

/ Comparison  
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**Publisher:**  
**European Policy Institute - Skopje**

**About the publisher:**  
**Simonida Kacarska, PhD**

**Editors:**  
**Simonida Kacarska, PhD**  
**Ardita Abazi Imeri, PhD**

**Authors:**  
**Stefan Ristovski**

**Language editor:**  
**Jason Brown**

**Graphic design:**  
**Relativ**

Skopje, 2022



This publication was supported by the CIVICA Mobilias Program. The views expressed in this publication are those of the authors and do not necessarily reflect the views of CIVICA Mobilias, the Swiss Agency for Development and Cooperation (SDC) and its implementing organizations.

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## Introduction

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Regional cooperation in the Western Balkans (WB) is supported by the European Union (EU). The process has been perceived as a way to ease tensions and to support reconciliation in the region. The economic dimension of the WB cooperation has always been at the core of this process. The WB has enlarged and modernised the Central European Free Trade Agreement (CEFTA) in 2006 enabling tariff free trade between the countries in the region. CEFTA was to prepare the countries for their future EU membership by facilitating regional market integration following EU Single Market acquis. Nonetheless, numerous barriers remain between the WB markets. The European Commission (EC) considers that none of the countries in the WB is a functioning market economy nor is ready to cope with the competitive pressure and market forces in the EU.<sup>1</sup>

The slow pace in reforms and enlargement fatigue has brought the EU accession process for these countries to a standstill. However, two initiatives have been up and running that fill in that void: The Common Regional Market (CRM) as a successor of Regional Economic Area (REA) on one side, and the Open Balkan (OB) on the other. Both initiatives seek to further integrate markets through liberalisation and policy coordination, rebooting reforms, and accelerating regional integration in the WB as ways to prepare the countries for EU membership. A major difference between the initiatives is the local support and participation – all Western Balkan countries (WB6) have committed to participate in both REA and CRM, while only Albania, Serbia and North Macedonia are part of the OB.

The premise that “every regional integration initiative is a good initiative” has kept both processes going. This approach has not been challenged so far. The need to have them both run in parallel for a region as small as the WB is questionable. In this brief we address several concerns and we compare both agendas and assess how different the Open Balkan is from the REA/CRM and look at the originality it brings. Furthermore, we provide a look at the advantages and deficiencies in their implementation compared to one another, and the implications of having both initiatives being run in tandem. Lastly, we highlight the limitations of the regional integration initiatives in addressing the underlining problems of the WB economies.

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<sup>1</sup> EC, ‘A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans’ (European Commission 2018) COM(2018) 65 final <[https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf)>.



# Overview of the two regional initiatives

Under the Berlin Process, the EU facilitated the Western Balkans countries to commit to a joint framework aimed at reinvigorating the regional economic integration. At the Trieste Summit in 2017, the Regional Economic Area (REA) was adopted – a structured agenda for the period 2017 to 2020 that covers policy areas on trade integration and mobility, and introduced the regional investment space and digital integration agenda.<sup>2</sup> Building on both its successes and drawbacks, an updated plan was developed. The Common Regional Market (CRM) for the period 2021-2024 was endorsed by all WB leaders at the Sofia Summit in 2020.

Between the Trieste Summit and Sofia Summit, in 2019, the leaders of Albania, Serbia and North Macedonia announced a new initiative that – while staying committed to the CRM initiative, they sought to accelerate WB economic integration and boost growth by enabling free and full movement of goods, services, capital and labour throughout the entire region.<sup>3</sup> The Open Balkan produced the first tangible results just two years after its initiation. In July 2021, the parties signed the Agreement on cooperation in protection against disasters in the Western Balkans (Agreement on protection against disasters),<sup>4</sup> The Memorandum of Understanding on co-operation on free access to the labour market in the Western Balkans (MoU labour markets)<sup>5</sup> and Memorandum of understanding on cooperation on facilitation of imports, exports and Movement of goods in the Western Balkans (MoU goods)<sup>6</sup> In November 2021, five agreements were signed by the participating countries: Agreement on cooperation in the field of veterinary, food and feed safety and phytosanitary in the Western (VFSP) agreement<sup>7</sup>, Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans (ID agreement),<sup>8</sup> Agreement on the conditions for free access to the labour market in the Western Balkans (Labour markets agreement)<sup>9</sup> and Agreement for mutual recognition of Authorised Economic Operators for security and safety (AEOS agreements) between North

2 RCC, 'Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans Six' (12 July 2017) <[https://www.rcc.int/download/docs/map\\_regional\\_economic\\_area\\_06\\_july\\_2017\\_clean\\_version.pdf/5511a1f61b9f7165f7d539bfd4df5bae.pdf](https://www.rcc.int/download/docs/map_regional_economic_area_06_july_2017_clean_version.pdf/5511a1f61b9f7165f7d539bfd4df5bae.pdf)>.

3 President of the Republic of Serbia, Prime Minister of the Republic of Albania and Prime Minister of the Republic North Macedonia, 'Joint Declaration on Implementing the EU Four Freedoms in the Western Balkans' <<https://api.pks.rs/storage/assets/deklaracija-tri-predsednika.pdf>>.

4 Agreement on cooperation in protection against disasters in the Western Balkans, available here: [http://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/dogovor\\_za\\_zashtita\\_od\\_katastrofi-compressed\\_compressed.pdf](http://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/dogovor_za_zashtita_od_katastrofi-compressed_compressed.pdf)

5 The Memorandum of Understanding on co-operation on free access to the labor market in the Western Balkans (MoU labour market), available here (in Macedonian language): [http://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/mou\\_za\\_sloboden\\_pristap\\_do\\_pazarot\\_na\\_trudot\\_compressed.pdf](http://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/mou_za_sloboden_pristap_do_pazarot_na_trudot_compressed.pdf)

6 Memorandum of understanding on cooperation on facilitation of imports, exports and Movement of goods in the Western Balkans, available here: [https://api.pks.rs/storage/assets/Memorandum\\_o\\_razumevanju\\_o\\_trgovinskim\\_olaksicama1.pdf](https://api.pks.rs/storage/assets/Memorandum_o_razumevanju_o_trgovinskim_olaksicama1.pdf)

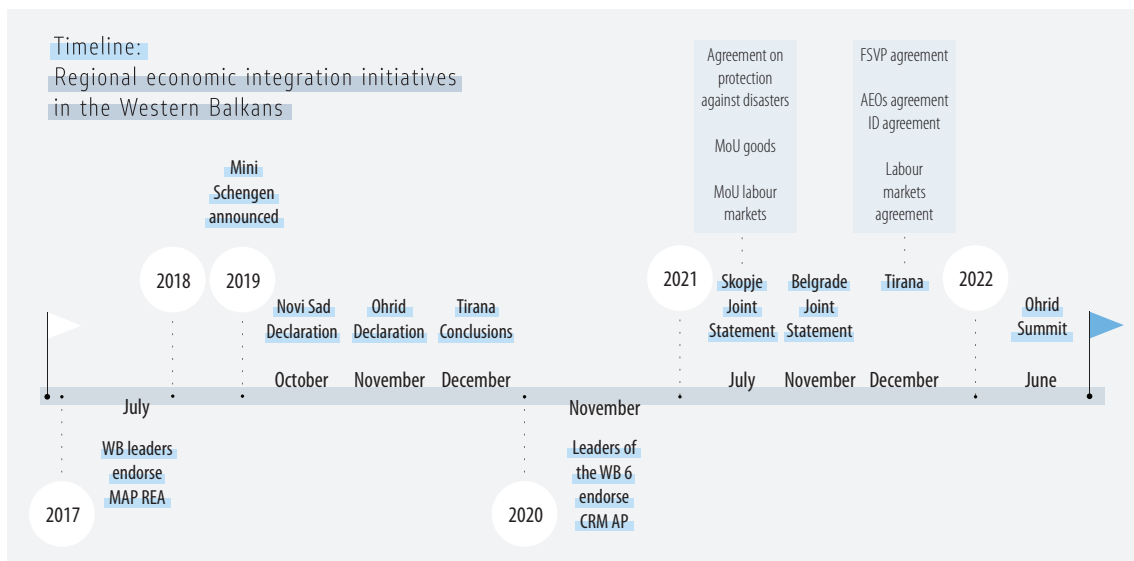
7 Agreement on cooperation in the field of veterinary, food and feed safety and phytosanitary in the Western Balkans, available here: [https://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/agriculture.pdf](https://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/agriculture.pdf)

8 Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans, available here: [https://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/id\\_agreement.pdf](https://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/id_agreement.pdf)

9 Agreement on the conditions for free access to the labour market in the Western Balkans, available at: [https://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/working\\_permits.pdf](https://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/working_permits.pdf)

## Overview of the two regional initiatives

Macedonia and Albania<sup>10</sup> and Serbia and Albania<sup>11</sup>. Based on the signed MoU Goods, a Roadmap for the implementation of the Memorandum of Understanding on Cooperation on Facilitation of Imports, Exports, and Movement of Goods in the Western Balkans (MoU goods roadmap) was adopted.<sup>12</sup>



Nonetheless, both initiatives seek to achieve more than what has been done to date. The areas for regional integration under REA was outlined in a multi-annual action plan (MAP REA) and for the CRM in the new action plan (CRM AP). Unlike these initiatives, the Open Balkan does not have a single document that defines its scope of action. To this date, it draws on Joint Declarations adopted in 2019 and Joint Statements from the Open Balkan Summits in 2021. The Novi Sad declaration proposed a concept of initiative,<sup>13</sup> the Ohrid Declaration listed the priority measures while the Tirana Declaration provided an updated set of priority actions. The two Joint Statements from Skopje<sup>14</sup> and Belgrade<sup>15</sup> in 2021 added new actions to the mix. What was known as the Mini-Schengen, was rebranded as the Open Balkans Initiative.

<sup>10</sup> [https://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/dogovor\\_ang\\_compressed.pdf](https://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/dogovor_ang_compressed.pdf)

<sup>11</sup> <https://api.pks.rs/storage/assets/sporazum-izmedju-vlade-srbije-i-saveta-ministara-albanije-o-uzajamnom-priznavanju-odobrenja-ovlasenih-privrednih-subjekata-za-sigurnost-i-bezbednost.pdf>

<sup>12</sup> Draft Roadmap for the implementation of the Memorandum of Understanding on Cooperation on Facilitation of Imports, Exports, and Movement of Goods in the Western Balkans, available at:

<sup>13</sup> President of the Republic of Serbia, Prime Minister of the Republic of Albania and Prime Minister of the Republic North Macedonia (n 3).

<sup>14</sup> President of the Republic of Serbia, Prime Minister of the Republic of Albania and Prime Minister of the Republic of North Macedonia, 'Joint Statement of the Leaders of "Open Balkan"' (29 July 2021) <<https://vlada.mk/node/26063?ln=en-gb>>.

<sup>15</sup> 'Joint Statement of the Participants in Today's Meeting of the Open Balkan Initiative: The Future of Enlargement - a View from the Region' <<https://vlada.mk/node/26945?ln=en-gb>>.



# Overview of the two regional initiatives

## SCOPE OF ACTION

One of the main questions that surrounds the WB regional integration initiatives is if the new one substantially differs from the existing one in terms of scope and the level of economic integration they seek to achieve. In this section we provide a comparative overview of both initiatives, and outline the similarities and differences (a tabular overview is available in Annex 1).

The Mini-Schengen was launched in 2019 with the aim to create an area for *full and free* movement of good services, people and capital. In 2021, the idea behind this initiative was clarified – *the Open Balkan has one simple goal – a single market, without borders*.<sup>16</sup> However, these ambitions are currently a political statement without a clear implementation strategy and timeline. Beyond the provisional deadline set for 2023, the initiative's documents do not provide the framework of the actual work that needs to be done and the steps that the countries will take towards the removal of their national borders.

The area of the four freedoms or the trade area is a *component where the initiatives have the most overlapping objectives and actions*. Both initiatives are focused related to the removal of non-tariff barriers in trade in goods. The agreements on safety and phytosanitary and the AEOS mutual recognition, considered a major success of the Open Balkan, are also planned in the REA/CRM. As to liberalisation in the area of services, the Additional Protocol 6 on Trade in Services adoption and ratification was delayed by CEFTA parties, as was its implementation. As a matter of course, the participating countries in both initiatives have committed to accelerate this process and ensure its implementation. In the area of movement of people, professionals and researchers' mobility through recognition of professional and academic qualifications are areas where the initiatives overlap. Citizens' electronic identification and labour markets' access agreements were something new that was proposed by the OB initiative, to which was later incorporated as part of the CRM AP. In the area of free movement of capital and investment policy the OB has put forward activities that indicate the same focus as the CRM. The participating countries shall coordinate and cooperate in attracting investments for the whole region and working on regulatory and policy changes in sectors identified in the CRM (energy, agriculture, tourism, metal processing, automotive, and creative industries).

<sup>16</sup> President of the Republic of Serbia, Prime Minister of the Republic of Albania and Prime Minister of the Republic of North Macedonia (n 14).

## Overview of the two regional initiatives

Differences between these initiatives can be noted in all areas covered. In the trade area (four freedoms), the OB does not address, or currently has no declarative commitment to advance the agenda related as wide as the MAP REA and CRM AP do. The current OB plans do not commit to advance on horizontal issues related to trade like state aid and dispute settlement, to which they committed as part of the CRM. The implementation of these activities faces delays in the CEFTA framework,<sup>17</sup> even though financially and technically supported by the EU.<sup>18</sup> In services, the OB countries committed to ratify and implement the Additional Protocol 6, as they did, in its current wording,<sup>19</sup> while CRM committed to review and widen its scope to cover more modes of provision of services. With e-commerce, a common platform<sup>20</sup> itself would not be enough to facilitate trade without the regulatory issues identified in an RCC commissioned report.<sup>21</sup> The OB regulatory dialogue in this area is declarative and does not specify the regulatory aspects it will address, not even to the ones the countries committed to in the CRM framework.<sup>22</sup> Liberalisation and cooperation in tourism, financial and postal services are not specifically addressed by the OB initiative to date. On the digital agenda covered by CRM, the only aspect to which the leaders of this initiative agreed to is transposition of the Digital Content Directive, while the aspects of the infrastructure, digital skills, trust and security are not seen in the initiative's documents.

By comparing the OB initiative and the CRM AP, we note that the former has same and overlapping actions with the latter. The agreements signed by the OB participating countries have been previously incorporated in the MAP REA or added as part of the CRM AP. As such, they could be potentially conducted under the umbrella of the already established region-wide initiative, rather than creating a new political platform. The OB has, nevertheless, a narrower scope of actions compared to the CRM. The actions in the trade, digital, investment and industrial areas are not covered by the OB and are an integral part of a common market. If the initiative is to live up to its promise to enable *free and full* movement of goods, services, people and capital, it would need to implement these aspects sooner rather than later.

17 Doris Hanzl-Weiss and others, 'Multi-Annual Action Plan for a Regional Economic Area (MAP REA) in the Western Balkans - Diagnostic Report' (RCC 2020) <[https://www.rcc.int/download/docs/MAP-REA-diagnostic-2020\\_final.pdf/bca13b12d-680817743ce04381375b4d8.pdf](https://www.rcc.int/download/docs/MAP-REA-diagnostic-2020_final.pdf/bca13b12d-680817743ce04381375b4d8.pdf)>.

18 CEFTA, 'CEFTA Launches Negotiations on the Dispute Settlement Mechanism' (<https://cefta.int/>, 29 October 2020) <<https://cefta.int/news/cefta-launches-negotiations-on-the-dispute-settlement-mechanism/>> accessed 4 March 2022.

19 CEFTA, 'The CEFTA Joint Committee Reviewed Its Key Achievements in Expectation of the EU-Western Balkans Zagreb Summit' (30 April 2020) <<https://cefta.int/news/cefta-took-stock-of-the-regional-trade-achievements/>> accessed 15 April 2021.

20 President of the Republic of Serbia, Prime Minister of the Republic of Albania and Prime Minister of the Republic North Macedonia, 'Joint Declaration on Implementing the EU Four Freedoms in the Western Balkans' <<https://api.pks.rs/storage/assets/deklaracija-tri-predsednika.pdf>>.

21 Hanzl-Weiss and others (n 17).

22 RCC, 'Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans Six' (n 2).





## Duplication of coordination, implementation and monitoring structures

The implementation on regional integration commitments is in the realms of domestic institutions, but multilateral coordination and cooperation play a pivotal role in these processes. On a political level, the Open Balkan summits put the regional integration at the centre of the high-level regional meetings. The leaders take stock on ministerial and technical level meetings and address shortcomings noted by the chambers of commerce. Beyond bilateral coordination, the leaders commit to the support for advancement in the CEFTA agenda. On the other hand, a wide range of topics are discussed at the Berlin Process Summits, with the EU in attendance. Be it security or migration matters, these topics of importance for the EU-WB relation cast a shadow on the regional economic integration agenda.<sup>23</sup>

On an *operational level*, the OB appears to produce new regional coordination structures. The Implementation Council, with a mandate and composition yet to be clarified, should be the leading body with overall responsibility for the process.<sup>24</sup> A joint committee should be established for organising, coordinating and controlling the implementation of the labour market access agreement.<sup>25</sup> The formation of these governing bodies and the rules of procedure are also unknown for both governing bodies. For MAP REA, each country has appointed a national coordinator responsible for the overall implementation and component contact points steering the work in trade, investment, mobility and digital areas.<sup>26</sup> On a regional level, the CEFTA secretariat is responsible for the overall implementation of the trade component, while the RCC is responsible for the other three.<sup>27</sup> The governance structure matrix for the CRM AP is yet to be published, but the principles would remain the same. Nonetheless, new governing and coordination structures that result from the OB could overlap, duplicate, or have conflicting roles with already existing structures. As both initiatives would run in tandem, additional consideration needs to be given as to what structure would prevail in setting implementation priorities in the future, particularly for the countries participating in both initiatives. Furthermore, it is not yet clear how the OB Implementation Council would engage with international bodies like the RCC and CEFTA secretariats and committees, or third parties like EU delegations and other institutions involved in the implementation of the CRM components.<sup>28</sup>

23 <https://www.bundesregierung.de/resource/blob/975232/1939778/34c78ddbfdaddb3701635b1be6751816/2021-07-05-west-balkan-1-data.pdf?download=1>

24 Hanzl-Weiss and others (n 17).

25 Article 11-14, agreement on labour market.

26 RCC, 'Draft Guidelines on Governance, Coordination and Reporting for Consolidated Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans Six' (2019) <<https://www.rcc.int/download/docs/Guidelines%20on%20Governance%20and%20%20Reporting%20for%20Consolidated%20MAP.pdf/76dbf055d5ec31dd314076de954d11f9.pdf>>.

27 *ibid.*

28 *ibid.*

## Duplication of coordination, implementation and monitoring structures

On *monitoring and evaluation*, MAP REA progress assessments and recommendations are done following methodology developed by the RCC with data sourced by national institutions and REA structures.<sup>29</sup> The proposed CRM reporting and monitoring tools with a promising dynamic scorecard that would track the action plan implementation is yet to be developed. In tandem, the OB initiative proposed the development of a new system in order to follow the progress of a broad range of areas and to provide clarity and transparency, all with the promise of real time tracking.<sup>30</sup> The chambers of commerce's monitoring role in the OB goods trade facilitation roadmap implementation is a promising break with tradition.<sup>31</sup> However, it is rather inefficient to mobilise international donors' funds, as planned, to develop and implement new monitoring mechanisms, given one was already up-and-running and being developed for the complementary initiative.

Last but not least, *a mechanism for non-state actors' participation* is beneficial for regional integration. Both initiatives closely cooperate with the private sector, through WB CIF. The CRM has close cooperation with WB CIF in implementation of joint actions, while the investment forum has supported the OB and has worked closely in developing a road map for trade facilitation.<sup>32</sup> To ensure openness and enable participation of companies not represented by the WB CIF as well as the civil society, other channels need to be open to enable interest representation and inclusivity. The RCC open consultations for CRM AP preparation<sup>33</sup> are good examples in this regard.

29 RCC, 'Methodology on Monitoring and Reporting on the Multi-Annual Action Plan for a Regional Economic Area in the Western Balkans (MAP)' (2 July 2019) <[https://www.rcc.int/download/docs/24.%20MAP%20Monitoring%20Methodology\\_FINAL%20\(1\).pdf/d9a0023d0ab7ba46fdc2366b409ee2eb.pdf](https://www.rcc.int/download/docs/24.%20MAP%20Monitoring%20Methodology_FINAL%20(1).pdf/d9a0023d0ab7ba46fdc2366b409ee2eb.pdf)>.

30 'Tirana Chair's Conclusions' (21 December 2019) <<https://api.pks.rs/storage/assets/final-tirana-declaration.pdf>>.

31 *ibid.*

32 Danijela Kovac, '“Open Balkan” for Easier Business in the Region' (2 August 2021) <<https://www.wb6cif.eu/2021/08/02/open-balkan-for-easier-business-in-the-region/>>.

33 RCC, 'Public Consultations on Regional Economic Integration' <<https://www.rcc.int/pages/142/public-consultations-on-regional-economic-integration>> accessed 3 March 2022.



# Agenda

## implementation dynamics

The implementation of any regional integration initiative would be beneficial as long as it follows the EU Single Market acquis. In this way countries could ensure that they are preparing for future EU membership. Moreover, it would prepare the countries for their eventual participation, or phasing in to individual EU policies and programmes or integration into the European Single Market even prior to full membership.<sup>34</sup>

As discussed above, the major breakthrough of the Open Balkan has been the signed agreements on mutual recognition of AEOs and sanitary and phytosanitary standards. In regards to the former, the countries committed to these programs, saying they would be fully in-line with the relevant EU acquis in the CEFTA additional protocol 5.<sup>35</sup> For this purpose, CEFTA parties are subject to validation procedures of the status of EU harmonisation.<sup>36</sup> The decision setting the conditions for starting the procedure, the validation missions and procedure for approval of AEOs programmes was adopted in 2019.<sup>37</sup> By July 2021, the validation mission reports on AEOs for North Macedonia, Serbia and Moldova were finalised, while the remaining parties have not yet applied.<sup>38</sup> In that regard, North Macedonia and Serbia signed the AEOs mutual recognition agreements with Albania, which awaiting validation through the appropriate procedure.<sup>39</sup> These agreements do not adhere to the procedures agreed in the CEFTA framework that should serve as guarantees that these programmes have been implemented under EU procedures. In regards to the latter, Albania was exempted from immediate implementation. Transition periods such as the one for Albania in the food safety and sanitary agreement was until the end of November 2022<sup>40</sup> is an option, but is not a solution to the problem.

34 European Commission, 'Enhancing the Accession Process - A Credible EU Perspective for the Western Balkans' (2 May 2020) <[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf)> accessed 14 September 2020.

35 Article 3, Additional protocol 5, CEFTA.

36 Article 24.1, Additional Protocol 5, CEFTA.

37 CEFTA / Joint committee, 'DECISION OF THE JOINT COMMITTEE OF THE CENTRAL EUROPEAN FREE TRADE AGREEMENT Establishing the Validation Procedure for the Mutual Recognition of CEFTA Parties' National Authorised Economic Operators' Programmes with Regard to the Safety and Security (AEOs) No 1/2019' (18 December 2019) <[https://cefta.int/wp-content/uploads/2019/12/Decision-No-1\\_2019-on-AEOs.pdf](https://cefta.int/wp-content/uploads/2019/12/Decision-No-1_2019-on-AEOs.pdf)>.

38 CEFTA, 'CEFTA Takes Part in the Western Balkan Summit in Berlin' (5 July 2021) <<https://cefta.int/news/cefta-takes-part-in-western-balkans-summit-in-berlin/>>.

39 CEFTA - Central European Free Trade Agreement, '#AEO Validation Mission in #Albania Has Been Successfully Completed [...]' (Facebook, 96 2022) <<https://www.facebook.com/ceftatreaty/posts/571448827835071>>.

40 Article 2, 'Agreement between the Government of the Republic of North Macedonia and the Council of Ministers of the Republic of Albania on Mutual Recognition of Authorised Economic Operator - Security and Safty (AEOs) Authorisations'.



## Agenda implementation dynamics

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With no independent institution to monitor and assess their implementation, or by self-guarding the agreements, there is no guarantee nor confirmation that the EU rules and procedures are sustained in the framework of the agreements. Furthermore, the OB framework itself does not have a mechanism to address of the lack of preparedness to undertake the obligations under the agreements it produces. It is the regional institutions like CEFTA and RCC, as well as EU accession processes that guide these process and IPA financial support for the WB countries to improve institutional and implementation capacities. The OB was initiated in order to overcome the slow pace of implementation of the existing regional integration initiatives. Nonetheless, moving forward should not jeopardise the quality of implementation nor should it divert from EU standards. Hastening the regional integration process and circumventing the CEFTA protocols would not be beneficial for the countries in terms of EU aspirations.

## Region wide and international support

A major concern over the OB initiative is its inclusivity, or the lack of it. Even though its founders have reiterated on many occasions that the initiative is and will remain open for other countries in the region to join,<sup>41</sup> Kosovo, Montenegro and Bosnia and Hercegovina remain reluctant to join. The speedy announcement and agenda setting process did not give adequate time for these countries to consider and subsequently garner domestic support for joining.<sup>42</sup> Kosovo's Foreign Minister Donika Gërvalla considers the initiative a competing concept<sup>43</sup> and a dangerous alternative to EU accession for countries in the region.<sup>44</sup> In the wake of renewed momentum in 2021, Montenegro stands committed to the CRM and supports the implementation of regional initiatives exclusively as an instrument to expedite EU accession.<sup>45</sup> The new government coalition could, however, perceive a change in Montenegro's position and put the initiative back on the country's agenda.<sup>46</sup> The reservations are not limited to non-participating countries.

North Macedonia's President Stevo Pendarovski has expressed scepticism and the opposition protests at the Tirana Summit in 2019 show that the OB is a dividing force even for participating countries.<sup>47</sup>

Besides failing to secure region wide support and stirring up controversies, the OB has not managed to secure support from its international partners. At the OB Summit in December 2021, the European Enlargement Commissioner Oliver Varhelyi expressed support for it under the premise that any cooperation in the WB is not only welcomed but beneficial.<sup>48</sup> Nonetheless, for the European Commission the CRM remains the preferred platform and

41 360 Stepeni, 'Zaev, Vucic and Rama in an Open Letter Invited Neighbors from the Region to Join the "Open Balkan" [Заев, Вучиќ и Рама Преку Отворено Писмо Ги Поканија Соседите Од Регионот Да Се Придружат На „Отворен Балкан“]' (18 December 2022) <<https://360stepeni.mk/zaev-vuchik-i-rama-preku-otvoreno-pismo-gi-pokanija-sosedite-od-regionot-da-se-pridruzhat-na-otvoren-balkan/>>.

42 Balkans Policy Research Group, 'Regional Cooperation in the Western Balkans Regional Economic Area, the "Mini-Schengen" and the Common Regional Market' <[https://balkansgroup.org/wp-content/uploads/2021/02/Regional-Cooperation-in-the-Western-Balkans\\_Regional-Economic-Area-the-mini\\_schengen-and-the-Common-Regional-Market-WEB-1.pdf](https://balkansgroup.org/wp-content/uploads/2021/02/Regional-Cooperation-in-the-Western-Balkans_Regional-Economic-Area-the-mini_schengen-and-the-Common-Regional-Market-WEB-1.pdf)>.

43 Ministry of Foreign Affairs and Diaspora, 'Gërvalla in Thessaloniki: Kosovo Is Determined on Its Path to the EU and Is Not Looking for Competitive Structures' <[https://www.mfa-ks.net/en/single\\_lajmi/4465](https://www.mfa-ks.net/en/single_lajmi/4465)>.

44 Hekuran Akifi, 'For Kosovo's Foreign Minister, an "Open Balkan" Is a Dangerous Idea [За Шефицата На Косовската Дипломатија, „Отворен Балкан“ е Опасна Идеја]' (30 July 2021) <<https://360stepeni.mk/za-shefitsata-na-kosovskata-diplomatija-otvoren-balkan-e-opasna-ideja/>>.

45 EWB, 'Montenegro Does Not Plan to Join Open Balkan Initiative, Focuses on Common Regional Market' (16 August 2021) <<https://europeanwesternbalkans.com/2021/08/16/montenegro-does-not-plan-to-join-open-balkan-initiative-focuses-on-common-regional-market/>>.

46 Samir Kajosevic, 'Pro-Serb Party Breaks Ranks to Back New Montenegrin Govt' (BalkanInsight, 08/32021) <<https://balkaninsight.com/2022/03/08/pro-serb-party-breaks-ranks-to-back-new-montenegrin-govt/>>.

47 Zeljko Trkanjec, 'Kosovo Not Officially Invited to Join "Open Balkan"' (3 December 2021).

48 Oliver Varhelyi @OliverVarhelyi, 'At #OpenBalkan Summit Today: Based on EU Rules, Any Regional Cooperation Is Not Only Welcome but Is Also to the Benefit of #WesternBalkans & #EU. It Would Be Ideal to Find a Way Back to Return to Common Regional Market. I Invite the Other Three Partners Back in the Process.' <<https://twitter.com/olivervarhelyi/status/1473265766472597510?lang=en>>.

## Region wide and international support

it stays committed to support regional integration in a format that includes all countries from the region.<sup>49</sup> While US special envoy Gabriel Escobar supports the OB, he remains concerned about the lack of inclusivity of the initiative.<sup>50</sup> Without support from its international partners, regional integration could face challenges in the future. With a mixed success rate, the EU and US facilitated dialogue has played a major role in overcoming trade hurdles in the region in the past, such as Kosovo imposed tariffs on Serbia and Kosovo.<sup>51</sup>

The WB regional integration has turned into a debate on the preferred political platform for cooperation rather than a credible process that could utilise its full potential. This debate has dragged on for too long already with the upshot being missed economic opportunities from regionwide market liberalisation. The pressure to further align national legislation to EU acquis with a view for early participation in the Single Market has been side-lined. Last but not least, rather than being a force of reconciliation through enhanced economic cooperation, the parallel initiatives spur further divisions among the WB6.

49 European Commission, 'Opening Remarks by Commissioner Várhelyi at the EBRD Western Balkans Investment Summit' (22 August 2022) <[https://ec.europa.eu/commission/commissioners/2019-2024/varhelyi/announcements/opening-remarks-commissioner-varhelyi-ebrd-western-balkans-investment-summit\\_en](https://ec.europa.eu/commission/commissioners/2019-2024/varhelyi/announcements/opening-remarks-commissioner-varhelyi-ebrd-western-balkans-investment-summit_en)>.

50 Y.Z, 'Gabriel Escobar: We Support the "Open Balkan"' (8 December 2021) <<https://sarajevotimes.com/gabriel-escobar-we-support-the-open-balkan/>>.

51 Chuck Penfold, 'Serbia and Kosovo Reach Deal to End Mutual Trade Embargo' (DW) <<https://www.dw.com/en/serbia-and-kosovo-reach-deal-to-end-mutual-trade-embargo/a-15362158>>.



## Intraregional trade and trade with the EU

Market liberalisation has proven to have a positive effect on trade for the WB countries. The implementation of the CEFTA agreement contributed to increased trade and exports between WB countries.<sup>52</sup> As non-tariff barriers remain major obstacles for the intra-regional trade potential,<sup>53</sup> the OB made notable progress in this regard. The signed agreements on AOES and sanitary and food safety agreements are expected to reduce border waiting times and cut export costs. Progress in the implementation of the road map for trade facilitation will further reduce waiting times and trade related costs. If the OB declarative commitment for a no-border region is to become operational, it would further ease intra-regional trade.

An initiative that does not include all WB6 countries would not allow to exploit the full potential of intraregional trade in the WB region. Data on trade in goods from 2019 suggest without all WB countries taking part, both the participating and non-participating countries would be worse off. North Macedonia, Albania, and Serbia exports are higher in non-OB countries than in OB participating countries, 56.37%,<sup>54</sup> 72.82%<sup>55</sup> and 72.26%<sup>56</sup> of the intra-regional export value respectively. Kosovo absorbs the highest share of export value from both North Macedonia (40.78%) and Albania (58.07%), while Bosnia and Herzegovina is Serbia's main export market in the region and accounts for 50.27% of its export value in 2019. The same goes for the non-participating countries: 84.26% of Kosovo's intra-regional exports end up on OB markets, with the highest share in Albania (40.88%).<sup>57</sup> Exports to North Macedonia, Albania and Serbia account for 68.14% of Montenegro export value in the region. Serbia is the main exporting market for both Montenegro (58.09%) and Bosnia and Herzegovina (68.75%).<sup>58</sup>

Even in the most optimistic integration scenario, with all countries on board, the WB

52 Richard Grieveson, Mario Holzner and Vukšić Goran, 'Regional Economic Cooperation in the Western Balkans: The Role of Stabilization and Association Agreements, Bilateral Investment Treaties and Free Trade Agreements in Regional Investment and Trade Flows' *Eastern European Economics* 3.

53 Plamen Kaloyanchev, Ivan Kusen and Alexandros Mouzakitis, 'Untapped Potential: Intra-Regional Trade in the Western Balkans' (2018) Discussion Paper 080 <[https://ec.europa.eu/info/sites/default/files/economy-finance/dp080\\_western\\_balkans.pdf](https://ec.europa.eu/info/sites/default/files/economy-finance/dp080_western_balkans.pdf)>.

54 Authors own calculation, based on MakStat, External trade by countries, cumulative data

55 Authors own calculation, based on Institute of Statistics, Foreign trade, yearly indicators.

56 Author's own calculation based on State Statistical Office of the Republic of Serbia, External Trade, Export and Imports by country of origin/destination. Note: Kosovo is not included in the calculations. Serbia State statistical office does not provide trade data for Kosovo.

57 Authors own calculation, based on Kosovo State statistical office, Export and Import by partner country, 2010-2019

58 Agency for Statistics of Bosnia and Herzegovina, BiH Foreign Trade in goods 2019



## Intraregional trade and trade with the EU

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market integration has a far smaller potential compared to the EU market. Only Kosovo exports more goods to WB markets, 42.96% of total export value, compared to the EU markets, 36.12%. Montenegro's export to the WB markets is also significant (28.54%), but yet the EU has the highest share (48.22%). For all other countries in the region, the EU has much bigger value compared to the WB markets. The share of North Macedonia export to the EU stands at 80.69% compared to just 11.53% to the WB. 16.53% of Bosnia and Hercegovina exports end up on WB markets, while 72.99% ends up on EU markets. Even Serbia, which has export destinations far more varied compared to the other WB countries, has 66.65% of its exports bound for the EU, the highest percentage of Serbia's exports, while exports to the WB accounts for 16.48% of its total exports (data from 2019).





## Issues beyond trade barriers

The countries in the region have to improve underlying issues that hamper their economic development. Weak connectivity (transport, energy telecommunications) compared to the EU constrains the long-term growth of the whole region.<sup>59</sup> Extending the TEN networks to the region as well as local infrastructure modernisation requires significant financial support, which the countries in the region cannot secure on their own. The regional integration initiatives, be that the OB or the CRM, fall short in regards to addressing this issue. Both could serve to improve coordination and governance of multi-country projects, but not the lack of funds.

Beyond infrastructure, both domestic companies and large exports find skill shortages and unfair competition among the constraints for doing business in the region.<sup>60</sup> Both the skill shortages and large informal sector are chronic issues for all countries that ultimately hinder economic and social development in the region.<sup>61</sup> These reforms are in the realm of domestic policies and are conducted at an unsatisfactory pace. Again, both regional integration initiatives have no mechanism to addressing these issues. The migration issue all countries from the region face, with the EU being the main destination for both high and low skilled workforce, cannot be fixed by easing the intra-regional mobility of individuals or joint programmes.<sup>62</sup> The informal economy is not even addressed in the regional integration frameworks.

59 Ruben V Atoyan and others, 'Public Infrastructure in the Western Balkans: Opportunities and Challenges' (2018) No. 18/02 <<https://www.imf.org/-/media/Files/Publications/DP/2018/45547-western-balkans-public-infrastructure-020818.ashx>>.

60 Council of the European Union, 'Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey' (12 July 2021) <<https://data.consilium.europa.eu/doc/document/ST-10622-2021-INIT/en/pdf>>.

61 *ibid.*

62 M Delevic, 'Regional Cooperation in the Western Balkans' [2007] Chaillot Papers.



## Conclusion

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The launch of the OB put WB economic integration back on the agenda and made it a goal on its own. Nonetheless, the initiative has not brought about new ideas for the WB regional integration project. The signed agreements under the OB that marked the success of this initiative were already planned with REA or later incorporated in the CRM. If anything differs, it is the wide area of cooperation like state aid and dispute settlement mechanisms foreseen under the CRM that are neglected in the OB implementation plans. The view for a deeper integration with a no-border region is still a political statement and making it a reality without it having a clear framework seems to be extremely difficult.

Having all countries committed to the same agreements, as trade in goods data suggests, would be beneficial for both “blocks”, the OB participating and non-participating. Nonetheless, further market liberalisation in the region has limited potential. Eased exports to the EU as WB countries’ main partner could have significantly higher benefits compared to WB markets. Last but not least, neither the OB, nor the CRM initiatives have the mandate or instruments to address the underlining issues of the WB economies.

New governing, coordination and monitoring structures would impose costs for national governments and administrations. The use of existing national structures and coordination mechanisms would benefit the participating countries at lower cost. Furthermore, the work so far suggests the initiative is ready to put forward agreements even though not all parties have met the verification procedures for alignment with the EU acquis. Hastening regional integration for the sake of providing tangible results could be damaging in the long term. Regional market integration needs to be done and implemented under EU rules as a precondition for a potential early phasing into the EU market.

## Annex 1. Comparison of actions per area: Regional Economic Area (2017), Open Balkan (2019), Common Regional Market (2020)

Area/Initiative	Regional Economic Area	Open Balkan	Common Regional Market
Trade area (Horizontal)	<ul style="list-style-type: none"> <li>• Additional Protocol on CEFTA Dispute Settlement.</li> <li>• Administrative cooperation and information exchange Competition and State Aid Monitoring Authorities.</li> <li>• Elimination and monitoring on discriminatory practices in public procurement.</li> <li>• Systemic monitoring of NTMs in trade in goods and services.</li> <li>• Monitoring and enforcement mechanisms to eliminate any remaining NTBs.</li> </ul>		<ul style="list-style-type: none"> <li>• Open Green /Lanes and BCPs/ CCPs controls.</li> <li>• CEFTA Dispute Settlement Mechanism.</li> <li>• CEFTA Body on competition and state aid.</li> <li>• Regional cooperation on trade related aspects - public procurement, consumer protection and market surveillance, environmental issues.</li> <li>• Private sector dialogue.</li> <li>• Reduction of trade costs and increased transparency.</li> </ul>
Trade area (Goods)	<ul style="list-style-type: none"> <li>• Strengthened CEFTA monitoring and enforcement capacity; Public-Private dialogue for monitoring on CEFTA</li> <li>• Adoption and implementation of AP 5, MR Validation Rules and Implementation of Border Documents and AEOs MRPs.</li> <li>• Regional Strategy for joint risk management, joint border controls, one-stop shop controls and shared equipment.</li> <li>• CEFTA parties' Market surveillance control authorities cooperation - MRA in one supply chain and possibly other supply chains.</li> <li>• IT interconnections for data exchange between Agencies at all levels.</li> </ul> <p>Harmonisation of CEFTA Markets with the EU: Application of SAP+ and Full Cumulation; Impact assessment on approximation of CEFTA MFN to EU CET.</p>	<ul style="list-style-type: none"> <li>• 24/7 Border Crossing Point Procedures.</li> <li>• Improved infrastructure.</li> <li>• MR of documentation accompanying goods.</li> <li>• Improved internal procedures and incentives for 'paperless system' for goods; minimisation of paper documentation requirements.</li> <li>• Adoption of CEFTA decisions on trade facilitation (AEOs, risk management strategy, fruits and vegetable, documents accompanying goods); Framework for paperless system and approximation with the EU legislation, electronic documentation consistent with AP5.</li> </ul>	<ul style="list-style-type: none"> <li>• MRPs for Industrial products, agricultural products, fruits and vegetables, AEOs.</li> <li>• Extended scope and improved Risk Management, CEFTA Customs Risk Management Strategy implementation.</li> <li>• System of Electronic Exchange of Data (SEED+)</li> <li>• Legal and regulatory framework aligned with EU acquis, systematic data exchange in CEFTA regional database.</li> </ul> <p>Harmonisation and cooperation with the EU: Common rules of origin within CEFTA and uninterrupted cumulation of origin with the EU; MRP(s) between CEFTA, EU and other trading partners based on EU best practices.</p>

## Annex 1. Comparison of actions per area: Regional Economic Area (2017), Open Balkan (2019), Common Regional Market (2020)

Area/Initiative	Regional Economic Area	Open Balkan	Common Regional Market
Trade area (Services)	<p><b>Implementation of AP6:</b> regional transparency platform and data platform; review for non-liberalized sectors; impact evaluation; identification of regulatory barriers.</p> <p><b>Agreements on interregional regulatory cooperation:</b> database with regulatory heterogeneity; Negotiation and administering of arrangements (soft laws, recognition of Int./EU standards, MRAs; Development of disciplines on domestic regulation.</p> <p>Identification on <b>eCommerce</b> barriers and impact assessment; e-Commerce trust marks cooperation; Assessment on geo-blocking measures; Improve Citizen's trust in online services; Best practices in digital market places; Assessment on regional action delivery of goods and services at reasonable cost; Liability of intermediary services provider</p>	<p>Ratification of CEFTA AP6 and full implementation</p> <p>Lead in interregional regulatory cooperation in one selected sector.</p> <p>Promote regulatory cooperation on cross-border electronic payments, based on the EU model Based on recognition of <b>Trusted Services</b> and qualified electronic certificates.</p> <p>Establishment of platform for <b>E-commerce</b>; Regulatory dialogue on electronic commerce.</p>	<p><b>Enabling environment</b> - Document exchange of between regulatory authorities by extending SEED+ to trade in services; Framework for mutual recognition of electronic signatures, eIDs and trust services based on the relevant EU acquis.</p> <p>Review AP 6 to enable temporary service supply without establishment and authorisation requirement line with the EU acquis; Regional Disciplines on Domestic Regulation based on the EU position in the WTO</p> <p><b>Tourism:</b> CEFTA framework on key barriers with MR and voluntary quality standards</p> <p><b>Financial services:</b> Feasibility of an EU-compliant mechanism for market integration; Development of regional financial markets and/or products, Feasibility of cooperation in insurance sector; common regulatory framework for Fintech development</p> <p><b>Postal services:</b> Joint procedures on tariff monitoring and other facilitating measures for parcel delivery in line with EU acquis and best practices</p> <p>Harmonisation framework and key principles for regional <b>e-commerce</b> based on the relevant EU acquis; Trade facilitation measures for parcels based on EU practices and WCO standards; regional measures against geo-blocking</p>



## Annex 1. Comparison of actions per area: Regional Economic Area (2017), Open Balkan (2019), Common Regional Market (2020)

Area/Initiative	Regional Economic Area	Open Balkan	Common Regional Market
Trade area (People's mobility)	<p><b>Researchers mobility:</b> Removal of legal and institutional barriers, Mapping of research infrastructures, Mechanisms for increased mobility of researchers; Regional Centre of Excellence; EURAXESS local offices</p> <p><b>Mobility of Professionals:</b> Recognition of professional qualifications: MRA on regulated professions Negotiation on mutual recognition agreements of selected profession and other sectors of mutual interest; regional Database</p> <p>Procedure for fast track recognition of <b>higher education qualifications</b>, sub-regional network of ENIC/NARIC centres</p>	<ul style="list-style-type: none"> <li>Harmonisation of scarce occupations list and agreements on recognition of <b>professional occupational qualifications</b>;</li> <li>Programs for <b>students and researchers</b> exchange; Joint working group for implementation of ESG and the registration of QAAs in EQAR.</li> <li>Agreements on automatic recognition of <b>academic qualifications</b>.</li> </ul>	<p><b>Professional qualifications:</b> Framework for recognition of professional qualifications for seven professions based on the EU system of automatic recognition, recognition of professional qualifications in pilot sector.</p> <p><b>Mobility of students, researchers and professors:</b> WB Framework Agreement on Access to Study; Recognition of academic qualifications, enhanced quality of recognition; Support Quality Assurance Agencies for membership in ENQA and EQAR; Encourage participation EHEA and benefit from EEA; Open EUI to WB Universities.</p>
		<p><b>Movement of people in possession of an identity card</b></p> <p>Harmonisation of legislation on movement of people, work and residence permits in line with the EU acquis.</p> <p>Legislative framework on unique-unified stay and working permit.</p> <p>Harmonisation of Law on Foreigners in line with the EU acquis.</p>	<p><b>Mobility of individuals on the basis of IDs</b></p>
		<p><b>Regulating social security and employment requirements:</b></p> <p>National legislation, with a view to harmonise social security and employment requirements.</p>	<p><b>Portability of social rights and removal of working permits:</b></p> <p>Agreement on social insurance; agreement on removing work permits for intracompany transfers and service suppliers.</p>
		<p><b>Strengthen cross border cooperation in the field of security</b> among police authorities in fighting transnational crime terrorism, migration and civil emergencies.</p>	

## Annex 1. Comparison of actions per area: Regional Economic Area (2017), Open Balkans (2019), Common Regional Market (2020)

Area/Initiative	Regional Economic Area	Open Balkans	Common Regional Market
Investment	<ul style="list-style-type: none"> <li>FDI data, policy barriers and inhibitors data base, Individual-economy action plans.</li> </ul> <p>Explore the need for common instrument(s):</p> <ul style="list-style-type: none"> <li>Investment reforms in WB6 as per regional agenda.</li> <li>Regional promotion initiative and outreach activities.</li> <li>Financial systems diversification of to boost investment.</li> <li>Smart Growth - regional dialogue and knowledge exchange.</li> </ul>	<p>Draft plan for investment prospects:</p> <ul style="list-style-type: none"> <li>Outreach activities.</li> <li>BIAs review to make compatible with EU standards.</li> <li>Investment initiatives in energy and environmental sectors, tourism, agriculture, other; policy changes to attract investment in accession priorities.</li> <li>Collaboration in smart specialisations strategies.</li> </ul>	<p>Regional investment promotion for priority target sectors/value chains.</p> <p>Regional investment policy reforms - (IIAs) between EU and WB countries; Screening mechanisms procedures based on the emerging EU standards and policy; cooperation and peer-to-peer exchange.</p> <p>Regional investment retention and expansion</p> <p>Information exchange between IPAs;</p> <p>Strengthened grievance mechanisms.</p>
Digital agenda	<p>Digital infrastructure.</p> <p>Digital networks and services level playing field (regulation).</p> <p>Cyber security, trust services and data protection.</p> <p>Digital skills regional cooperation.</p> <p>Digitization, data economy, standards and interoperability, innovation, smart technologies.</p>	<p>Transposition of the EU Directive on certain aspects concerning contracts for the supply of digital content and digital services (Digital Content Directive).</p>	<p>Digital infrastructure and connectivity, including 5G roadmap, roaming.</p> <p>Digital skills and competence: strategies and regional actions; courses trainings repository; digital education action plans.</p> <p>New ICT technologies - regional cooperation and national strategies.</p> <p>Trust and security: technical standards and specifications; data protection and privacy based on EU standards; cybersecurity capacities and business community participation.</p>
Industrial and Innovation Area			<p>Regional innovation initiatives.</p> <p>Regional industry development: Supply chain protocol; support growth of SMEs in niche markets; supplier development programme.</p> <p>Automotive industry value chains.</p> <p>Green &amp; circular economy value chains.</p> <p>Agro-food industry development.</p> <p>Development of creative industry.</p> <p>Metal processing industry.</p> <p>Sustainable tourism.</p>



## Annex 2. Western Balkan Intraregional trade and trade with the EU in 2019

Country/ Partner	Albania		Bosnia and Hercegovina		Montenegro		Serbia		Kosovo		North Macedonia	
	(mil. EUR)	%	(mil. EUR)	%	(mil. EUR)	%	(mil. EUR)	%	(mil. EUR)	%	(mil. EUR)	%
Albania			22.4		42.6		158.3		67.4		72.8	72.8
Bosnia and Hercegovina	17				163.2		1351.3		6.4		84.2	84.2
Montenegro	44.6		208.6				787.3		19.6		31.4	31.4
Serbia	43.8		669.2		500.4				27.4		250.7	250.7
Kosovo	242.3		2.2		5.5		*				302.3	302.3
North Macedonia	69.6		68.9		30.6		673.8		44.1			
Open Balkan countries	113.40	27.17	760.5	78.30	573.6	77.27	832.1	28.01	138.9	84.23	323.5	43.63
Non-Open Balkan countries	303.90	72.83	210.8	21.70	168.7	22.73	2138.6	71.99	26.0	15.77	417.9	56.37
Western Balkans 6	417.30	17.19	971.3	16.53	742.3	28.54	2970.7	16.94	164.9	43.00	741.4	11.52
European Union	1,859.3	76.57	4,288.8	72.99	1,254.3	48.23	11,687.1	66.64	138.6	36.14	5,190.8	80.69
Other	151.60	6.24	616.0	10.48	604.1	23.23	2,878.6	16.41	80.0	20.86	501.1	7.79
Total	2,428.20		5,876.1		2,600.7		17,536.4		383.5		6,433.3	

Source: Institute for Statistics Albania, Agency for Statistics of Bosnia and Herzegovina, Statistical Office of Montenegro, State Statistical Office of the Republic of Serbia, Kosovo State Statistical office, State Statistical Office of North Macedonia.





