European Commission on a membership application?

The Opinion is a document which thoroughly analyses the country's legal and constitutional framework as well as implementation of the country's legislation against the entire body of EU laws, norms and regulations, also known as the "EU *acquis*". The Opinion includes an extensive "analytical report" covering for all three Copenhagen criteria, including [33 policy chapters of the EU *acquis*](#) as well as conclusions and potential recommendations to the EU Council related to the granting of candidate country status and the opening of accession negotiations. Upon completion of the Opinion preparation process, the timing of which depends on the administrative capacity of the country to deliver, the Commission submits its Opinion to the EU Council for a political decision on the next step on the country's EU path.

At the same time, if the country does not sufficiently meet the requirements to move ahead in the process, the Commission outlines in the Opinion the specific reforms, also known as "key priorities", which need to be delivered upon by the applicant country in order to move forward.

7. Is the European Commission's Opinion based only on the answers to the questionnaire?

No. Answers to the Questionnaire are a core element of the information gathering process, but not the only one. In parallel, the Commission deploys many expert missions and peer reviews with EU Member States' experts, notably to check the level of implementation of the legislation. The Commission also receives independent expert reports and hosts consultations with civil society organisations, international organisations and other stakeholders to feed information in the assessment. In this respect, the Commission encourages a participatory process whereby any interested stakeholder, ranging from international organisations to civil society, is welcome to submit information.

8. How long does the process last?

The entire process – from inviting the European Commission to draft the opinion and its actual delivery – may last up to one year or longer. The process is directly linked to the administrative capacity of the country to deliver high quality coordinated replies to the Commission's inquiries on the situation on the ground both regarding the replies to the Questionnaire as well as through the specific expert missions and peer reviews.

9. What are the next steps following the European Commission's Opinion?

Following completion of the Opinion process, the Commission presents it to the EU Council. The Opinion provides a solid basis for discussion in order for the EU Council to take a political decision on the next steps in the country's EU accession process.