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Legal Aspects of the Economic Integration Process for the Western Balkans in the implementation of the Stabilisation and Association Agreement (SAA)

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Abstract

This paper aims to provide a theoretical and practical examination, as well as a legal analysis, of the Western Balkans' integration process in the implementation of the Stabilisation and Association Agreement (SAA). From this perspective, the countries of the Western Balkans have both a moral and legal basis to become part of the European family. Countries such as Albania, Kosovo, Montenegro, Serbia, North Macedonia, and Bosnia and Herzegovina have made progress in fulfilling their obligations under the SAA while simultaneously promoting economic growth and social welfare for their citizens.

All Western Balkan countries have experienced varying levels of progress, including both achievements and setbacks, in implementing the directives required under the Agreement. As a result, these countries do not share the same level of advancement and hold different statuses within the integration process; however, their ultimate objective remains the same. The signing of the SAA—a bilateral agreement establishing mutual rights and obligations—serves as a driving force for legislative reform through alignment with European Union (EU) standards, the strengthening of political dialogue, and the promotion of good neighborly relations aimed at preventing existing or potential conflicts and fostering economic and social development.

Through the Agreement, the free movement of goods, services, labor, and capital has been promoted, contributing to the development of an inclusive and mutually beneficial market between the Western Balkans and the European Union. Legal and regulatory frameworks have been harmonized with European standards in areas such as product production, service provision, labor rights, compensation systems, working conditions, transport, energy, fisheries, and financial services.

Keywords: Western Balkans, Free Movement, European Union, Stabilization and Association Agreement.

1. Introduction

The Stabilisation and Association Agreement (SAA) is an international agreement concluded between the countries of the Western Balkans and the European Union

(EU), aimed at establishing formal and contractual relations between the parties as a step toward EU membership. Through the SAA, an association is established to achieve several key objectives:

- Support for strengthening democracy and the rule of law;
- Support for political, economic, and institutional stability, as well as regional stabilization;
- The establishment of an appropriate framework for political dialogue to foster close political relations between the parties;
- Support for the development of economic and international cooperation, including, where conditions permit, the approximation of national legislation with that of the EU;
- Support for completing the transition to a functioning market economy;
- Promotion of genuine economic relations and the gradual development of a common market;
- Strengthening of regional cooperation in all areas covered by the SAA.

This paper further examines the proposal for a common market among the six Western Balkan countries as an additional mechanism for activating new potential for economic growth. As a preparatory stage toward EU membership, this level of regional integration may serve as additional evidence of the countries' commitment to a shared future within the EU. The proposal for a common market builds upon existing regional initiatives aimed at deepening economic integration, such as the Central European Free Trade Agreement (CEFTA), as well as ongoing efforts to align domestic legislation and institutional frameworks with EU standards, as reflected in the SAA process. It also relies on complementary mechanisms, including the South East Europe 2020 strategy and the Connectivity Agenda, which facilitates the integration of transport and energy systems across the region. It is evident that economic integration among the six Western Balkan countries, regardless of its depth, does not in itself guarantee convergence with the levels of economic development observed in EU Member States. Therefore, the proposal adopts a more comprehensive, twofold approach. In addition to regional economic integration, the path toward European economic integration should stimulate investment flows and strengthen business-to-business relations. To achieve these objectives, the participating countries commit to investing in human capital development, enhancing innovation-driven infrastructure, and advancing the digitalization of their economies in order to better respond to the challenges of the 21st century. The process emphasizes the importance of coordinated efforts among the six participating countries to ensure the effective implementation of this initiative.

The proposed framework is structured around four specific dimensions:

- A single market for goods, services, and capital;
- The free movement of skilled labor and its integration into EU professional and academic networks;
- A digital single market;
- A dynamic and competitive investment space.

These four objectives function as key conditions for the Western Balkan countries to fulfill. The first dimension seeks to establish a common investment and trade area by eliminating existing barriers to trade and investment and by ensuring a level, non-discriminatory playing field for all market participants. In the context of trade, particular emphasis is placed on trade facilitation, especially regarding border procedures associated with international transactions. It is argued that the proposed measures would go beyond the requirements established under the World Trade Organization Trade Facilitation Agreement. This represents a significant step forward, given that administrative and bureaucratic procedures at border control points have historically posed substantial challenges for businesses engaged in cross-border trade. A coordinated interstate approach is therefore considered essential for effectively addressing border-related obstacles. The second dimension aims to enable the free movement of highly skilled labor and to facilitate its integration into EU professional, academic, and research networks.

2. The Western Balkans' path towards European economic integration and when economic integration fails

On the other hand, the digital single market aims to create a unified digital economy and digital society within the Western Balkans. More specifically, this dimension focuses on cross-border integration, harmonization of information and communication technology (ICT) systems and infrastructure, and the advancement of data and information exchange processes. These measures would facilitate the integration of the Western Balkan countries into the broader pan-European digital market. In particular, they would contribute to the improvement of the legislative framework in the digital sphere, the expansion of broadband transmission infrastructure, increased access to digital goods and services, and the promotion of comprehensive digital education and literacy.

Ultimately, the objective of establishing a dynamic investment space in the Western Balkans is to transform these countries into knowledge-based economies (Ibrahimi, 2009). Achieving this transformation requires the efficient utilization of knowledge, skills, and innovative potential within the region as determinants of competitive advantage. In this regard, the participating countries commit to jointly developing an investment agenda, implementing structural reforms, and coordinating investment promotion efforts.

2.1 The limitations and risks of the Economic Integration Initiative

The proposed Balkan Common Market resembles an advanced version of the Central European Free Trade Agreement (CEFTA), as it seeks to elevate regional economic cooperation to a level closer to that established under the Stabilisation and Association Agreement (SAA). As such, the initiative can be positioned conceptually between CEFTA and the SAA. Its main innovations relate to the free movement of people, the establishment of a common digital market, and the creation of an integrated

investment space.

The free movement of experts, professionals, and students, together with their integration into European Union (EU) research and academic networks, has the potential to strengthen human capital and promote knowledge accumulation across the Western Balkans. Furthermore, the development of a regional digital market could significantly support the expanding services sector. In the field of investment, integrated policies and coordinated promotion strategies may enhance the region's attractiveness to foreign investors and facilitate inclusion in regional and European value chains. Nevertheless, this initiative should be approached with caution. Two general considerations are particularly relevant in the context of economic integration among countries with similar levels of economic development. First, trade integration must be accompanied by complementary institutional reforms and policies that enhance domestic productive capacities. Second, economic integration can create a more favorable environment for addressing external economic shocks. Empirical evidence suggests that the benefits of trade liberalization are largely conditioned by supply-side determinants. In practical terms, free trade yields limited effects if participating countries lack competitive goods and services to offer in the integrated market. This argument has been supported by studies conducted by institutions such as the World Bank and the World Trade Organization.

The experience of the Western Balkan countries in their path toward European economic integration further supports this assessment. The success of the initiative depends significantly on the credibility and commitment of the EU as a key driver of the integration process. If the initiative is perceived as a mechanism to delay full EU membership, rather than as a genuine preparatory stage, its legitimacy may be undermined. In such a scenario, public disillusionment with the EU could increase, while domestic enthusiasm for reform could decline. This is particularly significant given that the European integration process has functioned as one of the most powerful incentives for structural reforms in the region. Another determinant of the initiative's potential success relates to persistent political and interethnic tensions within the region. Recent developments indicate renewed strains in relations among certain Western Balkan countries, particularly between Serbia and Kosovo. Under such circumstances, it may be overly optimistic to expect the full success of new integration initiatives if mutual political recognition and stable diplomatic relations remain unresolved.

In this context, the realization of the free movement of highly skilled labor appears particularly challenging. Similar difficulties may arise in other dimensions of the initiative, including joint investment promotion and the coordination of common investment policies. If the experience of free movement of goods within CEFTA serves as a reference point, expectations regarding the effectiveness of the new initiative should remain cautious. CEFTA's governance, monitoring, and coordination structures have often been characterized by inefficiencies, particularly in terms of alignment between regional mechanisms and national authorities. Furthermore, the proposed timeline for achieving the objectives of the initiative appears highly ambitious.

2.2 Free movement of goods

The general principle of the free movement of goods provides that products lawfully marketed in one Member State of the European Union (EU) should, in principle, be freely traded in all other Member States. The free movement of goods constitutes a cornerstone of the EU internal market and plays a central role in promoting economic growth and market integration. This principle is enshrined in Articles 34, 35, and 36 of the Treaty on the Functioning of the European Union (TFEU), which prohibit Member States from adopting or maintaining unjustified restrictions on intra-EU trade. However, the TFEU allows certain exceptions. Prohibitions or restrictions may be justified on grounds of public morality, public policy, public security, or the protection of the health and life of humans, animals, or plants, as well as the protection of industrial and commercial property. In addition, the case law of the Court of Justice of the European Union recognizes mandatory requirements such as environmental protection. Such measures must comply with the principle of proportionality and must not constitute arbitrary discrimination or disguised restrictions on trade between Member States. Measures having equivalent effect to quantitative restrictions are likewise prohibited, subject to limited exceptions. This framework requires, in particular, the elimination of technical barriers to trade and the application of the principle of mutual recognition. To ensure effective implementation, Member States must adopt appropriate administrative provisions, including mechanisms for the exchange of information. In several sectors, the general principle of free movement is complemented by harmonized regulatory frameworks. Horizontal measures establish the quality infrastructure that Member States must maintain, covering areas such as standardization, conformity assessment, accreditation, metrology, and market surveillance.

Harmonized European product legislation—constituting a substantial portion of the EU *acquis* in this field—must be transposed into national law by each Member State. This legislation is traditionally divided into the “old approach” and the “new and global approach.” The old approach prescribes detailed product specifications, whereas the new approach establishes essential requirements, leaving technical specifications to harmonized standards. Legislation adopted under the new approach covers sectors such as low-voltage equipment, electromagnetic compatibility, toys, machinery, lifts, environmental noise emissions, pollutant emissions from non-road mobile machinery, personal protective equipment, equipment intended for use in explosive atmospheres, medical devices, gas appliances, pressure equipment, cableway installations, construction products, recreational craft, and ecodesign requirements for energy-related products. By contrast, old approach legislation primarily governs sectors such as motor vehicles and chemicals. The proper implementation of these legal frameworks requires adequate administrative capacity at the national level. This includes, *inter alia*, the application of the notification procedure for technical standards and regulations (formerly under Directive 98/34/EC, as amended), as well as compliance with legislation relating to arms trade, defense products, crystal glass, footwear, textile labeling, the pricing of medicinal products, and the return of cultural goods under Directive 2014/60/EU.

3. Requirements under the Stabilization and Association Agreement

The Stabilisation and Association Agreement (SAA) establishes numerous obligations in the field of access to the labor market, particularly concerning European Union (EU) citizens employed in the Western Balkan partner countries, as well as nationals of those countries working within EU Member States. These obligations relate to the movement of workers, employment conditions, and vocational training. An additional component of the free movement of workers includes the promotion of youth exchanges and the conclusion of bilateral agreements on employment and vocational training between the Western Balkan countries and EU Member States. The SAA provides that, in accordance with the applicable conditions and modalities, nationals of a partner country who are legally employed in the territory of the other party shall not be subject to discrimination on the basis of nationality with regard to working conditions, remuneration, or dismissal. This principle of equal treatment constitutes a fundamental element of labor mobility within the framework of association.

Under the conditions applicable in each EU Member State, workers who are nationals of Western Balkan countries and are legally employed within the EU must be granted treatment free from any form of discrimination based on nationality in relation to employment conditions, pay, and termination of employment. Access to the labor market under these arrangements also extends to the spouse and legally resident children of the employed worker. The same principle applies reciprocally to EU nationals legally employed in the Western Balkan countries. Furthermore, the SAA framework предусматривает the coordination of social security systems for workers who are nationals of the Western Balkan countries and are legally employed in EU Member States, as well as for their legally resident family members. This coordination includes the aggregation and transferability of pensions and other long-term benefits, such as those related to old age, death, workplace accidents, or occupational diseases. Such benefits are transferable without reduction or discrimination, at the rate applicable in the debtor state. Workers are also entitled to family benefits in accordance with the relevant legal provisions. Equivalent rights apply to EU nationals employed in the Western Balkan countries under the same legal framework.

3.1 Freedom to provide services

Member States are required to ensure that the right of establishment of European Union (EU) citizens and legal persons in any Member State, as well as the freedom to provide cross-border services, as enshrined in Articles 49 and 56 of the Treaty on the Functioning of the European Union (TFEU), are not restricted by national legislation, subject only to the exceptions explicitly provided for in the Treaty. A central component of the *acquis* in this field is Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (the Services Directive). The case law of the Court of Justice of the European Union concerning Articles 49 and 56 TFEU also

forms an integral part of the acquis.

The acquis in this chapter is horizontal in nature and may be divided into three principal areas:

1. The right of establishment and the freedom to provide services (Articles 49 and 56 TFEU and the Services Directive);
2. The mutual recognition of professional qualifications (Directive 2005/36/EC, as amended by Directive 2013/55/EC);
3. Postal services, governed by a sector-specific regulatory framework ensuring universal service provision and the gradual creation of an internal postal market.

The Services Directive contains provisions designed to facilitate both the permanent establishment of service providers and the temporary cross-border provision of services in another Member State. As a horizontal instrument, it applies to a broad range of services and affects numerous national laws and regulatory frameworks. Its implementation requires a combination of legislative and non-legislative (organizational and practical) measures.

Accordingly, Member States must adopt both sector-specific amendments and horizontal framework legislation. In many cases, this involves revising existing laws, adopting new legislation, and ensuring administrative coordination. The Directive largely codifies and builds upon established case law of the Court of Justice, which remains fully applicable.

A key requirement under the Directive is the establishment of a Point of Single Contact (PSC), through which service providers can obtain comprehensive electronic information regarding administrative procedures necessary for access to and the exercise of service activities. Additionally, national authorities must participate in the Internal Market Information System (IMI), an electronic platform that facilitates administrative cooperation, supervision of service activities, and the effective exchange of information among Member States.

Directive 2005/36/EC, as amended by Directive 2013/55/EC, establishes rules for the mutual recognition of professional qualifications among Member States. Its objective is to facilitate access to regulated professions for EU citizens seeking to practice in a Member State other than that in which they obtained their qualifications. The Directive also facilitates the provision of temporary and occasional services (Title II). For certain regulated professions, automatic recognition is granted where minimum harmonized training requirements are met (Chapter III of Title III). In the health sector, minimum training requirements are mandatory in all Member States as a condition for access to the profession at national level. In addition to the general framework Directive, certain professions remain subject to specific sectoral legislation. These include directives concerning activities involving toxic products (Directives 74/557/EEC and 74/556/EEC), which address professions requiring specific qualifications in some Member States. Professionals originating from Member States that do not impose such qualification requirements may nonetheless pursue these activities

upon demonstrating adequate professional experience. Two additional directives regulate the legal profession: Directive 77/249/EEC (concerning the provision of services) and Directive 98/5/EC (concerning the right of establishment). Furthermore, Directive 86/653/EEC governs the activities of commercial agents—self-employed intermediaries authorized to negotiate the sale or purchase of goods on behalf of another party. This Directive harmonizes rules relating to the rights and obligations of commercial agents and principals, remuneration, and compensation or indemnity upon termination of agency contracts.

The *acquis* in the field of postal services aims to gradually and systematically open the postal sector to competition while ensuring the provision of universal postal services within a coherent regulatory framework. The primary legislative instruments include:

1. Directive 97/67/EC (the First Postal Directive), as amended;
2. Directive 2002/39/EC (the Second Postal Directive);
3. Directive 2008/6/EC (the Third Postal Directive).

Together, these directives provide for the establishment of an internal market for postal services while promoting high-quality service standards for end users. Effective implementation requires sufficient administrative capacity at the national level, including the establishment of an independent National Regulatory Authority (NRA) responsible for supervising compliance with EU postal legislation.

3.2 SAA requirements for the freedom to provide goods

States participating in the Stabilisation and Association process are required to facilitate the establishment of activities within their territories by European Union (EU) companies and nationals, including through subsidiaries and branches. Such entities must be granted treatment no less favorable than that accorded to domestic companies or to companies originating from any third country, whichever is more advantageous. This principle reflects the broader framework of non-discrimination and national treatment embedded in EU internal market law. Both parties to the Stabilisation and Association Agreement (SAA) are further obliged to take the necessary measures to progressively liberalize the provision of services by companies or nationals established in one party but supplying services in the territory of the other. In accordance with this liberalization process, the parties must permit the temporary movement of natural persons who provide services directly or who are employed as key personnel by the service provider. Moreover, the parties are prohibited from introducing new measures that would render the conditions for the provision of services by EU nationals more restrictive than those in place prior to the entry into force of the SAA. This standstill clause ensures legal certainty and prevents regression in the level of market access already achieved. In addition, the Western Balkan countries are obligated to approximate their national legislation to the EU *acquis communautaire*. This obligation includes not only legislative alignment but also the effective implementation and enforcement of both existing and future legislation in accordance with EU standards.

4. Competition policy

The protection of free and effective competition constitutes a continuous and primary objective under the national Law “On the Protection of Competition.” In fulfilling this mandate, the Competition Authority has consistently linked its activities to the approximation of domestic primary and secondary legislation with the legal framework of the European Union (EU). Regulatory acts have been drafted in full alignment with relevant EU legal instruments, and domestic legal acts adopted pursuant to this law systematically reference their corresponding EU counterparts. Throughout the legislative approximation process, technical assistance has been sought from EU institutions, EU-funded projects, and Member States providing expertise in this field. Notably, support has been provided through programs such as the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) and the German Agency for Technical Cooperation (GTZ). These initiatives have contributed to strengthening institutional capacity and ensuring consistency with EU competition standards. As an initial step in the approximation process, a formal methodology was developed to guide the alignment of existing domestic legislation with EU law. This methodology establishes procedural steps through which recommendations for amendments to legal and sub-legal acts are reviewed and adopted. It applies to legislative and implementing measures that may introduce restrictive barriers to free and effective competition in the market.

From this perspective, a structured procedural framework has been designed, identifying the institutional bodies responsible for reviewing draft legal and sub-legal acts prior to their adoption. For each proposed amendment, the corresponding EU legal act serving as the reference point for approximation is identified, ensuring coherence with the EU *acquis communautaire*. The plan for the approximation of domestic competition legislation with EU law has been incorporated into the National Plan for the Approximation of Legislation. This integration reflects the importance attributed to competition policy within the broader framework of obligations arising from the Stabilisation and Association Agreement (SAA) and related instruments, including the Interim Agreement and the European Partnership. These obligations are clearly defined in the relevant provisions of the SAA.

In accordance with these commitments, the Competition Authority has undertaken to provide, over a defined transitional period, opinions and recommendations concerning the regulation of state monopolies and the prevention of discriminatory practices against foreign competitors by state-owned or monopolistic enterprises. The approximation of Western Balkan competition legislation to EU standards therefore encompasses all relevant elements of the *acquis communautaire* in the field of competition, including rules on anti-competitive agreements, abuse of dominant position, state aid control, and market liberalization.

5. Conclusion and Recommendations

This paper provides a legal analysis of the Western Balkans' integration process and demonstrates that the proposed Balkan Common Market has the potential to generate positive effects, particularly in the areas of labor mobility, digital market integration, and the creation of an integrated investment space. Nevertheless, building and revitalizing domestic industries by increasing production capacities remains an exceptionally challenging task. In the context of the Western Balkans, these challenges persist regardless of the institutional framework, whether under CEFTA or the Balkan Common Market.

Addressing these challenges requires a proactive approach by governments, including the improvement of the business environment, the development of human capital, the enforcement of legal and contractual frameworks, the advancement of quality assurance mechanisms, and the promotion of investment opportunities. Direct support for businesses with high growth potential is also crucial. Regional cooperation can deliver tangible benefits to the peoples of the Western Balkans and accelerate their convergence with European Union (EU) standards. Continued support and guidance from the EU remain essential in this process.

The Stabilisation and Association Agreement (SAA) has played a significant role in supporting the Western Balkans both economically and institutionally. By facilitating key freedoms such as trade, labor mobility, and service provision, the SAA has strengthened domestic economies and created benefits for states, consumers, producers, service providers, and service recipients alike. The agreement has provided a foundation for sustainable growth and further integration into European structures. Based on the analysis conducted in this paper, the following recommendations are proposed to enhance the benefits of integration for the Western Balkans:

- **Accelerate producer adaptation:** Western Balkan producers should adapt more rapidly to market changes resulting from increased access to the European market, particularly in the context of competition based on quantity, quality, and pricing.
- **Legislative alignment:** Governments should prioritize the adaptation of national legislation to EU standards, ensuring that both individuals and businesses operate in a competitive and legally secure environment.
- **Competition control:** Effective mechanisms should be established to monitor and prevent anti-competitive practices that could disadvantage businesses or consumers.
- **Business preparedness:** Enterprises operating in the Western Balkans and preparing to enter the European market should receive targeted training and information to facilitate smooth market entry.
- **Consumer awareness:** Citizens should be informed about market continuity and protections resulting from the SAA and the attainment of relevant EU-associated statuses.
- **Infrastructure and legislative approximation:** Investment in infrastructure and legislative reforms should facilitate the mobility of Western Balkan citizens and

ensure compatibility with EU systems.

- Energy market liberalization: Fair and regular concessions in the energy sector are essential to promote a free and equitable market, benefiting all stakeholders in the region.

These measures collectively support the economic and social development of the Western Balkans and strengthen the region's path toward full integration into the EU.

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