



TEXTS ADOPTED

Provisional edition

P8_TA-PROV(2016)0046

2015 progress report on Serbia

European Parliament resolution of 4 February 2016 on the 2015 report on Serbia (2015/2892(RSP))

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia and repealing Decision 2006/56/EC¹,
- having regard to the Commission opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208),
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia that entered into force on 1 September 2013,
- having regard to UN Security Council resolution 1244 (1999), to the advisory opinion of the International Court of Justice (ICJ) of 22 July 2010 on the question of the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly resolution A/RES/64/298 of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Serbia and Kosovo,
- having regard to the Declaration and Recommendations from the fourth EU-Serbia Stabilisation and Association Parliamentary Committee meeting of 7-8 October 2015,
- having regard to the outcome of the High-level Conference on the Eastern Mediterranean – Western Balkans route on 8 October 2015 in Luxembourg,

¹ OJ L 80, 19.3.2008, p. 46.

- having regard to the Justice and Home Affairs Council conclusions on measures to handle the refugee and migration crisis of 9 November 2015, and to the Foreign Affairs Council conclusions on migration of 12 October 2015,
 - having regard to the 17-point plan agreed at the meeting on the Western Balkans migration route held among the leaders of EU Member States and non-EU Member States concerned by the influx of refugees and migrants on 25 October 2015,
 - having regard to the Commission’s 2015 progress report on Serbia of 10 November 2015 (SWD(2015)0211),
 - having regard to its resolution of 11 March 2015 on the 2014 progress report on Serbia¹,
 - having regard to its resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II²,
 - having regard to the Council conclusions of 15 December 2015 on enlargement and stabilisation and association processes,
 - having regard to the work of David McAllister as the Foreign Affairs Committee’s standing rapporteur on Serbia,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the European Council of 28 June 2013 decided to open accession negotiations with Serbia; whereas the first intergovernmental conference (IGC) took place on 21 January 2014; whereas the screening process was completed in March 2015; whereas Serbia had fully established its negotiating team in September 2015;
- B. whereas in the 2015 report on Serbia the Commission reports on Serbia’s progress towards European integration, assessing its efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process; whereas the Commission has applied a new approach to reporting which provides much clearer guidance to the countries in question on what they have to focus on;
- C. whereas Serbia, like every country aspiring to EU membership, must be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria, and whereas the countries’ dedication to the necessary reforms and their quality determine the timetable for accession;
- D. whereas Serbia has taken important steps towards the normalisation of relations with Kosovo, resulting in the First Agreement of Principles Governing the Normalisation of Relations of 19 April 2013; whereas four important agreements were reached on 25 August 2015; whereas progress in Serbia’s accession negotiations needs to be made in parallel with progress in the process of normalisation of relations with Kosovo in line with the negotiating framework; whereas further efforts remain vital in order to permanently calm these relations; whereas it is of the utmost importance that all the agreements are fully implemented by both parties;

¹ Texts adopted, P8_TA(2015)0065.

² Texts adopted, P8_TA(2015)0095.

- E. whereas Serbia became the 33rd participating state in the EU Civil Protection Mechanism in July 2015;
 - F. whereas the EU has highlighted the need to strengthen economic governance, the rule of law and public administration capacities in all of the Western Balkan countries;
 - G. whereas the EU has placed the rule of law at the core of its enlargement policy;
 - H. whereas in January 2015 Serbia took the chair of the Organisation for Security and Cooperation in Europe (OSCE);
1. Welcomes the opening of the negotiations and the opening of Chapters 32 (Financial control) and 35 (Other issues – Item 1: Normalisation of relations between Serbia and Kosovo) at the Intergovernmental Conference in Brussels on 14 December 2015; welcomes the continued commitment by Serbia to the European integration process; calls on Serbia to actively promote this strategic decision among the Serbian public; notes with satisfaction that Serbia has embarked on an ambitious reform agenda; calls on Serbia to tackle decisively and head-on the systemic and socio-economic reforms; urges Serbia to devote particular attention to its young people when implementing its reforms;
 2. Welcomes the preparations by Serbia to effectively start the accession negotiations with the conclusion of the screening process, and the preparation and submission of comprehensive action plans for Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security); expresses the hope that these chapters can be opened early in 2016; stresses that thorough negotiations of Chapters 23 and 24 are essential to address the reforms that have to be carried out and implemented in the areas of judiciary and fundamental rights and of justice, freedom and security; recalls that progress in these areas will need to be made in parallel with progress in the negotiations overall; stresses that the negotiation of Chapter 35 is of crucial importance for Serbia's progress on its path towards EU integration; takes the view, in this regard, that the full normalisation of relations between Serbia and Kosovo is an important condition for Serbia's accession to the EU;
 3. Underlines that the thorough implementation of legislation and policies remain a key indicator of a successful integration process; encourages Serbia's political leaders to continue with the reforms needed for alignment with EU standards; calls on Serbia to improve the planning, coordination and monitoring of the implementation of new legislation and policies;
 4. Welcomes Serbia's progress in the business environment, in reducing the budget deficit, and in the labour market, including in labour legislation and employment policy; encourages the Serbian authorities to further improve the investment climate across Serbia and reduce the economic and social disparities between its regions, to ensure the protection of foreign investments and to solve longstanding investment disputes, and, while acknowledging progress in the restructuring of public companies, points to the importance of further relevant advancement and transparency in the privatisation process; stresses the need for Serbia to align its legislation on state aid control with the acquis;
 5. Welcomes the progress on economic reforms, which improved Serbia's budgetary situation, and calls on the Commission to continue supporting the government in its plans to conduct further reforms, especially in addressing fiscal imbalances and reforms of major sectors of the economy;

6. Commends Serbia's constructive approach in dealing with the migration crisis; notes, however, that a constructive approach with neighbouring countries should be fostered; notes that Serbia is an essential and helpful partner of the EU in the Balkans, and that it is therefore indispensable that the EU provide resources and adequate financial help; takes positive note of Serbia's substantial effort to ensure that third country nationals receive shelter and humanitarian supplies with EU and international support; calls on Serbia to swiftly increase its reception capacities; notes that comprehensive reforms are needed to rationalise the whole asylum system and to bring it into line with the EU acquis and international standards; notes that Serbia has taken further measures to address unfounded asylum applications lodged by Serbian nationals in EU Member States and Schengen-associated countries; calls on Serbia to contribute to a further decrease in unfounded applications; highlights that the capacity and resources to allow returnees to reintegrate remain limited;
7. Calls on Serbia to make greater efforts and to progressively align its foreign and security policy with that of the EU, including its policy on Russia; considers, in this context, conducting joint Serbia – Russia military exercises regrettable; welcomes Serbia's active participation in international peacekeeping operations;

Rule of law

8. Emphasises the key importance of the principles of the rule of law; stresses the vital importance of an independent judiciary; notes that, while some progress has been made in the area of judiciary, namely in adopting rules for evaluating judges and prosecutors, political interference remains high; notes that the professional judicial bodies are demanding to be provided with adequate resources; calls on the authorities to implement the national judicial reform strategy as set out in the action plan for Chapter 23 and to ensure independence of the judiciary and that the work of judges and prosecutors is free from political influence; calls on the government to adopt a new law on free legal aid and to introduce legal changes to address the quality and consistency of judicial practice and judicial education; expresses concern at the continuous backlog of court cases, despite the Supreme Court of Cassation's reduction programme in this regard, and urges Serbia to make further steps in order to increase confidence in the judiciary;
9. Reminds the Serbian Government to implement the Law on Rehabilitation fully and in a non-discriminatory manner; suggests to the Serbian Government to make further amendments to the Law on Restitution in order to remove all procedural obstacles and legal impediments concerning restitution in kind;
10. Notes that corruption and organised crime are widespread in the region and also represent an obstacle to Serbia's democratic, social and economic development; notes that some progress has been made in the fight against corruption, which nevertheless remains an element of concern in Serbia, through continued implementation of legislation and the adoption of the law on whistle-blower protection; stresses the need to build a track record on investigations and final indictments on corruption, including high-level corruption and the need to coordinate and monitor the full implementation of the anti-corruption strategy as set out in the action plan for Chapter 23 in all key institutions; calls on the authorities to ensure that the Anti-Corruption Agency and Anti-Corruption Council are able to perform their mandate fully and effectively and that state institutions follow up on their recommendations; considers that a regional strategy and enhanced cooperation between all the countries in the region are essential to tackle these issues more effectively; calls on

academic institutions, together with state authorities and public officials, to adopt rules in this area in order to investigate cases of plagiarism and prevent future cases;

11. Calls on the Serbian authorities to amend and implement the economic and corruption crimes section of the Criminal Code in order to provide a credible and predictable criminal law framework; reiterates once more its deep concern at the provisions and implementation of Article 234 of the Criminal Code on abuse of responsible positions; calls once again for an independent and thorough review of the reclassified cases related to abuse of responsible positions, so that longstanding unjust prosecutions can be dropped immediately;
12. Notes that more effort must be made in the fight against organised crime and that a track record in final convictions must be built, as set out in the action plan for Chapter 24; calls on the Commission and the Member States to provide expert support in order to establish an institutional framework and expertise to fight organised crime effectively; calls, in this regard, for direct cooperation between the law enforcement authorities of Serbia and Kosovo and the liaison offices in Belgrade and Pristina;

Democracy

13. Takes note of the efforts to improve the consultation process in parliament and to further increase parliament's involvement in the EU accession negotiation process; remains concerned about the extensive use of urgent procedures in adopting legislation, including legislation related to the EU accession process, as such procedures do not always allow for sufficient consultation of stakeholders and the wider public; stresses that parliament's oversight of the executive needs to be further strengthened; stresses the importance of active and constructive participation of the opposition in the decision-making process and democratic institutions; stresses that the funding of political parties must be transparent and in accordance with the highest international standards;
14. Stresses the importance of the work of civil society organisations in a democratic society; notes that cooperation between the government and civil society organisations has improved; encourages the Serbian authorities to take additional measures to ensure a transparent dialogue between civil society and state institutions, and to increase the effective involvement of representatives of civil society and of national minorities in the decision-making process; calls on the authorities to guarantee adequate financial support for the efficient functioning of civil society organisations; calls for timely and transparent communication to citizens, organisations and the general public on the developments of the accession negotiation process and to facilitate their broad participation in this process;
15. Reiterates its call on the Serbian Government to address fully the recommendations of the OSCE/ODIHR election observation missions, in particular those ensuring that campaign financing and the electoral processes should be transparent; calls on the authorities to properly investigate cases that arose during municipal elections and other campaign events which have been marked by violence and claims of intimidation and irregularities;
16. Reiterates the importance of independent regulatory bodies, including the Ombudsman, in ensuring oversight and accountability of the executive; calls on the authorities to provide the Ombudsman with full political and administrative support for his work and to refrain from exposing him to unjustified criticism;

17. Welcomes the adoption of a comprehensive public administration reform action plan, a law on inspection oversight, a national training strategy for local government and the law on the maximum number of public sector employees, and calls for their immediate implementation; highlights the need to depoliticise and professionalise public administration and to make recruitment and dismissal procedures more transparent in order to guarantee professionalism, neutrality and continuity of the public administration;

Human rights

18. Welcomes the fact that Serbia has an adequate legal and institutional framework for protecting human rights and fundamental freedoms; notes, however, the remaining shortcomings in its implementation, particularly with regard to preventing discrimination against vulnerable groups, including people with disabilities, people with HIV/AIDS and LGBTI people; welcomes the successful Pride March of 20 September 2015; underlines, however, that discrimination and violence against LGBTI persons is still a matter of concern; encourages in this connection the government to address Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe to member states; expresses concern at the number of attacks on members of vulnerable groups that have not yet been fully investigated; moreover expresses concern at the continuous problem of domestic violence; calls on the authorities to actively promote respect for human rights for all;

19. Expresses concern that no progress has been made to improve the situation regarding freedom of expression and of the media; notes with concern the continuous political pressure which undermines media independence, resulting in growing self-censorship by media outlets; is concerned that journalists face political pressure, intimidation, violence and threats when exercising their profession; calls on the authorities to investigate all cases of attacks against journalists and media outlets, which have prompted strong protests by the International Association of Journalists; reiterates that the new media laws need to be implemented in full; emphasises the need for complete transparency in media ownership and funding of media, as well as non-discrimination as regards state advertising;

20. Is seriously concerned about repeated leaks to the media about ongoing criminal investigations, in breach of the presumption of innocence; calls on the Serbian authorities to seriously investigate a number of high-profile cases where evidence of alleged wrongdoing has been presented by the media;

Respect for and protection of minorities

21. Underlines the importance of National Minority Councils in their role of promoting the rights of national minorities and their democratic nature, and also encourages the appropriate and verifiable financing of them; welcomes Serbia's commitment in drafting a dedicated Action Plan for National Minorities, which will further improve the implementation and development of practices and the legal framework on national minorities; reiterates its call on Serbia to ensure that the level of acquired rights and competences is retained in the process of their legal alignment with the decision of the Constitutional Court of Serbia, and urges the adoption of the Law on National Minority Councils as soon as possible for the clarification of their legal status and the certainty of their jurisdiction; expresses serious concern about the interruption of transmission of programmes in minority languages following the announced privatisation of the media; calls on Serbia to step up its efforts with regard to the effective and consistent

implementation of legislation on protection of minorities and the non-discriminatory treatment of national minorities throughout Serbia, including in relation to education, especially regarding the timely funding and translation of minority native language textbooks, use of minority languages, representation in public administration and representative bodies at local, regional and national levels and access to media and religious services in minority languages; invites the Serbian Government to implement all international treaties and bilateral agreements concerning minority rights;

22. Notes that Vojvodina's cultural diversity also contributes to Serbia's identity; stresses that the autonomy of Vojvodina should not be weakened and that the law on Vojvodina's resources should be adopted without further delay as prescribed by the constitution;
23. Calls on the Serbian authorities to implement concrete measures to improve the situation of the Roma, particularly concerning the provision of personal documents, education, housing, health care and employment; calls further on the Serbian authorities to secure equal representation of Roma in public institutions and public life, including by devoting special attention to the inclusion of Roma women; stresses that the Roma integration policy needs to be further strengthened and, taking into account the violence suffered by minority NGO representatives, that discrimination must be tackled effectively; looks forward therefore to seeing the measures of the upcoming Strategy and Action Plan on Roma inclusion; welcomes in this context the 'Pristina Declaration', which calls on governments and international, intergovernmental and civil society organisations to thoroughly apply principles of non-discrimination and equality when working and acting on the promotion and respect for Roma rights;

Regional cooperation and good-neighbourly relations

24. Appreciates the constructive approach of the Serbian Government to relations with neighbouring countries, since this has enabled substantial progress in both regional cooperation and closer relations with the EU, and urges Serbia to continue to build on its good-neighbourly relations; **calls on Serbia to promote good-neighbourly relations and the peaceful settlement of disputes, which includes promoting a climate of tolerance and condemning all forms of hate speech or war-time rhetoric and refraining from gestures such as publicly welcoming the return of individuals convicted of war crimes**; notes that outstanding disputes and issues, in particular issues of border demarcation, succession, return of cultural goods and **disclosure of Yugoslavian archives** should be resolved in line with international law and established principles, including through implementation of legally binding agreements, inter alia the agreement on succession issues, and that bilateral disputes should be addressed in the early stages of the accession process in accordance with international law; highlights Serbia's constructive role in the framework of the 'Berlin Process' and the Western Balkan Six initiative and its connectivity agenda; welcomes other initiatives focused on the future of the Western Balkans, in particular the Brdo Process, which proves to be an important framework for cooperation in both political and technical fields, and takes the view that concrete cooperation in areas of mutual interest can contribute to the stabilisation of the Western Balkans; welcomes, in this respect, the first Serbia – Bosnia and Herzegovina joint ministerial meeting, which took place on 4 November 2015 in Sarajevo; calls on Serbia to further promote the stabilisation and institutional strengthening of Bosnia and Herzegovina through its existing contacts and good-neighbourly relations with the country; reiterates its call on the Serbian authorities to initiate further measures for cross-border cooperation with the neighbouring EU Member States, including the Cross-border and Transnational Cooperation Programmes 2014-2020 and the EU Strategy for the Danube Region;

welcomes the idea of starting negotiations for the signing of a treaty on good-neighbourly relations with its neighbours, and hopes that this will lead to a more positive development in the regional context; welcomes the energy and transport infrastructure cooperation meeting of the Bulgarian, Romanian and Serbian prime ministers;

25. Encourages Serbia to further cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), in the spirit of reconciliation and good-neighbourly relations; underlines the importance of an overarching national strategy for domestic handling of war crimes; urges the authorities to continue working on the issue of the fate of missing persons, as well as on preparing a reparation scheme for victims and their families as an important precondition for reconciliation, ensuring the right of victims' families to know the fate of their missing family members; points out that a law on civilian victims should be adopted without any undue delay bearing in mind that the existing legislation does not recognise several groups of war crime victims; notes that controversies still occur, particularly in the context of different interpretations of recent history; reiterates its support for the RECOM initiative, the regional commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia;
26. Welcomes the publication of a draft national war crimes strategy, which sets out plans for dealing with the prosecution of crimes committed during the 1990s in the former Yugoslavia; underlines the need to strengthen and depoliticise Serbian institutions which deal with war crimes; calls on Serbia to establish an effective witness and victim protection system and to provide the victims and their families with the right to reparations; calls for improving regional cooperation in war crime cases; reiterates its call on Serbia to re-examine its legislation on jurisdiction in war crime proceedings in the spirit of reconciliation and good-neighbourly relations together with the Commission and with its neighbours;
27. Welcomes Serbia's continued engagement in the normalisation process with Kosovo, and the finalisation of key agreements on 25 August 2015, namely on the establishment of the Association/Community of Serb majority municipalities in Kosovo, on energy, on telecoms and on the Mitrovica Bridge; urges Serbia to swiftly implement its part of these agreements and to engage constructively with Kosovo in formulating and implementing future agreements; notes that progress has been made in areas such as police and civil protection, vehicle insurance, customs, liaison arrangements and cadastral records; reiterates that progress in the Dialogue should be measured by its implementation on the ground; calls on Serbia and Kosovo to refrain from negative rhetoric and to move forward with the full implementation, in good faith and in a timely manner, of all the agreements already reached, and to determinedly continue the normalisation process; calls for continuous efforts by both governments and the EU institutions to communicate and explain the provisions of the reached agreements, in order to bring ethnic Albanian and Serbian communities in Kosovo closer together; commends the efforts of the business community, led by Chambers of Commerce, to contribute to the normalisation of relations, by engaging in dialogue between Chambers of Commerce of Serbia and Kosovo, to tackle barriers to doing business between the two sides, and to facilitate contact and cooperation between companies; calls on the Commission to support maintaining and developing these activities in the future; encourages Serbia and Kosovo to identify new areas of discussion for the dialogue with the aim of improving people's lives and comprehensively normalising relations; calls on the European External Action Service (EEAS) to conduct an evaluation of the performance of the two sides in fulfilling their obligations; urges Serbia to act in a spirit of good-neighbourly relations and

expresses the hope that the issue of Kosovo's failed application for UNESCO membership will not hamper the dialogue, and the further integration of Kosovo in regional and international organisations, and that cooperation and efforts will continue for the protection of cultural heritage; urges Belgrade and Pristina to maintain good-neighbourly relations; welcomes the resumption of talks between Serbian Prime Minister Vučić and Kosovan Prime Minister Mustafa on 27 January 2016; notes that the topics discussed included mutual recognition of university and professional diplomas and improvement of road and rail connections; underlines that progress on the ground will be of benefit to the whole region;

28. Supports, in the context of the Berlin Process, the creation of the Western Balkans Civil Society Forum, which provides an opportunity for civil society representatives from the region to exchange ideas, voice their concerns and formulate concrete recommendations to decision-makers, and calls for the continuation of this process at the next summit to be held in Paris in 2016, and for the organisation of preparatory workshops for civil society organisations in the region;

Energy, environment and transport

29. Stresses that Serbia, as a contracting party to the Energy Community, should remain active in the work of the Energy Community institutions and continue to implement the acquis in order to build sustainable and secure energy systems; calls on the authorities to start the implementation of the objectives set out in the energy sector development strategy, as there is no significant investment in the renewable energy sector; encourages Serbia to develop competition in the gas market and to take measures to improve alignment with the acquis in the fields of renewable energies and energy efficiency, and calls on Serbia to focus more strongly on green energy; calls on the Commission to support the Serbian Government in its efforts to decrease the country's dependency on energy imports and to diversify Serbia's gas supply; notes that the recently adopted IPA II 2015 package notably includes a EUR 155 million programme to help fund major regional infrastructure projects in the energy and transport sectors in the Western Balkans; encourages Serbia to align itself with the average EU commitments on climate change and the agreement reached in Paris at COP 21;
30. Calls on the Serbian Government, given the importance of the European Grouping for Territorial Cooperation (EGTC) for the further development of cross-border cooperation among EU Member States and their neighbours, to provide the necessary legal background that would allow Serbian participation in EGTCs;
31. Expresses concern at the lack of enforcement of waste legislation, and calls on the Serbian authorities to step up efforts to close down and clean up illegal dumpsites and to develop a credible waste reduction policy in line with the Waste Framework Directive;
32. Welcomes the plan to reconstruct, upgrade and modernise parts of the railway network, and encourages the Serbian authorities to continue to further improve public transport in cooperation with the neighbouring countries;

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33. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.