

MAIN FEATURES OF STABILIZATION AND ASSOCIATION AGREEMENTS AND THE DIFFERENCES WITH EUROPE AGREEMENTS

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Introduction

The enlargement of the European Union (EU) with ten new members establishes a new epoch for the European Continent. This enlargement represents the sixth one and it is unlike those that preceded it. It included an overall strategy for the post communist countries in order to strength their market economy, democracy and to transform the old mentality into a new one. The expansion of EU realizes the dream of the founders of the European Integration: *the reunification of the European continent divided in the after month of the Second World War*.

Despite all these changes, the position of Western Balkan differs in this process. Countries of the Balkans are step behind and they have more to go in order to reach the European family. However, Copenhagen Council of 2002 reaffirmed European perspective of the five countries of the Western Balkans and underlined, once again, the European Union's determination to support their efforts –as potential candidates-to move closer to the EU². For the countries of the western Balkans, a new strategy is launched and they are going under reforms through stabilization and association process. In this framework Albania was the recent one, to open the negotiation for signing the Stabilization and Association Agreement (SAA) with the EU and its member states³.

Having said that in this paper I will give a brief overview of the Community legal basis for concluding the association agreements in general and the differences between them. In the first part, I am going to explain briefly the legal framework for signing association agreement. In the second part I will give a detailed overview of the differences between the two processes (AP and SAP), and the third one, will cover the main legal differences between the Europe Agreements and Stabilization and Association Agreements. The article will be concluded with some important remarks.

I. Community legal basis of EAs and SAAs

The Community power to enter in the external relation was first limited to common commercial policy and association agreement. The Commission power to adopt association agreement was not limited in time under the EEC Treaty⁴. Article 310 (ex 238) of the EC Treaty establishes the right of the commission to negotiate such agreement with third countries and

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² See: *"The Stabilization and Association Process for the South East Europe"*, Report from the Commission, Second Annual Report. COM (2003) 239 final, 26.3.2003

³ Albania has opened its negotiation in order to sign the Stabilization and Association Agreement with EU and its member states in 31 January, 2003

⁴ See: Article 238 of EC Treaty

organizations. Therefore it negotiated three important association agreements in the first few years-the treaties with Turkey, Greece, and the first Yaoundé Convention⁵.

None of the articles of the treaty provided what the association agreement might contain, but in the agreements with Turkey and Greece, the EC institution clearly took the view that they could insert measures covering the entire subject matters of the EC Treaty⁶. Thus for, both association agreements provided for a future custom union with the Community as well as future free movements of goods, services and workers, with limited free movement of capital; the adoption of the common agriculture policy; freedom to establishment, competition and state aid rules, based on those of the EEC Treaty⁷.

Moreover the concept of association was further elaborated by the decision of European Court of Justice (ECJ) in Demirel⁸ case. The guidance of ECJ was limited in emphasizing that the association agreement creates a “privilege relation” between the community and the third state and this state, can take part in the community system by receiving benefits from the community, without necessarily having to give anything back.

Based on ECJ guidance and the community practice of implementing these kinds of agreements we can distinguish as follows: *the association agreements are used as instrument for the future membership of the countries in the EC/EU, even in absence of explicit requirement of treaty provision. They envisage the political will of the community and the third state to associate in order to help the latter to enter in the European family.* The first four agreements envisage eventual membership or adoption of the custom union or the full internal market.

Nevertheless the association agreements did not expressly envisage membership or adoption of the custom union or full internal market⁹. Albeit this fact, the Europe Agreement countries are now consider eligible for membership.

II. European approaches towards recent and future enlargement

Until very recently there has been a sharp division in the EU policy towards the European continent. One hand for accession candidates, there exist a clearly articulated strategy for helping them through the “accession process” in parallel with “accession negotiations”. All this process is run by a dedicated Enlargement Directorate¹⁰, together with progressively intensifying engagement by other Directorates and EU Institutions. On the other hand, there is wider Europe, which falls into the same category as the rest of the developing world. The wider Europe is dealt with by the External Affairs Directorate and draws funds from external actions¹¹. Moreover the candidate countries were given earlier new instruments and strategies in order to rapid their process of membership. The most important strategy was the “accession partnership”. The

⁵ The agreements were signed during 1963- 1964

⁶ See: Steve Peers “*EC Frameworks of International relations: Co-operation, Partnership and Association*”, in Alan Dashwood Christophe Hillian “The general law of E.C External relations”, Cambridge 2000

⁷ *ibid.*

⁸ Case 12/86, Meryem Demirel v Stadt Schwabisch Gmund, ECR 3719, 1987

⁹ S. Peers, *supra* note 5

¹⁰ For detailed information about enlargement process see European Union website: www.europa.eu.int/comm/enlargement. The countries of the western Balkans falls under the EC-External Relation Directorate

¹¹ See: “The Road of Thessaloniki: Cohesion and the Western Balkans” Working paper of European Stability Initiative, ESI, www.esiweb.org, 12 March 2003

strategy was an advanced approach which focused all the reforms towards one main goal: *the entrance of the new states in the EU*.

This is not the case for the countries of the western Balkans, which is engaged in a step process, with fixed time table and periodic evaluation in order to let it seeking this important goal. Moreover as it stands the promise offered from the Europe to the region is curiously insubstantial. The countries of the western Balkans have no early prospect of opening the formal negotiation on membership (with exception of Croatia) with EU and moreover, they are excluded from the larger European project of strengthening economic and social cohesion across the continent¹².

II.1 The accession partnership

The pre-accession strategy that is underway for the Union sixth enlargement takes little of its content from the examples of previous enlargement practices; indeed, any reference to the terminology of pre-accession was only used for the first time by the Essen European Council of December 1994. In the previous enlargement process, the EU/EC negotiated directly with the applicants and when the applicants were expected to adopt the *acquis communautaire* in its entirety and the capable of functioning as Member States from the very date of their accession, the word pre-accession was not applied to the necessary preparations¹³.

The accession partnership (AP) launched for EA countries is the most important legal instrument among the many actions taken by the Union in the reorientation of the EA from the aim of association to that of accession. The content of accession was first unveiled in 1996 from the Dublin European Council, while a detailed content was set in the European Commission Agenda 2000. The AP sets out in the single framework, both the pre-accession actions to be taken by the candidate countries and financial instruments to be taken by the European Union to help the candidates in their preparation for accession¹⁴. Based on the individual (AP), the thirteen candidate countries, including here also the Bulgaria, Rumania and Turkey¹⁵ have adopted a National Plan for Adoption of the Principles of the Acquis. The EU on the other hand has adopted common instrument for all countries, including here CEEC, Cyprus Malta and more recently Turkey¹⁶.

Although the EA and the Association Agreements between the Union and the candidate countries remain the basis for EU-CEEC relations, it is the AP-s that guide and drive the work of candidate countries in the pre accession phase. Another important element derives from the fact that the AP introduced in the phase of pre- accession, reaches all areas of the EC and EU *acquis* including areas that had not been touched upon by the EA-s

¹² See: “*Western Balkans 2004 Assistance, Cohesion and the new boundaries of Europe, A call for policy reform*”, *European Stability Initiative*” (ESI), 3 November 2002. The paper tries to analyze that the difficulties that the Europe is facing from the enlargement of the new members remain the same also for the Western Balkans.

¹³ K Inglis “*Pre-accession strategy and the Accession partnerships*” in A. Ott & K Inglis “*Handbook on European Enlargement, A commentary on the Enlargement Process*” TMC Asser Press 2000, p.103

¹⁴ *ibid.*, p. 106

¹⁵ For the progress of Bulgaria, Romania and Turkey see: “*Continuing enlargement, Strategy paper and Report of the European Commission on the progress towards accession*” available in EU website 2003

¹⁶ The Council Regulation 622/98 adapted in 1998 for CEEC referred to assistance to the CEEC in the framework of the pre- accession strategy and provided the legal basis for the adoption of AP with the unanimity of the Council. The regulation was based on article 308 on EC treaty, which provides that in absence of any treaty provision, the article provide legal basis for appropriate Community measures designed to attain the Community’s objectives.

II. 2 Stabilization and Association Process

The European Approach toward South East Europe as a region was unveiled as the “Process for Stability and Good Neighborliness” in the South Eastern Europe. The first initiative was launched for the first time at the Royaumont summit in 1996 and brought together the fifteen ministers of the EU members and representative from former western Balkans countries together with USA and Russia delegations. The ‘regional approach’ was launched for the countries of SEECs in the form of *Stabilization and Association Process* and included those countries that did not signed association agreement with EU, namely Albania, Bosnia and Herzegovina , Croatia, the Federal Republic of Yugoslavia (FRY) and the Former Yugoslav Republic of Macedonia(FYROM). The main motivating factor for these countries was the **explicit offer of future membership** made by the Feira European Council. However this offer is tied with the obligation that these countries have to reach certain objectives and condition based on the Treaty of the European Union and the 1993 Copenhagen Criteria¹⁷ as well as to a program of Community assistance. The SAP is constructed as a “gradual” approach consisting of “concept of steps”, namely trade preferences, the extension of financial assistance and economic co-operation as well as establishment of contractual relations, such as SAA, is subject to different degrees of conditionality. The mid term aim of SAP is the conclusion of SAA¹⁸. However Lisbon European council opted for asymmetric trade liberalization that should precede an SAA, and moreover the Council of Ministers adopted another regulation with the aim to improve the existing preferential trade and provided for an autonomous trade liberalization of 95% of all these countries exports to the EU. Imports from these countries into EU should be admitted without quantitative restriction or measure having equivalent effect¹⁹. The greatest change of 2000 was the almost complete liberalization of imports of agriculture products and abolition of quotas for sensitive industrial products.

As a conclusion for countries of SEEC exist an overarching, regional or multi-country strategy commits political support on the part of the Union as well as all the candidate countries (or SEECs) to implement the legally binding bilateral relationship between the EC and the candidate countries and SEECs in the form of Europe/ Association agreement or an SAA, combined with EU financial and technical assistance under PHARE and its program CARDS²⁰ in

¹⁷Copenhagen criteria requires that candidate countries ensure: 1) “Stability of institution guaranteeing democracy, the rule of law, human rights and the respect for the protection of minorities”;2) “the existence of a functioning market economy as well as the capacity to cope with competitive pressure and the market force within the Union”; 3) “ability to take on the obligations of membership, including adherence to the aims of political and monetary union”. See: “*Stabilization and Association process for South East Europe*”, Second annual report, COM (2003)139, 26.03.2003

¹⁸ See J Marko & J Wilhelm : “*The Balkan newly independent states, stabilization and association agreements*”, in A. Ott & K. Inglis “Handbook on Europe Enlargement A commentary on the Enlargement Process”, TMC Press 2000, p 165

¹⁹ See Council Regulation (EC) 2007/2000 amended by the Council Regulation (EC) 2563/2000. The Autonomous Trade measures (ATMs) establish a uniform system of trade liberalization for the countries of the Western Balkans. Previously trade relations with EU were governed by bilateral agreement. Albania had benefit from EU General System of Preference. The ATMs were put in contractual agreement with Croatia and Macedonia by the signing of the respective of SAA agreement The ATMs provided for Western Balkans duty free access to the EU market for all goods or preferential quotas for some fishery products and baby –beef products and wine. See: COM (2003) 139. 26.3.2003, supra note, 1

²⁰ Council Regulation (EC) No 2666/2000 of December 2000 on assistance for Albania, Bosnia and Hercegovina , FRY, FRYOM , OJ. 2000, 36

the case of SEECs. In the pre-accession strategy the emphasize to all EU and candidate countries members falls on the adoption and implementation of the *acquis communautaire* by the candidate countries themselves as does the building up of the governmental capacity to enforce the *acquis* once they become members of EU. These are also core elements of SAP but the political fragility of SEEC countries and the political and socio-transition need there, necessarily means that the focus of the SAP must start from a far below level of preparation so that all SAA may be put in place²¹.

However as I already explained above this slowly approach for the SEEC countries has changed some how, because in the recent commission documents, it has been emphasized that certain aspect of intensive preparation should be replaced in the SAP, including here institution building and twinning project or boarder control and management²².

II.3 A need for cohesion in reforms

Despite all this considerations some of the analysis suggests that there are strong strategic arguments for extending the new pre-accession strategy to the western Balkans. The idea is: *to treat these countries as pre-accession candidates without the obligations to open the negotiations on the membership until they are found to be fit by the Commission on their individual merits.* The progress of each state through the stabilization and association process and then the accession process is determined by individual circumstance and capacity²³. This differentiated approach is a key element of the EU strategy in the region and should be retained. At the same time, there is a strong EU interest in addressing the structural economic problems common to the region as a whole, which pose a continuing threat to the region's fragile political and social stability. Moreover it is on EU interest to bring it full range of financial and institutional tools to bear on these challenges as soon as possible, whatever the progress of particular state through the stabilization and association process is. In general extending this new intermediate category will provide the following good impacts:

- 1) This would provide immediate incentives for them to develop their own tools for regional development, while providing them with technical and financial assistance to begin addressing their structural economic problems. However we have to bear in mind here the cost of such as rapid development.
- 2) This would help to prevent the accession process itself from creating new lines of division within the region. For example Croatia has recently submitted its application, and the gap between Croatia and its eastern neighbors would widen, creating further pressures in the region. But on the other hand, this strategy based on individual evaluation, may create incentives for other countries in the region to submit their application as soon as possible.
- 3) The provision of structural assistance in advance of the formal accession process would provide a major boost to present EU efforts to strengthen reform processes and governance capacity in the region. The strength of assistance methodology will provide aid in such a way as to build the incentives and the capacity of national governments to

²¹ See J Marko & J Wilhelm : "*The Balkan newly independent states, stabilization and association agreements*", in A. Ott & K. Inglis "Handbook on Europe Enlargement A commentary on the Enlargement Process", TMC Press 2000, p 166

²² See Commission Report on the Stabilization and Association Process for South East Europe, COM (2002) 163, final 2002, p 14. shot dhe commission proposal

²³ ESI working paper supra note 9

carry out regional development, and to mobilize domestic resources through co-financing²⁴.

III. EA and SAA in the comparative analyze

III.1 General overview of EA and SAA

The structure of two types of agreements reveals strong similarities. In all Agreements Article I clearly define the aims of the association. Above all the rights and obligations the necessity of a framework for political and dialogue is highlighted. This goes together with the obligation of commitment to economic cooperation and development. The EA with Slovenia proclaims a functioning market economy as one of its aims as does the SAA with Macedonia.

However the content of Article I of the SAA Macedonia or the draft text of SAA with Albania differs with Article I of EA with Slovenia. While the Macedonian Agreement refers to regional cooperation²⁵, there is no such a reference in the Slovenian Agreement.

The regional approach is incorporated into the legal framework in the section I to III of the agreement with Macedonia. The Article 3 declares the regional approach as the central element of the SAA and the Article 4 and 12 prescribe cooperation and good neighborly relations with other countries in the region. In the light of this cooperation countries in the region have and will continue to sign convention between them in order to establish free trade areas²⁶. Moreover the agreement asks for cooperation in the field of justice and home affairs. In contrast to that, the EA with Poland does not include any section on co-operation in the field of justice and home affairs, as it was concluded long before this field of EU competence existed and has since been included as an area where Poland must adopt the *acquis* as a result of the pre accession strategy and the accession partnership in particular²⁷. The SAA on the other hand regulates matters such as legal migration and the area of asylum. This difference can be explained by the date of origin of the agreement with Poland and the development and the progress of the European integration in this field. As a conclusion together with the regional approach, co-operation in the field of justice and home affairs is an aim of a SAA.

III.3 Free movement of workers and freedom of establishment

The four freedoms²⁸ foreseen in the articles of EC treaty establish the legal basis for the function of the common market within EU. The four free freedoms included in the common market are also extended to the association agreements.

Free movement of workers is promoted and identically worded in all the agreements. Thus for legally employed workers of the signatories nationality shall be free from any discrimination based on nationality, as regards working condition, remuneration or dismissal, as

²⁴ *ibid*, Working paper (ESI)

²⁵ Article I of the SAA with Macedonia states *inter alia* that: the aim of this association is to foster regional cooperation in all the fields covered by this agreement.

²⁶ Countries of the region, namely Albania, Croatia, Bosnia Herzegovina, Rumania, Bulgaria FRY and Macedonia are signatory countries of Memorandum of Understanding for trade liberalization in the context of South East initiative on 27 June, 2001. MoU was signed in order to foster trade liberalization in the region and to help signatories' countries to be in relevance with WTO requirements and European future integration.

²⁷ J Marko, J. Wihelm *supra* note 19

²⁸ The four freedoms include: Freedom of movement of persons (including workers), goods, capitals and services.

compared to its own nationals²⁹. In addition to that, family member legally residing in the territory of the signatory shall have access to the country's labor market.

Concerning the establishment of companies, subsidiaries and branches, the SAA provide that the signatory shall not treat them less favorable than their own companies not any third countries companies. Any measure introduced after the entering into force of the agreement will not discriminate against another party company. Moreover after the period of 5 years from the date of entering into force of the agreement (SAA), modalities shall be established by the stabilization and association council in order to extent these provision to self-employed persons. This is because EU grants national treatment to EA companies and self employed national under certain reservations, while the SAA are less advantageous as only companies may claim national treatment for establishment-not the self employed. In contrast to SAAs the EAs do not consider the third countries companies in the evaluation of equal treatment³⁰. The EA and SAA on the other hand provide much greater access for EU companies in their signatories' countries. Nevertheless the EA countries were given up to ten years to achieve the reciprocal national treatment of EC companies with regard to the establishment and the conditions of their operation while the SAA countries have not been given such an opportunity.

III.4 Free movement of good and trade liberalization

Regarding the trade in goods the SAA and the EA seek to establish free trade areas gradually over a period of up to ten years³¹. It consist in reduction of tariffs on the proportionate level over the years after the entering into force of the agreement(SAA) and the abolishment of quantitative restriction and measures having equivalent effect. These are principles used also in the context of common market.

The EA countries or the candidate countries has already implement the free trade agreement with EU and they have also create a free trade area between them (CEFTA).

Regarding the free trade between the countries in the Western Balkans and EU, the situation is rather different. The countries of the western Balkans are in the process of signing the free trade agreements with themselves and the signing of the SAA is the precondition for entering into free trade agreement with EU. The trade liberalization offered by the EU is an asymmetric one, meaning that the associating courtiers will have better access in the European market. The Europe will open the trade for them more rapidly than they will do for the European exporters.

The EU remains the region's main trading partner. In 2001, the EU accounted for about 55% of the westerns Balkans total trade. However there are two main conditions which will accelerate the economic integration and the development of free trade:

- 1) The conclusion of all free trade agreements between the countries in the region under the auspice of the stability pact will enhance intra-regional trade, efficiency, competition and enable the economy of scale.

²⁹ Article 44 of SAA with Macedonia, Article 45 of SAA with Croatia and Article 38 of EA with Poland

³⁰ Article 44 of EA Poland Art 45 EA Slovenia

³¹ It is interesting to note that some of the provisions of SAA on the establishment of free trade area provide more liberal treatment than the respective provisions of the EAs. See Article 17 of SAA Macedonia and Article 9 EA Hungary.

- 2) The extension of pan-European system of diagonal cummulation of rules of origin to the western Balkans, which would than further facilitate reaping the full benefits of regional trade integration and free trade with EU³².

III.5 Approximation of law and implementation of acquis

There is no doubt that the horizontal provisions on the approximation of laws should be regarded as a core of the EAs³³. The approximation of laws consists on the adoption of acquis in the countries legal system. Such situation is not similar in the case of SAA. The SAA with FYROM provides different rules on approximation of laws. First, there is only one provision dealing with subject issues. Secondly the agreement sets, transition periods for approximation works. Finally, the agreement sets a deadline for the adoption of the internal market acquis³⁴. Similarly to that the SAA with Croatia contains only one provision on the approximation of laws³⁵. The process of adoption or harmonization of acquis in the country legal system is more a voluntary process rather than legal obligations. Moreover some of the countries have adopted EU laws, even in the case they were not binding community law for that member state.

It is interesting to note here that the Europe Agreements do not provide a general timetable or a description of the method that has to be used by the countries for the adoption of acquis. However various document for adoption of acquis in the form of national programs and the European Communities create a time frame and the method for the approximation work.

The situation is rather different for the SAA countries because the agreement sets the time frame for the approximation work. The SAA countries only endeavor to ensure the gradual compatibility of their laws with EC laws. Article 68(2-3) of the SAA EC-FYROM requires that this process has to start from the date of signing the agreement and it has to be completed by the end of ten years transition period.. The first transition period will cover areas of the internal market acquis and related areas. This includes competition law, intellectual property standards and certification, public procurement law and data protection³⁶. During the second phase the remaining field shall be covered.

Regarding the method of implementation the practice distinguish some of the elements used. They are: (1) the pro-European interpretation of law (2) amending and repealing the existing law, (3) introducing new brand laws when required.

It is presumed that this process will not cost too much for a certain countries, however practically speaking it may evolved big changes such as the amendment of the constitution and also good training for the stakeholders dealing with this matter. The approximation of laws is a very important element especially for SAA countries because it is essential condition for

³² See: “*Communication from the Commission to the Council and the European Parliament, The Western Balkans and the European Integration*”. COM (2003) 285, 21.5 2003. Such system will be extended when the individual countries fulfill the necessary condition and applied in a manner fully consistent with all relevant community policies. The lack of administrative capacities from these countries is envisaged by the EU Commission for this problem.

³³ It should be noted that the two categories of provisions on approximation can be distinguished in EAs: 1) the horizontal provision contained in the relevant chapters on approximation (*lex generalis*) and 2) vertical rules scattered in the various provision of the agreements (*lex specialis*). See A. Lazowski “*Approximation of laws*”, in A. Ott & K Inglis “*Handbook on Europe Enlargement, A commentary on the process of enlargement*”, TMC Press 2002

³⁴ With the EU acquis we understand all the EU/EC legislations, Acts delivered by the EU institution and the decision of European Court of Justice.

³⁵ A. Lazowski, *supra* note 31

³⁶ See Article 68 of SAA with Macedonia

liberalized market access for associated countries goods and services to the EC³⁷. The implementation of agreement relates with their direct effect in the national legal system. This is debatable situation because it is strictly relating with the position of international law into national system.

The jurisprudence of ECJ on the treaty provision and the secondary European law application in national legal system, emphasizes the fact that once the provision and other secondary EC law establish a clear and precise obligation it can be directly applicable³⁸. In this context the candidate countries have follows different approach. The Czech Republic has applied a direct effect for certain provision of the agreement. In Bulgaria, Rumania Latvia, the accepted doctrine holds that ECJ criteria on clarity and unconditionality should also be adopted by the national courts in relation to EA and AAs.

When it comes to Albanian system we have to make our first reference in Albanian Constitution. Article 122 of the Albanian Constitution states *inters alia* that any international agreement ratified is part of our national system, after it has been published in the Official Journal. The Article emphasizes the direct applicability of international agreement in case when it is clear and does not need any further laws to be implemented. Moreover the paragraph II of Article 122 underlines that the international agreement prevails over the national law in case of conflict between them.

Reading this article also in the light and the spirit of the ECJ doctrine we may conclude that the various direct obligations that will derive from SAA with Albania will be directly applicable in our national system and they can be invoked before the national courts.

III. 6 Institutional framework and the application of EA/SAA in the national system

In both type of agreements EA and SAA, the Association Council or Stabilization and Association Council in case of SAA, is foreseen as a body which is going to guarantee the correct implementation of agreement, as well as to take necessary decisions for the purpose of the aims of the agreement³⁹. The Association Council is made up by members from the EU institution and the representative of the respective country. The Council works on the rules and procedures set by the council itself. The decisions taken by the council shall be binding on the Parties which shall adopt the measures necessary to implement the decision taken. The Council may also make appropriate recommendation

The function of the Association Council relates not only to implementation of the EA, but more particularly, to dispute and the adoption of safeguard. Regarding the dispute the party may refer to the Association Council any dispute relating to the application or interpretation of the agreement and this context the Council may settle the dispute by means of decision. However in practice the decision is rarely adopted to solve the dispute, mainly there is apparently a preference for less formal resolution.

Conclusions

The European current enlargement is going to be a good example for the future integration process in the EU. The integration of the Western Balkans in Europe is already proclaimed by the European Institution and is also highlighted in all their documents and reports.

³⁷ See J Marko, J Wihelm supra note 19, reciting M Cremona "The European Union as an International Actor: Issues of flexibility and Linkage", (1998) 3 EFARev. 67 at p. 86

³⁸ Vangedenlos shihe

³⁹ See Article 108 SAA Macedonia and Article 102 EA with Poland

The Stabilization and Association process (SAP) is the EU's policy which will enable the five countries in the region to design their reforms and come closer to the European membership. This process has similarity with the pre-accession strategy launched for the EA countries, but still it differs in some ways. Regional approach and political dialogue are the main goals of stabilization process; this was not the case for the EA countries. Moreover the rapid reforms for membership still remain an illusionary concept for SAA countries. We have to mention here a need for the explicit strategy from the EU and the need for cohesion in the project and reforms.

Nevertheless, the individual countries condition determines some how the European approach and also their individual evaluation for future integration to the Union. Western Balkans countries demonstrate fragility in their political and institutional framework. Institutional dialogue and stability in the region cannot be done by an improved economic relation between them. Regional trade agreements remain the most important element for fostering the economic cooperation.

Stabilization and Association Agreements follow somehow the Europe Agreements. They are considering as a "special contract" sign between the EU and the respective country. Albeit the similarities they differ when it comes to some subject matter, such as the four freedoms, approximation of laws and implementation of European standards in the national system.

The integration process is a dynamic and a difficult one, for countries in Balkan area, thus for, it is important to notice that the Europe and Western Balkans can learn a lot from current enlargement. There will be always a need for rapid reforms for these countries in order to fill the gap that already exist between these two parts of Europe.