

3. Externalising the Common European Asylum System? Enlargement, legal harmonisation, and capacity building along the Balkan Route

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INTRODUCTION

In 2015, the Balkans returned to the top of the European Union's (EU) political agenda in the wake of the so-called 'refugee crisis'. The European Agenda on Migration, introduced in May 2015, laid considerable emphasis on the external aspects of migration control and proposed several 'actions' of particular interest to the Balkans (European Commission, 2015a). These included: a partnership between the EU and the so-called 'transit countries' to contain irregular migration; the deployment of Frontex¹ in third countries to provide border support; and an increase in EU funding to third countries to strengthen their border management operations.

In September 2015, the European Commission (hereafter the Commission) announced a region-wide migration management support programme focused on identifying migrants, sharing information, and assisting migrant returns (European Commission, 2015b: 6). On 8 October 2015, EU institutions, together with the member states' ministers for home and foreign affairs and their counterparts from the Balkan countries, as well as from Jordan, Lebanon, and Turkey, jointly committed to supporting the 'transit countries' affected by the Balkan Route (Council of the European Union, 2015). Notably, the parties agreed to provide increased financial resources and to engage in technical cooperation with a view to delivering humanitarian assistance, enhancing reception capacity, and improving migrant registration and processing capabilities in the Balkans (Ibid.). A couple of weeks later, the governments of the

¹ Frontex is the European Border and Coast Guard Agency, and its mandate focuses on the control and management of the EU's external borders.

countries crossed by the Balkan Route² adopted a 17-point action plan that envisaged the permanent exchange of information, efforts to prevent ‘secondary movements’,³ an expansion in the reception capacity in the Balkans, the use of biometric data to enhance the registration of new arrivals, increased migrant returns in cooperation with Frontex (the European Border and Coast Guard Agency), and the reinforcement of border cooperation across the region (European Commission, 2015c).

All these meetings and plans resulted in a growing cooperation between the EU and the Balkan countries in the areas of migration, asylum, and border management. This heightened level of cooperation is even more operative today, as I set out to demonstrate in this chapter and as it has been further confirmed by the publication of the ‘EU Action Plan on the Western Balkans’ in December 2022. In this document, the Commission acknowledges the Balkan countries’ strategic role within the broader EU border regime, given their geographical position and their prospects of future EU membership (European Commission, 2022a). Accordingly, the main objective of this most recent plan is precisely to strengthen the partnership between the EU and Balkan countries with respect to migration control and asylum procedures.

The importance of the Balkans within the EU’s border politics has contributed to some extent to reinvigorating accession talks with countries that have already applied for EU membership, such as Albania, Bosnia and Herzegovina, Kosovo,⁴ Montenegro, North Macedonia, and Serbia. The topics of borders, asylum, and migration have gained prominence within the negotiations, and the push for the introduction of EU-inspired laws, procedures, and expertise in the region has become evident. This chapter investigates the drive to introduce and standardise the EU’s legal norms, forms of knowledge, and organisational practices across the Balkan region, with a particular focus on asylum. Although the forms and impact of EU enlargement policies in the Balkans have been explored extensively in the academic literature (Bieber, 2012; Dzankić et al., 2019; Elbasani, 2013; Keil & Arkan, 2015; Kmezić, 2017; Noutcheva, 2012; Radeljic, 2013), to date few contributions have homed in on asylum (Beznec et al., 2016; Brsakoska-Bazerkoska, 2022; Kmezić et al., 2023;

² The countries represented at the meeting were Albania, Austria, Bulgaria, Croatia, Germany, Greece, Hungary, the Former Yugoslav Republic of Macedonia, Romania, Serbia, and Slovenia.

³ In EU jargon, ‘secondary movements’ occur when migrants move from their first country of entry or country of resettlement within the EU to another EU member state.

⁴ This designation is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Kogovšek Šalamon, 2016; Stojić Mitrović et al., 2020).⁵ Hence, this chapter intends to address, at least in part, this gap in the literature by critically investigating the discourses produced by EU actors about national asylum systems in the Balkans and their alignment with EU law and standards.

The chapter deliberately focuses on secondary sources such as institutional documents produced by EU actors within the process of enlargement. As such, it reflects the aim of this edited volume to offer an initial exploratory overview of some key topics studied in the context of the ERC project TheGAME. In a forthcoming essay, I will present a more conceptual analysis of the relevant debate, building upon the materials discussed here. More specifically, the sources taken into consideration in this chapter consist of two different sets of data. The first is drawn from the country reports produced by the Commission within the framework of accession talks with Balkan countries. These reports offer a key entry point for understanding the attempts made by the Commission to steer the reform of asylum systems in the region and their alignment with the EU *acquis*.⁶ The second data set consists of policy documents and reports on the work of the European Union Agency for Asylum (EUAA)⁷ in the Balkans. The chapter's exclusive focus on EU documents and perspectives is justified by my aim of shedding light on how actors such as the Commission and EUAA perceive and depict asylum systems in the Balkans. More specifically, by examining the documents published by these EU actors, I seek to uncover the discursive dimension of the enlargement process in the region as it concerns asylum in particular. Accordingly, I consider policy documents and reports produced at the EU level as tools that contribute to shaping a specific discourse about asylum systems in the Balkan countries.

⁵ A limited number of studies have examined the effects of EU enlargement policies on asylum systems in specific countries, such as Albania (Dosti et al., 2023) and Serbia (Djurović, 2024; Lehmann, 2023). Other studies – though dated – nonetheless offer an interesting outline of the early stages of the processes discussed in this chapter (Feijen, 2008; Peshkopia, 2005).

⁶ The EU *acquis* is the body of law, principles, and political objectives deriving from the treaties, the legislation, the declarations, the resolutions, the common measures, and the international agreements signed by the EU. The acceptance and the incorporation of the EU *acquis* into the national legal order is a condition for accession to the EU.

⁷ Since January 2022, the EUAA has officially replaced the former European Asylum Support Office (EASO), taking over the latter's tasks, activities, and operational plans. Both are discussed in additional detail in the section of this chapter entitled 'The involvement of the EUAA in the Balkans'. Please note that in this chapter, the labels EUAA, EASO, and the Agency are used interchangeably.

In the analysis presented hereafter, I set out to highlight two main points. The first concerns the importance of the enlargement process in shaping asylum systems in the region, that is to say, in gradually extending the Common European Asylum System (CEAS)⁸ beyond the territory of the EU. Enlargement is based on the *principle of conditionality* and therefore candidate countries are expected to enact reforms and adjust their administrative frameworks, including in the area of asylum, if they wish to move on in the accession process and receive further funding and support. The second point concerns the potential future implications of this externalisation of the CEAS. More specifically, by creating an outer space of allegedly safe third countries, or a *'cordon sanitaire'* to borrow the words of Henk Van Houtum (2010: 961), broadening the reach of the CEAS may afford the EU a measure of legal cover for more freely containing and returning migrants in this region. This strategy is in no way restricted to the field of asylum, where it entails an increase in reception capacity and the implementation of procedures that, at least on paper, are aligned with EU standards. It also involves more rigorous registration and identification of migrants, the alignment of visa policies to reduce unauthorised mobility towards the EU, and the signing of readmission agreements to facilitate the return of nationals and third-country nationals to Balkan countries.⁹

Before moving on to the next section, an important preliminary caveat is in order. Despite the efforts and funding mobilised by the EU, asylum systems in the Balkans remain severely constrained in terms of their workload capacity. Table 3.1 shows the number of asylum interviews conducted per year in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia from 2018 to 2023, while Table 3.2 illustrates the annual number of asylum decisions made in these countries over the same timeframe. In 2023, only 333 asylum interviews were conducted in total across these six countries, while the total number of asylum decisions was 1,310. These are key data

⁸ The CEAS is the legislative framework for asylum in the EU; its purpose is to establish common standards across EU member states to ensure that asylum seekers are treated equally throughout the EU. The CEAS consists of six legislative instruments: the Asylum Procedures Directive; the Reception Conditions Directive; the Qualification Directive; the Dublin Regulation; the Eurodac Regulation; and the regulation establishing the European Union Agency for Asylum (EUAA).

⁹ The EU has signed readmission agreements with Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia (European Commission, 2021b). These countries have also signed bilateral readmission agreements with several member states (see European Migration Network, 2022). Kosovo has no readmission agreement with the EU as a whole but has signed readmission agreements with 20 member states (European Commission, 2023d).

Table 3.1 Aggregate number of asylum interviews per year (2018–2023) in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia

Year	2018	2019	2020	2021	2022	2023
Asylum interviews	382	415	295	293	306	333

Source: UNHCR, 2025.

Table 3.2 Aggregate number of first instance asylum decisions per year (2018–2023) in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia

Year	2018	2019	2020	2021	2022	2023
Asylum decisions	5150	5587	3291	1562	1533	1310

Source: UNHCR, 2025.

points that need to be borne in mind when discussing the reform of asylum systems in the region.

Despite the limited number of asylum cases being processed, significant issues such as a lack of asylum case officers and long processing times are reported in several countries (Asylum Information Database [AIDA], 2023c; European Commission, 2023c, 2023d, 2023g). The situation of the reception systems is equally problematic, with reports of poor living conditions (AIDA, 2023b, 2023c; European Commission, 2023g), overcrowding (AIDA, 2023b, 2023c; European Commission, 2023b), and security issues (AIDA, 2023c). Most asylum seekers are contained in camps and large-scale facilities. There is little specialisation among these sites, meaning that vulnerable groups are rarely accommodated in dedicated facilities (AIDA, 2023a, 2023b; European Commission, 2023b). A lack of mechanisms for the identification of vulnerable persons is a further commonplace issue in the region (European Commission, 2023b, 2023d, 2023f, 2023h).

The next section briefly introduces the main features of the accession process and the state of the art of enlargement in the Balkans. The third section highlights the influence of the EU in shaping asylum systems in the region by focusing on the Commission's assessment of national asylum systems. The

fourth section explores the capacity building,¹⁰ training, and legal support activities implemented by the EUAA in the Balkans.

ENLARGEMENT POLICY AND THE BALKANS

‘The future of the Balkans is within the European Union’ (European Commission, 2003). These words spelled out the potential for EU enlargement in the region during the EU-Western Balkans Summit held in Thessaloniki in 2003, just a few years after the devastating wars that tore apart the former Yugoslavia in the 1990s. Almost twenty years later, the President of the European Commission, Ursula von der Leyen, confirmed that ‘the EU is more committed than ever to a common future, with our Western Balkans partners inside the EU’ (European Commission, 2022b). Meanwhile, over the last two decades, the EU’s expansion towards the southeast of Europe has been limited. Slovenia joined the EU in 2004, Bulgaria and Romania followed in 2007, and Croatia was the latest addition to the bloc in 2013. After full membership was granted to Bulgaria and Romania on 1 January 2025, all four countries became also part of the Schengen area.

The other countries in the region are at different stages of the accession process. Five of them (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia) have been granted candidate status, whereas Kosovo is a potential candidate country, meaning that it may eventually be granted candidate status if specific requirements are met. The status of candidate for membership does not necessarily imply that formal negotiations with the EU have been opened. For example, Bosnia and Herzegovina was granted candidate status in December 2022 and must now meet the so-called ‘opening benchmarks’ before accession talks can be launched, a step that requires unanimous approval from the European Council. For the other candidate countries in the Balkans, formal negotiations are currently ongoing (see Table 3.3).

The aim of the negotiation process is to prepare the candidate country for EU membership by encouraging it to adopt EU laws and enact judicial, administrative, economic, and other key reforms.¹¹ Key to the negotiations is the so-called ‘Fundamentals’ cluster, which concerns the rule of law, the functioning of democratic institutions, the organisation of public administration, and financial control. This cluster dominates both the initial and final stages of

¹⁰ The discourses and practices of capacity building deserve critical assessment in their own right, but this goes beyond the scope of this chapter. For a discussion of the risks and controversies surrounding this concept, see Edmunds and Juncos (2020).

¹¹ For further details on the accession process, see: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/steps-towards-joining_en

Table 3.3 *Enlargement and accession negotiations in the Balkans*

Country	Application for membership	Status	Start of negotiations
Albania	2009	Candidate country since 2014	2022
Bosnia and Herzegovina	2016	Candidate country since 2022	Not yet opened
Kosovo	2022	Potential candidate country since 2022	Not yet opened
Montenegro	2008	Candidate country since 2010	2012
North Macedonia	2004	Candidate country since 2005	2022
Serbia	2009	Candidate country since 2012	2014

Source: Author's elaboration based on multiple EU documents.

the negotiations and is therefore critical to the overall pace of the accession talks. It includes legislation on asylum, border management, and migration, revealing the crucial importance of these areas within the accession process. Indeed, along their pathway towards EU membership, candidate countries are required to harmonise their asylum laws with EU regulations and are expected to strengthen their administrative capabilities in this area, as further discussed in the next section.

In support of their efforts to comply with the EU *acquis*, candidate and potential candidate countries are given access to the 'Instrument for Pre-Accession Assistance' (IPA), which was set up by the EU in 2007 via the allocation of EUR 11.5 billion over an initial multiannual framework (IPA I – 2007–2013). The second multiannual framework (IPA II) in 2014–2020 had a total budget of EUR 12.8 billion, whereas the allocation for the third multiannual framework (IPA III), which runs from 2021 to 2027, is over EUR 14.1 billion. Under IPA III, in the two-year period 2021–2022, the EU provided funding totalling EUR 201.7 million for initiatives related to migration and border management in the region (European Commission, 2022a). With respect to asylum, IPA III supports measures aimed at developing fair and efficient asylum procedures, ensuring access to asylum procedures and material reception conditions, developing registration procedures that are in line with the EU *acquis*, identifying vulnerable applicants and responding to their needs, digitising procedures, and developing integration programmes for beneficiaries of international protection (European Commission, 2021a: 17–18).

This is primarily done through the programme ‘EU Regional Support to Protection-sensitive Migration Management Systems in the Western Balkans – PHASE III’ (2022–2025), which is implemented by Frontex, the EUAA, the International Organization for Migration (IOM), and the United Nations High Commissioner for Refugees (UNHCR), in partnership with representatives of the candidate countries.

THE INFLUENCE OF ACCESSION NEGOTIATIONS ON ASYLUM SYSTEMS IN THE BALKANS

In a recent publication on the relationship between EU integration and migration in the Balkans, political scientist Stefan Surlić observed that ‘Serbia’s asylum and migration policies cannot be taken out of the context of EU integration’ (2023: 90). Indeed, as this section will show, this observation might well be extended to the entire region. Clearly, the countries that are already EU member states – including Bulgaria, Croatia, Greece, Romania, and Slovenia – have had to harmonise their asylum systems with the CEAS. However, even in the other Balkan countries, there is evidence of a gradual alignment of national asylum systems with EU standards, given that this is a necessary step towards EU integration.

At the first stage of the accession negotiations, candidate countries undergo a so-called ‘screening process’ whereby the Commission assesses their readiness to adopt and implement the EU *acquis*. This assessment also covers laws, policies, and procedures in the field of asylum and border management. The screening process results in the identification of priorities for key reforms, which should then be implemented by candidate countries over the remainder of the negotiation phase. The progress made by candidate countries is monitored by the Commission via the publication of reports that represent a key source of information about the current degree of harmonisation of national laws with EU standards across multiple policy areas, including asylum. Examining these reports helps in understanding the main features of national asylum systems in the region, while also revealing the Commission’s assessment of these systems. Based on these documents, the rest of this section offers a brief overview of the main issues highlighted by the Commission for each national asylum system. Accordingly, it is divided into country-specific subsections.

Albania

In 2021, Albanian authorities adopted a new law on asylum that the Commission deems to be largely aligned with EU standards. The draft version of the law was reviewed by the Commission and the European Asylum

Support Office (EASO, 2020a), revealing once again the influence of the EU on asylum management in the region. Overall, the Commission now classifies the Albanian legal framework on asylum as ‘partially aligned with the EU *acquis*’ (European Commission, 2023a: 92), while calling for adjustments to definitions and procedures, more efficient implementation of asylum law, and further expansion of administrative capabilities. The Commission emphasises the need to enhance case assessment and to provide Albanian caseworkers with additional training in country of origin information (COI) and vulnerability (European Commission, 2023b). Further progress is also required with respect to the identification of applicants with specific protection needs and the provision of gender- and age-appropriate interpretation and reception accommodation (Ibid.). Finally, Albanian authorities are encouraged to prepare for sudden increases in asylum applications and to ensure regular data exchanges with the EU concerning asylum (European Commission, 2023a).

Bosnia and Herzegovina

At the time of writing, Bosnia and Herzegovina is expected to fulfil fourteen key priorities set by the Commission before formal accession negotiations may be opened (European Commission, 2019). One of these priorities concerns the establishment of a functioning asylum system and effective multi-level coordination in the field of border and migration management (European Commission, 2023c: 11). In the 2023 country report, the Commission acknowledges that some progress has been made in this respect, especially thanks to the adoption of the new ‘2021–2025 Strategy and Action Plan on Migration and Asylum’, the adoption in September 2023 of a new Law on Foreigners that establishes the principle of non-refoulement, and the implementation of the border management strategy for 2019–2023 (European Commission, 2023c: 7).

Nevertheless, the Commission points out several shortcomings in the national asylum system. First, it calls for greater harmonisation of national legislation with the most recent EU standards, especially concerning procedural safeguards during the asylum procedure (Ibid.: 58). Second, it emphasises the fact that national asylum authorities are significantly understaffed and under-equipped, with the Asylum Unit within the Ministry of Security depending on external support, including that provided by the EU itself (Ibid.: 59). The Commission therefore invites national authorities to allocate an appropriate budget for migration management (Ibid.). Third, the Commission flags the fact that responsibility for reception is not equitably distributed across the country, given that most asylum seekers are accommodated in the Una-Sana and Sarajevo cantons (Ibid.: 57). Furthermore, asylum seekers are not guaranteed the same rights throughout the country because access to services

differs depending on where they are hosted (Ibid.: 59). For these reasons, the Commission calls for greater institutional cooperation and coordination between cantons and other levels of government as part of the gradual process of transferring responsibility for migration management to national authorities (Ibid.: 47–48).

Kosovo

Although Kosovo has only recently applied for EU membership and has not yet been granted candidate status, a considerable degree of harmonisation between its national legislation and EU asylum law is already in place. More specifically, the Commission holds that Kosovo's legal and institutional framework in the area of asylum is 'mostly in line with the EU *acquis*' (European Commission, 2023d: 55). This has also been confirmed by the EUAA, which recommends a shift in emphasis to the operationalisation of existing legislation (EUAA, 2022). Key forms of cooperation with the EU have also been implemented, including the liberalisation of visas for the citizens of Kosovo introduced on 1 January 2024 and the application of the 'EU Action Plan on Migration' presented by the Commission in December 2022.

Despite its overall positive assessment, the Commission identifies some room for improvement in the national asylum system. First, legislation could be further aligned with EU standards with respect to returns, the identification and referral of persons seeking protection, and the identification of persons with special needs (European Commission, 2023d: 55). A new Draft Law on Foreigners, currently under discussion, is expected to clarify current legal provisions with a view to further harmonising them with EU law. Second, the Commission highlights the need to build additional capacity via recruitment, the supply of biometric devices, improved data interoperability to aid in registration and the processing of asylum claims, and expanded interpretation services and legal support to enhance the quality of refugee status determination (Ibid.: 55). Third, the Commission reports that Kosovo's reception capacity is sufficient, especially since it was expanded in August 2023; nevertheless, it calls for improved services at reception centres and measures to enhance the safety of asylum seekers at these facilities (Ibid.: 53).

Montenegro

Montenegro is the candidate country with the longest experience of accession negotiations, which were initiated in 2012. The outcome of this lengthy exchange with EU institutions is that the Commission views Montenegro's legal framework on asylum as 'largely aligned with the EU *acquis*' (European Commission, 2023e: 64). No major issues concerning asylum are identified by

the Commission in its 2023 report, aside from a reception contingency plan to ensure better preparedness in the case of a sudden increase in asylum applications (Ibid.: 63). Another shortcoming of the national asylum system is the lack of a central biometric database for the registration of migrants and the collection of fingerprints. However, a plan for setting up a centralised digitalised identification system has been developed in conjunction with Frontex and will be funded through the IPA scheme (Ibid.: 63).

Montenegro is praised by the Commission for being the only candidate country in the Balkans that independently covers the running costs of its reception facilities in its national budget (Ibid.: 65). In 2023, additional state funding was allocated for the expansion of reception capacity (Ibid.: 64). Overall, the national asylum system is deemed to have benefited from the support of the EUAA, which enabled the establishment of a new COI unit, the training of caseworkers, and the definition of standard operating procedures (SOPs) for the systematisation and harmonisation of procedures (Ibid.: 64). In 2022, Montenegro joined the European Migration Network (EMN)¹² as an observer country, and a National Coordinator for its EMN National Contact Point was appointed in October of that year (Ibid.: 62).

North Macedonia

The screening of North Macedonia was launched in July 2022, immediately after the first Intergovernmental Conference on accession negotiations. The outcomes of the screening process were reported in July 2023, when the Commission stated that North Macedonia's legal framework for asylum is 'partially aligned with the EU *acquis*' (European Commission, 2023f: 88). The Commission recommended several amendments, concerning, for example, family reunification for beneficiaries of subsidiary protection and unaccompanied minors, the provision of information in detention facilities and at border crossings, labour market access for asylum seekers, alternatives to detention for irregular migrants, and access to services (Ibid.: 88–89). The Commission also observed that the lack of a personal identification number for asylum seekers is a major issue, given that it prevents applicants from accessing certain rights such as employment or opening a bank account (Ibid.: 51).

At a more practical level, the Commission claims that the implementation of asylum procedures 'is not fully aligned with the EU *acquis*' (European Commission, 2023g: 51). The key issues identified in this respect concern

¹² EMN is an EU network of migration and asylum experts whose task is to provide comparable and policy-relevant information and knowledge on asylum and migration in Europe.

the quality of refugee status determination, the length of asylum procedures, and the lack of interpretation services for applicants (European Commission, 2023f: 89–90). The Commission observes that national authorities have not provided enough funding, technical expertise, and staff to improve the asylum system (European Commission, 2023g: 51). With respect to reception, the overall capacity of the facilities is considered appropriate for the current needs of the country, but living conditions at these sites are poor and basic rights are not respected (Ibid.: 49). The Commission also calls for a contingency plan to be put in place for sudden increases in arrivals (European Commission, 2023f: 85). Finally, the Commission invites the national authorities to improve the treatment of applicants with special needs and unaccompanied minors, to systematically register migrants, and to develop a biometric database (Ibid.: 89–90).

Serbia

Serbia has been a candidate country since 2012 and accession negotiations were initiated in 2014. In its latest progress report, the Commission defines the national legal framework for asylum as ‘largely aligned with the EU *acquis*’ (European Commission, 2023h: 68). Further alignment could be achieved in relation to access to the asylum procedure, the structure of appeal bodies, the rights and obligations of asylum applicants, and safe third-country procedures (Ibid.: 68). In terms of implementation, the Commission calls for progress with respect to the length of asylum procedures; the quality of asylum decisions; the screening, identification, and protection of vulnerable applicants; and the quality of asylum adjudication (Ibid.: 67–68). Serbia has a functioning biometric database and a system for the automated identification of fingerprints, and it has adopted a roadmap to enable future interoperability with the Eurodac system (Ibid.: 69). Serbia has also been an observer country within the EMN since March 2023 (Ibid.).

In summary, this brief analysis of the Commission’s assessments of candidate and potential candidate countries shows how asylum systems along the Balkan Route are already characterised by some degree of harmonisation with EU standards. This is also the case in countries that are not EU members and thus where the provisions of the CEAS do not formally apply. Alignment with the EU *acquis* in the field of asylum, border, and migration management is a necessary step towards EU integration and is covered during the negotiations on the ‘Fundamentals’ cluster. For these reasons, legal frameworks, principles, procedures, and terminology relating to asylum in non-EU Balkan countries are relatively consistent with EU law, at least from a formal perspective.

THE INVOLVEMENT OF THE EUAA IN THE BALKANS

With the coming into effect of Regulation (EU) 2021/2303 in January 2022, the former European Asylum Support Office saw its mandate reinforced and it became a fully-fledged EU agency with a new title: the European Union Agency for Asylum (EUAA). This body plays a key role in the implementation of the CEAS and in the harmonisation of practices across the EU by providing technical support, operational assistance, and training to national asylum authorities. EUAA's support is often provided under the terms of operational plans that have been agreed with national authorities. Several member states in the Balkan region have benefited from this support in recent years, and cooperation plans are currently in place in Bulgaria, Greece, Romania, and Slovenia. However, the work of the EUAA is not restricted to the EU, as suggested by its External Cooperation Strategy (EUAA, 2023). A key pillar of this strategy concerns third-country support and specifically targets candidate and potential candidate countries in the Balkans by offering them legal guidance, technical assistance, capacity building services, and training. Thus, the EUAA explicitly seeks to strengthen asylum legislation and capacity in candidate and potential candidate countries, most of which are in the Balkans, to prepare them for their eventual integration into the CEAS.

Cooperation between the EUAA and candidate or potential candidate countries is organised via so-called 'Roadmaps for bilateral cooperation', which are mainly funded through the programme 'EU Regional Support to Protection-sensitive Migration Management Systems in the Western Balkans – PHASE III'. The first two roadmaps were signed by EASO with North Macedonia and Serbia, both covering the period 2017–2019. Since then, the roadmap approach has been replicated with Albania (2020–2022), Bosnia-Herzegovina (2020–2022), Kosovo (2022–2024), and Montenegro (2022–2023), while a second round of roadmaps has been agreed with both North Macedonia (2020–2022) and Serbia (2020–2022).

All these bilateral agreements are similarly structured. Their overall objective is to 'enhance the protection space for asylum seekers and refugees [...] in line with the CEAS and EU Member States' practices' (EASO, 2020a; 2020b; 2020c; 2020d; 2022; EUAA, 2022). In most cases, this general aim is further broken down into three more specific goals: 1) enhancing asylum-related legislation, institutions, and systems; 2) optimising asylum procedures; and 3) upgrading the reception system. According to official representations of this process, roadmaps are collaboratively developed by the EUAA and national authorities via the joint identification of areas of cooperation. Each roadmap document details the specific measures to be implemented, making it a valuable source of information on the EUAA's activities in that country.

The implementation of the roadmaps is monitored and evaluated by means of a mid-term review and a final overall assessment. This process results in an evaluation report that includes an updated needs assessment, which in turn serves as a basis for possible future cooperation. The preparation of the final evaluation reports has been outsourced to Ramboll Management Consulting, which in turn has appointed individual researchers for the drafting of each report. Evaluation is based on the analysis of secondary data, such as progress reports by the Commission and monitoring data by EUAA, combined with primary data collected through interviews with national authorities, international organisations, and EUAA staff. Reports concerning cooperation with Albania (Zulfiu-Alili, 2022a), Bosnia and Herzegovina (Šantić, 2022a), North Macedonia (Zulfiu-Alili, 2022a), and Serbia (Šantić, 2022b) have already been published and I now examine these as key sources on the work of EUAA in the region. Hence, the remainder of this section is also divided into country-specific subsections, allowing me to review the EUAA's activities on a country-by-country basis.

Albania

The 'Roadmap for Cooperation EASO-Albania (2020–2022)' concerns the three specific objectives mentioned above (EASO, 2020a). In pursuit of the first objective concerning the harmonisation of asylum law and institutions with the CEAS, the agency assisted in the preparation of secondary legislation, by-laws, and standard operating procedures (SOPs). With respect to the second objective on the development of effective asylum procedures, EUAA's support was focused on strengthening access to the procedure via the identification of people with special needs and on enhancing the quality of refugee status determination. The activities defined within the framework of the third objective concerned the improvement of reception conditions, with a specific focus on vulnerabilities. To this end, alongside training and the translation and dissemination of EUAA guidelines, the roadmap foresaw an assessment of reception conditions in the country, a feasibility study on the opening of a dedicated facility for unaccompanied minors/vulnerable people, and the roll-out of a contingency plan for a possible increase in asylum seekers.

The final external evaluation of the bilateral cooperation programme states that the roadmap was effective in terms of capacity building and the improvement of asylum legislation and procedures, whereas the results in the area of reception were limited (Zulfiu-Alili, 2022a: 4). According to the author of the evaluation report, the roadmap contributed to further aligning the asylum procedure with EU standards and to strengthening the Albanian authorities' processing capabilities, but the introduction of new asylum legislation has not been completed (Ibid.). Regarding reception, guidance was provided

by EUAA, but the planned assessment of reception conditions, the feasibility study, and the rollout of a contingency plan were not carried out (Ibid.: 13).

Bosnia and Herzegovina

The roadmap between EASO and Bosnia and Herzegovina set the same objectives as the roadmap between EASO and Albania (EASO, 2020b). In relation to the first objective on the strengthening and harmonisation of asylum legislation and institutions, EUAA assisted national authorities in reviewing the national asylum law and its accompanying by-laws in anticipation of a possible reform, in developing SOPs on registration and status determination, in strengthening institutional coordination, and in implementing screening procedures appropriate for vulnerable cases. With respect to the second objective on the strengthening of asylum procedures, the roadmap focused on improving the processing of claims by (unaccompanied) minors. The third objective on the strengthening of the reception system was pursued through the secondment of a senior expert to advise on possible revisions to national by-laws on reception, on the establishment of a reception centre for unaccompanied minors and vulnerable people, on the creation of SOPs for the management of reception facilities, and on the development of a contingency plan for reception.

The success of the roadmap between EUAA and Bosnia and Herzegovina was judged as modest by the author of the final evaluation report (Šantić, 2022a: 4). Only 25% of the planned activities were fully implemented, while 20% were partially implemented (Ibid.). The main shortfalls were identified in the area of reception, where most of the activities provided for under the agreement were not implemented. This was because the preliminary transfer of responsibility for the management of reception facilities from international organisations to national authorities did not take place (Ibid.: 4). Progress in relation to the strengthening of asylum procedures was also limited. The best results were obtained with respect to the harmonisation of laws and institutions: while the expected SOPs and workflows were not implemented, support was provided for the revision of the asylum law and related legislation (Ibid.: 11).

Montenegro

Moving on to the case of Montenegro, the needs assessment carried out in preparation of the roadmap showed a ‘high degree of alignment’ (EASO, 2022: 5) of the national legal framework with the CEAS. For this reason, the roadmap only envisaged two main objectives, instead of three as in the other countries examined. The first objective concerned the development of effective asylum procedures in line with the CEAS, whereas the second objective

was the creation of an effective reception system. The first objective was further broken down into sub-objectives, such as improving access to the asylum procedure; enhancing the quality of decision-making; and better identifying, assessing, and responding to the needs of minors. In this respect, the roadmap focused on the development of SOPs for the registration and examination of asylum applications, the provision of training and mentoring in relation to case determination, the definition of an age assessment procedure, and the design of a national training programme on the best interests of the child.

The fulfilment of the second objective concerning reception was guided by the plan to expand accommodation capacity at the two national centres in Božaj and Spuž. Actions agreed under the roadmap were therefore focused on providing technical advice on site design and the organisation of the planned extensions in line with EU standards; on the development of SOPs for the management of reception facilities; and on the organisation of training, mentoring, and study visits for Montenegrin reception officials. Given that the roadmap agreed between EASO and Montenegro only ended in December 2023 (EASO, 2022), evaluation is still ongoing and therefore the final report has not yet been published.

North Macedonia

North Macedonia is one of the countries where bilateral cooperation with EUAA is at the second stage. Following the implementation of the 2017–2019 roadmap, a second roadmap was agreed for the period between 1st October 2020 and 30th September 2022. Within the framework of the first roadmap, EASO supported national authorities in the development of SOPs for registration and case examination, while also providing training and guidance on reception. The second roadmap was organised around the same objectives identified in the course of the agency's bilateral cooperation with Albania and Bosnia and Herzegovina (EASO, 2020c). The first objective concerning the harmonisation of asylum legislation and institutions included measures targeting people with special needs as well as improvements to the national training system. The second objective focused on improving the quality of decision-making in asylum procedures through training, on-the-job coaching, and operational guidance. Actions in pursuit of the third objective were focused on the improvement of reception measures for vulnerable people and consisted primarily of training, coaching, study visits, and support for the development of a protocol on health issues in the context of reception.

The implementation of the roadmap was rated as positive in the evaluation report (Zulfu-Alili, 2022b). The roadmap was held to have improved the quality of registration and determination procedures, while moderate progress had been made in the capacity of the asylum system to deal with persons with

special needs and unaccompanied minors (Ibid.: 4). Furthermore, SOPs for registration and case examination that were developed during the first roadmap had now been operationalised (Ibid.: 12). Once again, as in the cases of Albania and Bosnia and Herzegovina, the weak link in the cooperation programme concerned the area of reception because only a small proportion of the planned activities in this sector were actually implemented (Ibid.: 14).

Serbia

Serbia is another country, alongside North Macedonia, where the 2020–2022 roadmap built on the experience of the earlier 2017–2019 roadmap. During the first period of cooperation, EASO supported Serbian authorities in several ways, including by providing guidance, training, and on-the-job coaching. Notably, EASO also contributed to the preparation of a monitoring and evaluation mechanism for the implementation of the national Law on Asylum and Temporary Protection, which came into force in June 2018. The 2020–2022 roadmap extended the cooperation by focusing on the same three key objectives that have already been discussed in relation to Albania, Bosnia and Herzegovina, and North Macedonia. The first objective on the alignment of national asylum legislation and system with the CEAS was pursued through the operationalisation of the monitoring and evaluation mechanism defined during the first roadmap. Regarding the second objective on the improvement of asylum procedures, the roadmap envisaged a set of training and dissemination activities as well as the definition of an age assessment procedure. With respect to the third objective on reception, the roadmap focused on enhancing the reception of unaccompanied minors as well as on preparing a contingency plan for sudden increases in arrivals.

The final evaluation report rated the overall implementation of the roadmap as modestly effective (Šantić, 2022b: 4). Although some progress was made with respect to training and the translation and dissemination of the agency's tools, other key outcomes were not achieved (Ibid.). Notably, the monitoring and evaluation mechanism for the implementation of the national Law on Asylum and Temporary Protection was not rolled out (Ibid.). Furthermore, only limited progress was made in relation to the identification of applicants with special needs, and the contingency plan for sudden increases in arrivals had not been drawn up (Ibid.: 12–13).

Kosovo

The EUAA also signed a cooperation agreement with Kosovo, although the latter is still a potential candidate country. The 'Roadmap for Cooperation Between the EUAA and Kosovo (2022–2024)' is the latest bilateral agreement

in chronological order, and its implementation ended in February 2024 (EUAA, 2022). This was the first roadmap agreed upon by the EUAA as part of its new mandate as an agency. It will therefore act as a template for the new round of roadmaps currently under discussion in several countries across the region. The main objectives outlined in the roadmap with Kosovo were the same as those included in the roadmaps previously agreed upon with other Balkan countries.

With respect to the first objective, the EUAA aimed to enhance organisational efficiency via the development of SOPs and the establishment of a pilot national mechanism for monitoring the implementation of asylum processes. The activities defined in pursuit of the second objective consisted of on-the-job coaching, workshops, and the dissemination of information materials with a view to enhancing both access to the asylum process and the identification of people with special needs. The EUAA and Kosovar authorities also committed to proposing an age assessment procedure and improving the quality of decision-making at both determination and the administrative appeal stages. With respect to the third objective, EUAA support was aimed at developing and implementing SOPs for the new reception centre in Vranidoll, enhancing the identification and case management of vulnerable applicants, designing a dedicated facility for unaccompanied minors in Magure, and upgrading the Belvedere camp for future use within the national contingency plan (EUAA, 2022).

CONCLUSION

This chapter has offered a different take on the Balkan Route by exploring the push towards the alignment of national asylum systems with EU standards in the context of the EU enlargement process in the region. Analysis of the progress reports produced by the Commission within the framework of accession negotiations and of bilateral cooperation agreements between the EUAA and candidate countries for EU membership has allowed me to examine the influence exerted by EU actors on Balkan asylum systems. This influence can be direct in form, as in the case of the legal and institutional harmonisation that is a pre-condition for the successful completion of the integration process. Yet, influence is also exerted in more subtle ways, as borne out by the external cooperation of the EUAA which is aimed at harmonising third-country asylum processes and practices with EU standards via legal guidance, operational assistance, training, and capacity building. These changes reveal an ongoing process of externalisation of the CEAS, the future implications of which certainly deserve further analytical attention.

This chapter's in-depth analysis of the policy documents produced by the Commission and the EUAA has served not only to highlight the role of these

actors in shaping asylum systems in the region, but also to show how they contribute to representing and discursively producing said systems. The reports and roadmaps examined above detail how asylum systems in the Balkans are perceived and represented by EU actors, thus also crucially informing reflection on the rationalities underpinning such representations. On the one hand, the declared objective of the externalisation of the CEAS is to establish functioning asylum systems in the Balkans; on the other hand, this outcome might reflect a broader concern on the part of EU actors to create a buffer zone of safe third countries along one of the main migratory routes towards the EU (see, for example, Chapter 5, this volume). Hence, I venture to suggest here that the discourse of EU actors is driven to a certain extent by the aim of eventually portraying the asylum systems of these countries as functioning, effective, and aligned with EU standards. This would produce a representation of the Balkans as a safe region, harmonised with the CEAS, in which people-on-the-move could be safely and legitimately contained and to which they could be returned in the future.

As already stressed in its introduction, this chapter has a unilateral focus, meaning that it has been entirely centred on representations of Balkan asylum systems that have been produced by EU actors. This unilateral focus, however, implies interesting avenues for future research, including the analysis of the representations of this process of externalisation produced in the Balkan countries themselves, as well as the study of the ways in which EU representations are received or even resisted by institutional and non-institutional actors in the Balkans. More generally, it will be crucial going forward to supplement the top-down institutional analysis proposed here with other methods of data collection, in order to triangulate our information and add further layers of complexity to the study of this theme. For example, interviews with EU officials could reveal their views on these processes and help to tease out the objectives and rationalities at stake within them. At the same time, interviews with institutional representatives from the Balkan countries may provide insight into how changes to asylum systems are interpreted and experienced in each national context.

The rationale for this chapter is not to provide an overview of national asylum systems in the Balkans, although there is certainly a need for such analysis given the shortage of academic studies on these issues. The functioning of asylum systems in the region as well as the effects of the attempts to align them with EU law and practice are in fact important processes that deserve increasing attention as the accession process progresses. For this reason, I trust that this preliminary textual and discursive analysis should be complemented by other forms of data collection in order to explore the operationalisation of laws, policies, and regulations ‘on the ground’. Arguably, extensive participant observation, as well as interviews with asylum practitioners and advocacy

groups, would enable future studies to look beyond the legal and procedural aspects of asylum systems and explore their everyday, practical implementation with a view to understanding how they actually work in these countries.

A final issue of note concerns the recent adoption of the Pact on Migration and Asylum by the Council of the European Union and especially the effects that this might produce in the Balkans. Indeed, the provisions of the new Pact – due to come fully into effect in June 2026 – will inevitably inform the accession negotiations over the coming years, as candidate countries will foreseeably be required to align themselves with the new configuration of the CEAS. This will demand fresh analytical attention because the potential implications of the new legislation for the Balkan region are wide-reaching, especially in relation to the introduction of systematic screening and border procedures and the predictable increase in the detention of asylum seekers along the Balkan Route.

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