

Can EU Enlargement to the Western Balkans be revitalised?

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Future of the **EU27**





Introduction

EU enlargement policy on the Western Balkans has been stalled for some time - a view that would seem to be confirmed by the EU's failure to open accession negotiations with North Macedonia and Albania in 2019. Recent developments suggest that there are two reasons for this inertia: first, a lack of political will at European Council level and second, dissatisfaction with the accession process itself. Recent developments in the debate, however, show some signs of a new drive for momentum.

On 5 February 2020, the European Commission published a new Communication entitled '*Enhancing the Accession Process – A Credible EU Perspective for the Western Balkans*'¹. The Communication is a response to requests from Member States, and in particular to the French government's calls for reform. It proposes a number of significant changes to the accession process including:

- (i) a more dynamic clustering of negotiating chapters;
- (ii) an enhanced role for current Member States in the process; and
- (iii) a new system for conditionality.

The Commission, the European Parliament and several Member States that are pro-enlargement have expressed hope that this will pave the way for agreement in favour of Albania and North Macedonia at the **European Council meeting in March 2020** and in time for the **EU-Western Balkans Summit in Zagreb in May 2020**.

This paper will examine the European Commission's new proposal for reform. It will take stock of the state of play of enlargement policy in the European Council and the options available, taking account of past obstacles to political progress. It will then analyse the overall implications of policy action and the potential to reinvigorate EU enlargement to the region.

EU Enlargement to the Western Balkans

Countries in accession negotiations

Montenegro Serbia

Candidate Countries

Albania North Macedonia

Potential candidate countries

Bosnia and Herzegovina Kosovo

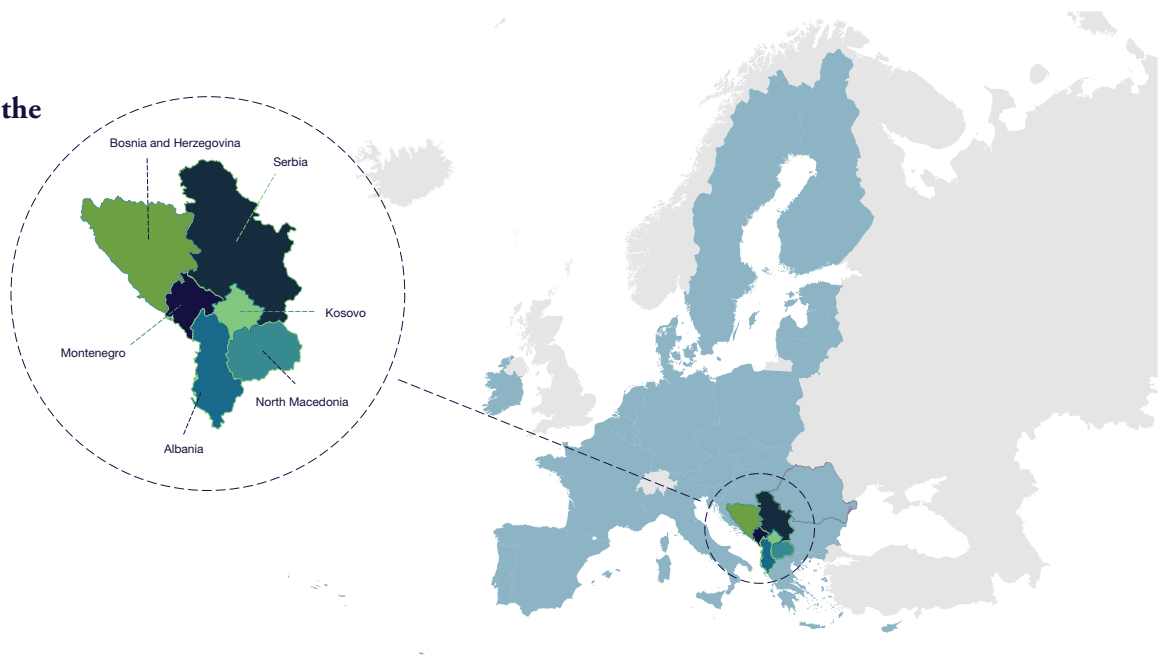


Figure 1. EU27 and The Western Balkans

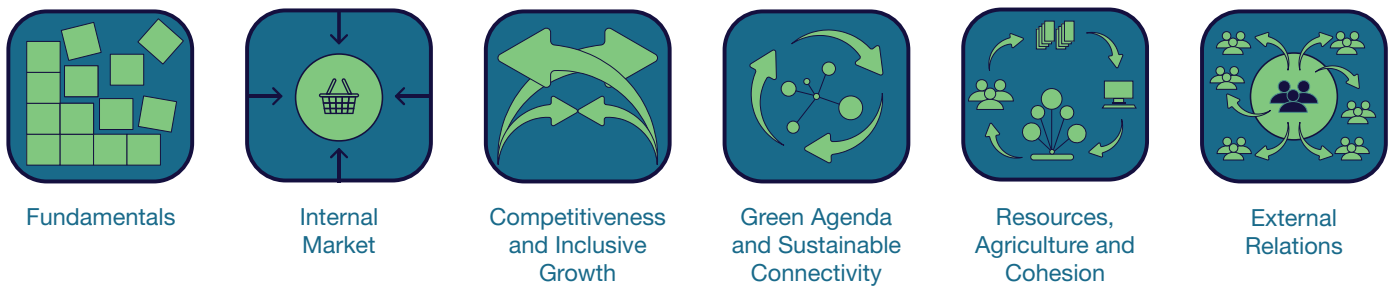
¹ European Commission, 'Enhancing the Accession Process – A Credible EU Perspective for the Western Balkans', February 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/next/files/enlargement-methodology_en.pdf

The European Commission Communication

The European Commission's framing of the new Communication contains a palpable push for progress in the specific cases of Albania and North Macedonia, but also for EU enlargement policy and the Western Balkans region more broadly. It is worth noting, however, that the **proposed changes apply only to the accession negotiation phase itself**. Three of the proposed changes are particularly significant for the overall pace of progress.

Thematic Clusters of Chapters

The Commission's Communication proposes grouping chapters into six thematic clusters:



The **Fundamentals cluster** covers rule of law, fundamental rights, and democratic institutions, and is designed to be the first one opened and the last one closed. Under the Commission's proposed changes, no other chapter can be closed before the opening benchmarks of the Fundamentals cluster have been met. It is envisaged that this will allow for sustained monitoring of progress in these areas throughout the negotiations. These elements have been stumbling blocks in past accession negotiations.

A key feature of the Communication is that **multiple clusters and chapters may be open simultaneously**, as distinct from calls by the French government for successive 'policy blocks', which would require acceding countries to complete blocks one by one.² This is part of the Commission's efforts to create a 'more dynamic' process and could perhaps benefit the pace of progress, assuming it does not hinder French approval of the proposed changes. The Communication further provides an indicative timeframe suggesting that chapters should be completed within a year, though it also emphasises that this is subject to the acceding state meeting the objective criteria.

Greater Member State Involvement

The Commission's Communication proposes opportunities for Member States to contribute 'more systematically' to the accession negotiations by adopting '**stronger political steering**' of the process. This goes beyond the current requirement of Member State unanimity at the achievement of each of a negotiating chapter's benchmarks, and envisages increased involvement of Member States in the monitoring and review of candidates' progress. As a consequence of this, input from the European Council would feed into the annual reports, which are currently produced only by the Commission.

Past criticisms of the accession process have argued that increased Member State influence has at times delayed the process, and the Commission's new Communication would seem to increase the number of points at which progress would be subject to political will. However, speaking after the publication of the Communication, Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, identified a 'mismatch' between the Commission's assessment and Member State sentiment about enlargement at different times in the past. He argued that this new element will therefore allow for greater communication between and among EU institutions and Member States, with positions on next steps clarified before the decision is put to a vote at Council level and fewer 'last minute surprises' as a

² French Government, 'Reforming the European Union Accession Process', November 2019, <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>



result.³ In addition, EPP MEP, Michael Gahler, has suggested that increased Member State involvement may result in governments feeling more invested in and committed to the process.

Positive and Negative Conditionality

An additional element of the Commission's proposal to inject a new dynamism into the process is that it would be a multi-directional process, which would be based on 'positive or negative conditionality.' What does this mean?

Positive Conditionality: Accelerated Progress

The positive conditionality proposes to 'reward results arising from demanding reforms' via a number of avenues for closer integration. These include a gradual 'phasing in' of EU policies, programmes, and the EU market, as well as increased funding. Under the new thematic clusters, it is also proposed to identify avenues through which accelerated integration of the acceding state may take place.

Negative Conditionality: Reversibility

The negative conditionality elements proposed would significantly expand the EU's toolbox in addressing 'any serious or prolonged stagnation or even backsliding in reform implementation and meeting the requirements of the accession process' on the part of acceding states.

The Communication outlines a graduated range of options in such a scenario from:

- (a) suspending progress – by putting a pause on negotiations in specific areas, on measures leading to closer integration, or on negotiations overall – to
- (b) reversing progress – by re-opening already-closed chapters, decreasing funding, or withdrawing some of the benefits of closer integration.

Implications

This range of measures goes substantially beyond the current ability of the EU to halt the process if implementation of the chapters on the rule of law are stalling. Greater leverage for the EU in instances which there is a lack of progress, or backsliding, is a key request of the French government and may therefore go some way to facilitating agreement at the European Council and alleviating Member State concerns over the impact of new members on the convergence process and on European integration.

From the perspective of acceding countries, positive conditionality, along with the simultaneous opening of clusters and gradual integration into programmes and policies, may incentivise sincere implementation of reforms. In addition, if the EU can offer tangible benefits as the negotiations progress, national politicians will not have to depend on future promises to sell these policies to their respective electorates.

Many of these benefits, however, are dependent on details yet to be decided. The Commission's proposal for increased funding under the Pre-Accession Instrument will require negotiation under the new MFF. It also remains to be seen whether accelerated integration will extend significantly beyond programmes already included in the current process.

Overview of the Enlargement Issue: Political Stalemate at the European Council

Of the six Western Balkan states currently seeking EU membership, two have opened accession talks (Montenegro in 2012 and Serbia in 2014), two are candidate countries (North Macedonia; Albania), and two are potential candidate countries (Bosnia and Herzegovina; Kosovo).

³ Vlagyislav Maksimov, 'Commission tries to breathe new life into EU enlargement', Euractiv, 5 February 2020, <https://www.euractiv.com/section/all/news/commission-tries-to-breathe-new-life-into-eu-enlargement/>.



On 29 May 2019, the European Commission's Annual Reports once again recommended opening accession talks with Albania and North Macedonia.⁴ Two subsequent meetings of the General Affairs Council (June and October 2019), however, failed to come to a conclusion and the issue was put on the agenda of the October 2019 European Council Summit. At the Summit, Member States were unable to achieve unanimity and decision-making was postponed until the spring of 2020.

At the request of Member States, the Commission agreed to prepare proposals for reform of the accession process by early 2020 in an effort to break the deadlock.

The European Parliament adopted a resolution in support of opening accession negotiations with Albania and North Macedonia on 23 October 2019.⁵ The resolution expressed 'deep disappointment' that the European Council had not approved this course of action and noted that both countries had undertaken substantial reforms in order to meet the necessary requirements to begin talks.

Positions of Members of the European Council

A deep dive into Member State positions on the opening of accession negotiations with Albania and North Macedonia suggests that there were three distinct positions.

Position 1. Opposition to the accession of both North Macedonia and Albania

Over the course of the GAC meetings and the European Council Summit, France emerged as the strongest opposition to the opening of accession talks: the French government's position has been to veto this step in the case of both North Macedonia and Albania. Analysts have noted that French hesitancy around EU enlargement is not a new phenomenon. Since the 1990s, the French government has developed a policy on enlargement based on a controlled, case-by-case approach, with strong emphasis on conditionality and merit.⁶ Since 2005, a referendum is required in France for all EU accessions.

The French government has consistently made its support for enlargement to the Western Balkans conditional on three factors:

- (i) reform of the accession process,
- (ii) improved preparedness in candidate countries, and
- (iii) reform of EU institutions and decision-making.

On the second and third points, pursuit of internal reform is underpinned by concern over lack of implementation and transposition of EU legislation.⁷ Overall, French EU enlargement policy has demonstrated a particular concern over the possible negative impact of 'widening' the EU on 'deepening' cooperation within the EU.

The French position met with criticism in the European Parliament's October 2019 Resolution which argued that the enlargement process should not be influenced by considerations of domestic political agendas in individual Member States at the expense of candidate countries' 'own merit' in meeting the 'objective criteria'.⁸ For example, critics of the current French stance suggest that the French government is acting out of concern that far right parties may use voter anxieties relating to organised crime (sometimes associated with

⁴ European Commission, '2019 Communication on EU Enlargement Policy', May 2019, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-communication-on-eu-enlargement-policy_en.pdf

⁵ European Parliament, 'Resolution on Opening Accession Negotiations with North Macedonia and Albania', October 2019 https://www.europarl.europa.eu/doceo/document/TA-9-2019-0050_EN.pdf

⁶ Natasha Wunsch (2017) 'Between Indifference and Hesitation: France and EU Enlargement towards the Balkans', Southeast European and Black Sea Studies, 17(4), 541-554.

⁷ Agata Palickova, 'Divided Europe deals major blow to North Macedonia's EU accession hopes', Euractiv, 19 June 2019 <https://www.euractiv.com/section/enlargement/news/divided-europe-deals-major-blow-to-north-macedonias-eu-accession-hopes/>

⁸ European Parliament, 'Resolution on Opening Accession Negotiations with North Macedonia and Albania', October 2019 https://www.europarl.europa.eu/doceo/document/TA-9-2019-0050_EN.pdf



some membership candidates) to mobilise them ahead of elections in 2020.⁹

Position 2: Decoupling North Macedonia and Albania

The Netherlands and Denmark have also consistently adopted a cautious posture to opening accession negotiations with Western Balkan states. At the October 2019 European Council Summit, the two countries supported opening accession talks with North Macedonia but not Albania, citing persistent concerns over political stability, corruption, organised crime, and the rule of law in the case of the latter. During the European Council negotiations, the Netherlands, Denmark and Spain were in favour of a Finnish proposal to decouple Albania and North Macedonia's membership bids, but this was opposed by France.¹⁰

Position 3: Support for both North Macedonia and Albania

The remaining Member States, including Ireland, were willing to support the opening of accession negotiations. Many expressed disappointment that this was not achieved, as did the leaders of the two candidate countries themselves. Support from Greece represented a substantial shift in that government's position and clear recognition of North Macedonia's efforts under the Prespa Agreement.

Among the Member States in favour of opening negotiations, a particular urgency was evident among the immediate neighbours of non-EU Western Balkan countries. Bulgarian Prime Minister, Boyko Borissov, stated that he was sure that "in the next 15 years there would not be a similar momentum".¹¹ He further noted that without strong prospects of EU membership, other external actors would see opportunities in the Western Balkans, including those whom the Prime Minister referred to as 'jihadists', and highlighted Bulgaria's vulnerability in this context.

Other commentators endorsed the view that external actors such as Russia, China, Turkey, and the Gulf states could potentially gain influence in the region, particularly if a vacuum was created by stasis in the enlargement process.¹² Following the October 2019 European Council, Serbian President, Aleksander Vucic, stated that the failure to progress EU enlargement policy in the Western Balkans had left the region with the sense that it could not rely solely on its European neighbours.¹³

The implications for the internal stability of the candidate countries themselves and for the security of both the EU and the Western Balkans was also raised as a concern. Italian Prime Minister, Giuseppe Conte stated that EU leaders had made a 'historic error'¹⁴. This comment resonated with the Visegrad Four – Poland, Slovakia, Czech Republic and Hungary – who said in a joint statement that "further delay in making the positive decision will cause a serious deterioration of the instability in the region and will to a large extent limit our ability to take an active role in our own neighbourhood".¹⁵ Hungarian Foreign Minister, Péter Szijjártó, added that EU enlargement to the Western Balkans was also in Europe's economic interest and noted that EU security could be strengthened through the creation of a new external border.¹⁶

9 Patrick Smyth, 'Macron Dragging his Feet Over EU Enlargement', Irish Times, 21 November 2019 <https://www.irishtimes.com/news/world/europe/macron-dragging-his-feet-over-eu-enlargement-1.4089876>

10 Alexandra Brzozowski and Georgi Gotev, 'All eyes on France after inconclusive enlargement summit debate', Euractiv, 18 October 2019, <https://www.euractiv.com/section/enlargement/news/all-eyes-on-france-after-inconclusive-enlargement-summit-debate/>

11 Alexandra Brzozowski and Georgi Gotev, 'All eyes on France after inconclusive enlargement summit debate', Euractiv, 18 October 2019, <https://www.euractiv.com/section/enlargement/news/all-eyes-on-france-after-inconclusive-enlargement-summit-debate/>

12 Vassela Tcherneva and Tara Varma, 'After the French veto: The new scramble for the Western Balkans', ECFR, October 2019, https://www.ecfr.eu/article/commentary_after_the_french_veto_the_new_scramble_for_the_western_balkans

13 Valerie Hopkins, 'Balkan nations bank on regional ties after EU snub', FT, 23 October 2019, <https://www.ft.com/content/508dcea4-f4ce-11e9-b018-3ef-8794b17c6>

14 BBC, 'EU Blocks Albania and North Macedonia Membership Bids', 18 October 2019 <https://www.bbc.com/news/world-europe-50100201>

15 Alexandra Brzozowski, 'Visegrad 4, North Macedonia in last-ditch effort to change French enlargement veto', Euractiv, 17 October 2019 <https://www.euractiv.com/section/enlargement/news/visegrad-4-north-macedonia-in-last-ditch-effort-to-change-french-enlargement-veto/>

16 Alexandra Brzozowski, 'Hungary wants Montenegro and Serbia to join EU before 2025', 3 October 2019, <https://www.euractiv.com/section/future-eu/news/hungary-wants-montenegro-and-serbia-to-join-eu-before-2025/>



Alternative Proposals to the Commission Communication

i) The French 'non-paper'

On 17 November 2019, French officials circulated a non-paper entitled: *'Reforming the European Union Accession Process'* to EU Member State governments outlining the government's proposed changes to the process.¹⁷ As noted above, this is a key condition of French support for further expansion. Notable features of the proposal include:

- grouping the 35 negotiating chapters into seven successive 'coherent policy blocks';
- providing more options for gradual integration of candidate countries;
- increasing financial support;
- developing mechanisms to reverse the process if candidates' commitments are not fulfilled; and
- strengthening the role of the European Council.

ii) The 'non-paper' of Nine Member States

In mid-December 2019, nine of the Member States in favour of opening accession negotiations with North Macedonia and Albania (Austria, Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland and Slovenia) published a non-paper entitled: *'Elements for Enhanced Enlargement Process and Sustained Accelerated Integration of the Western Balkans'*.¹⁸ It proposed changes to the accession process in response to the French non-paper and ahead of the Commission's work programme.

The paper struck an optimistic note stating that "the beginning of the new legislative cycle provides an opportunity for a renewed impetus to the EU integration of the Western Balkans".¹⁹ It further emphasised that the changes proposed at this stage should not delay the opening of accession negotiations with Albania and North Macedonia by March 2020 and that, in contrast to the French position, internal EU reform should not be a precondition for enlargement.²⁰

Factors which have slowed Enlargement to the Western Balkans

Alongside the impact of the Commission's proposed changes, an important determining factor in the future of EU enlargement policy will be the overall political momentum at the European Council. Numerous studies of the successive waves of EU enlargement agree that progress for the six Western Balkans countries has been particularly slow over the past decade.²¹ John O'Brennan has described the EU's engagement in the region as "uneven and unsatisfactory" and the process as "'flat lining' along a trajectory of frozen negotiating chapters".²² The factors feeding this stasis illustrate the significance of political will in driving the accession process.

Contextual Factors

First, there is a general consensus that contextual factors led to loss of momentum and profile in the enlargement process over the past ten years. The argument is that Member State priorities centred instead on the economic crisis, the migrant crisis, and Brexit, alongside

17 French Government, 'Reforming the European Union Accession Process', November 2019, <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>

18 Jacopo Barigazzi, '9 countries push back on French enlargement revamp', Politico, 16 December 2019, <https://www.politico.eu/article/eu-enlargement-reform-pushback/>

19 European Western Balkans, 'Nine EU Members release a new proposal for the reform of enlargement process', 11 December 2019, <https://europeanwesternbalkans.com/2019/12/11/nine-eu-members-release-a-new-proposal-for-the-reform-of-enlargement-process/>

20 Jacopo Barigazzi, '9 countries push back on French enlargement revamp', Politico, 16 December 2019, <https://www.politico.eu/article/eu-enlargement-reform-pushback/>

21 Tanja Mišćević and Mojmir Mrak (2017), 'The EU Accession Process: Western Balkans vs EU-10', Croatian Political Science Review, 54(4), 185-204.

22 John O'Brennan (2018), 'EU Enlargement to the Western Balkans: Towards 2025 and Beyond', IIEA <https://docs.google.com/viewerng/viewer?url=https://www.iiea.com/wp-content/uploads/free-downloads-files/temp-files/00250914000.pdf>



some reaction to past experience and general 'enlargement fatigue'.²³

In addition, enlargement to the Western Balkans was explicitly not a priority for the Juncker Commission, at least not until 2017 when increased instability and security issues in the region presented new political imperatives.²⁴

Second, disenchantment with the enlargement process can be seen on the side of both Member States and candidate countries. Failure on the side of both acceding and some new Member states to fully implement EU laws, as well as backsliding on commitments, has led to 'enlargement fatigue' among EU Member States and a disinclination to progress further expansion. For the Western Balkan countries, as progress has slowed it has led to 'implementation and evaluation fatigue' and disincentivised reforms.²⁵

This is reflected as a concern in the European Parliament's resolution which has warned that the current political stalemate with regard to North Macedonia and Albania could have a knock-on effect across the region. The resolution also highlighted that lack of progress has damaged the efforts of politicians in candidate countries to sell EU-driven reforms at home. For example, North Macedonia's name change under the Prespa Agreement was very unpopular domestically.²⁶ The promise of EU (and NATO) membership was explicitly leveraged to pass the agreement to the extent that the question on the ballot paper read: "Are you in favour of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?" The European Parliament resolution noted that the failure to meet such reforms with progressing North Macedonia's accession bid has resulted in snap elections being called and "a loss of credibility for those who have made compromises"²⁷.

Procedural Factors

Third, an overall trend of increasing influence for Member States in the accession process is deemed to have led to a more politicised process. A 2017 study by Tanja Mišćević and Mojmir Mrak, for example, observed that "the enlargement process is run more on the inter-governmental basis than was the case during the large Eastern enlargement" with the Council rather than the Commission "increasingly setting the benchmarks for the negotiations and what de-facto determines the pace of the negotiation process."²⁸ With greater Member State input, this analysis suggests that progress has been increasingly subject to political will, which has been low in recent years due to the contextual factors mentioned above.

The most recent developments at the European Council, however, suggest that overall there is now, in fact, considerable political momentum towards enlargement to the Western Balkans, both in terms of the number of Member States advocating the opening of accession talks with North Macedonia and Albania, and the security and economic arguments made in the debate, as outlined above. Progress, however, is still dependent on unanimity by Member States, and, by extension, on the degree of French support. These factors will also apply throughout the negotiation process.

Conclusions: A New Momentum for EU Enlargement?

Opposition at the European Council level in December 2019 to the opening of accession talks with North Macedonia and Albania was met with a wave of reflection on the significance of the Western Balkans region for Europe, and on the interdependency between the two. Arguments about regional security and stability, possible intervention by external actors outside the EU, and the loss of credibility of the EU due to stagnation and stasis all surfaced in the debate and once again highlighted the strongly political nature of the process.

23 Tanja Mišćević and Mojmir Mrak (2017), 'The EU Accession Process: Western Balkans vs EU-10', *Croatian Political Science Review*, 54(4), 185-204.

24 European Parliament Research Service, 'Western Balkans: State of Play in the European Council, Overview of discussions since the Lisbon Treaty', October 2019 [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631770/EPRS_BRI\(2019\)631770_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/631770/EPRS_BRI(2019)631770_EN.pdf)

25 John O'Brennan (2018), 'EU Enlargement to the Western Balkans: Towards 2025 and Beyond', IIEA <https://docs.google.com/viewerng/viewer?url=https://www.iiea.com/wp-content/uploads/free-downloads-files/temp-files/00250914000.pdf>

26 Liridona Veliu, 'What's in a Name: The Republic of (North) Macedonia', DCU IICRR, <https://iicrr.ie/whats-name-republic-north-macedonia/>

27 European Parliament, 'Resolution on Opening Accession Negotiations with North Macedonia and Albania', October 2019 https://www.europarl.europa.eu/doceo/document/TA-9-2019-0050_EN.pdf

28 Tanja Mišćević and Mojmir Mrak (2017), 'The EU Accession Process: Western Balkans vs EU-10', *Croatian Political Science Review*, 54(4), 185-204.



The stalling of North Macedonia and Albania's accession bids has taken place against a backdrop of slow progress in the Western Balkan region overall, due to contextual factors over the past ten years such as the financial crisis, Brexit, and the migration crisis, and to procedural factors such as the politics of increased influence of Member State politics on the process and concerns over the ability of candidate countries – and, on occasion, of new Member States – to fully implement EU laws and accession requirements.

The precise impact of the European Commission's Communication on the membership bids of the Western Balkans states remains to be seen. Montenegro and Serbia may buy in to the new process by agreement with the EU, but will otherwise proceed with the current system. The proposed changes only apply to the accession negotiation phase itself and for North Macedonia and Albania the same hurdle remains of being allowed to open negotiations. The communication will therefore first be tested at the European Council Summit on 26 and 27 March 2020 when Member State leaders are due to revisit the topic of North Macedonia and Albania's membership.

In terms of reinvigorating EU enlargement policy overall, the European Commission's Communication appears to go some way towards mitigating many of the concerns which are currently causing deadlock in the European Council. It may provide a substantive compromise that takes account of many elements of the French Government's proposal. The proposed changes could also instil greater momentum into the process itself. However, the finer details of the changes are still outstanding and political will remains a deciding factor.

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