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Plenary sitting

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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Council and the Commission
pursuant to Rule 110(2) of the Rules of Procedure
on the European integration process of Serbia

Jelko Kacin

on behalf of the Committee on Foreign Affairs

European Parliament resolution on the European integration process of Serbia

The European Parliament,

- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia, on which the European Parliament gave its consent on 19 January 2011 and which is in the final stage of process of ratification by Member States, and the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Serbia, which entered into force on 1 February 2010,
- 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 Council Conclusions of 25 October 2010 inviting the Commission to prepare its opinion on Serbia's application for membership of the European Union, to the Council Conclusions of 5 December 2011 and the Conclusions from the European Council of 9 December 2011,
- having regard to the Commission Opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208) and the Commission communication of 12 October 2011 entitled 'Enlargement Strategy and Main Challenges 2011-2012 (COM(2011)666),
- having regard to UN Security Council Resolution 1244 (1999), to the ICJ Advisory Opinion 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 the UN General Assembly Resolution of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Belgrade and Pristina²,
- having regard to the joint statement from the 5th EU-Serbia Inter-Parliamentary Meeting of 18-19 April 2011,
- having regard to the EU-Serbia readmission agreement of 8 November 2007³ and to Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement⁴,
- having regard to the report of the Chief Prosecutor of ICTY submitted on 7 December 2011,
- having regard to its previous resolutions,

¹ OJ L 80, 19.3.2008, p. 46

² A/RES/64/298

³ OJ L 334, 19.12.2007, p. 46

⁴ OJ L 336, 18.12.2009, p. 1

- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas in the Presidency Conclusions issued following the Thessaloniki European Council of 19 and 20 June 2003 a commitment was made to all the Western Balkan states that they would join the European Union once they meet the established criteria and this commitment was reiterated in the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006 and the Council Conclusions of 25 October 2010,
1. Welcomes the progress achieved by Serbia in the reform process; notes the postponement by the Council of the decision on the Commission's recommendation to grant Serbia candidate country status; calls on the European Council to grant Serbia candidate status at the next meeting in March assuming Serbian authorities have met the conditions as outlined at the December 2011 Summit; calls on the Serbian authorities to use this time period to actively engage in dialogue with Pristina in order to fully implement the agreements reached and to find arrangements allowing for full participation of Kosovo in regional cooperation, including trade; is of opinion that, provided that the key priority outlined by the Commission in its Opinion is met and that the reform process continues, accession negotiations should be opened with Serbia as soon as possible, thereby demonstrating the EU commitment to the country's EU perspective; recalls that the further progress of Serbia in the European integration process is dependent on the progress in ensuring Copenhagen criteria, and in particular upholding rule of law, respect for human rights and improving the functioning of the market economy; welcomes the progress in the ratification of the Stabilisation and Association Agreement and calls on the remaining EU Member States to finish the ratification procedures without delay;
 2. Congratulates the country on delivering to justice the remaining two fugitives sought by ICTY, Ratko Mladić and Goran Hadžić; underlines that their capture was not only a requirement for further progress of Serbia towards the EU but, above all, a step towards bringing justice to the victims of the 1990's conflicts in the former Yugoslavia and reconciliation in the region; calls for a thorough investigation and prosecution of persons engaged in the support networks, which allowed the fugitives to hide for such a long time, particularly in the military and civilian security services;
 3. Is seriously concerned by the developments in north Kosovo in the second part of 2011, and in particular the violence resulting from the July incidents; reiterates that only a negotiated solutions within the framework of dialogue with Pristina can permanently eliminate the tensions in the region; welcomes, in this regard, the agreements reached, and calls on the Serbian government to implement them fully and without delay; welcomes the regular flow of goods that has been enabled by the acceptance of the customs stamps, the delivery of the first 10.000 copies of birth certificates from Serbian authorities to EULEX and the start of the implementation of the agreement on freedom of movement on 26 December 2011, as the first steps in the implementation of agreements; welcomes the statements by President Tadić on the necessity to dismantle the barricades, followed by their partial removal; recalls that free movement of people, goods, ideas and capital is a fundamental value in the EU and calls on the Serbian authorities to ensure the permanent removal of the remaining barricades, allowing for free access to the crossing

points; calls on the Serbian authorities to facilitate the cooperation of EULEX with the Kosovo Serbs to enable EULEX and KFOR to fully execute its mandate;

4. Welcomes the reaffirmation of need for continuity of dialogue between Belgrade and Pristina to improve living conditions for people of both countries and underlines the importance of that process for wider regional cooperation, stability and dynamism of accession process;
5. Welcomes the fact that Serbian citizens have had the opportunity to travel to the Schengen zone without visas since December 2009, as strongly advocated by the Parliament; fully supports this extension of visa-free regime but is however concerned by increased numbers of asylum seekers in some EU Member States; calls on the authorities to redouble their efforts to explain to the society the inadmissibility of such requests and to identify and prosecute the organisers of ‘asylum travels’; calls EU Member States to assist Serbia in its efforts to fight the organised crime in connection with false asylum seekers trafficking.
6. Underlines the utmost importance of the fight against corruption and organised crime for the rule of law in the country; welcomes the progress in the fight against corruption, including the recent adoption of several related laws; equally, welcomes the decision of the Constitutional Court on unconstitutionality of holding several public functions as a step towards greater transparency in the public sector, lowering the risk of conflict of interests; underlines, however, that intertwined interests of political parties and tycoons sustain systemic corruption, a common problem in the region which continues to be widespread and calls for credible record of prosecution of high-level cases and for implementing appropriate protection system for the persons who report it; calls on the government to follow up on the findings of systemic corruption identified by the Anti-Corruption Council and Anti-Corruption Agency as well as to ensure that these agencies have adequate financial and administrative resources to perform their work and to give more high-level support to the anti-corruption strategy;
7. Draws attention to many reported irregularities, in particular in the fields of privatisation process and of public procurement, and calls for more active engagement on the part of law enforcement agencies to ensure their thorough investigation and bringing the perpetrators to justice; in this respect draws attention to the utmost importance of compiling a thorough and complete record of public property in order to provide a secure and predictable business environment, ensure continuity of restitution of private property as well as to prevent illegal alienation of public assets by private interests;
8. Welcomes the adoption of the law on financing of political activities, as a major step towards transparency of political system, and calls for its proper implementation, in particular for ensuring effective system of monitoring of transactions and effective sanctions;
9. Recalls the importance of the work of the parliament, welcomes the steps taken to strengthen its legislative role and that of the oversight of the government activities and calls for further efforts to further build up the capacities to effectively perform its tasks, particularly over security services; to this end, welcomes the decision to reorganise the

services of the parliament, aiming at streamlining and increasing the efficiency of their work;

10. Notes the reform of judiciary and prosecution as well as the reorganisation of the system aiming at improving its efficiency and eliminating backlog of cases; notes, however, that more efforts need to be undertaken to ensure independence and professionalism of these two sectors; is concerned by the remaining deficiencies in the appeal process of non-reappointed judges and prosecutors, including procedural and standard violations; calls for the process to be brought to completion in a transparent manner and without any external pressures on the High Judicial Council;
11. Is seriously concerned by repeated allegations of misuse of Article 359 of Criminal Code on abuse of office; calls on the authorities to swiftly proceed with a revision of the Criminal Code to ensure it is in line with European standards and to immediately put an end to bringing charges under the provision of abuse of office, which is undermining the trust in the rule of law in the country;
12. Draws attention to serious deficiencies in the functioning of the witness protection programme regarding cases of war crimes which resulted in a number of witnesses voluntarily opting out of the programme after being systematically intimidated; calls on Interior Ministry and war crimes prosecutors office to actively engage in efforts to ensure safety and well-being of all witnesses participating in the protection programme; underlines that a functional witness protection programme is of utmost importance for rule of law in the country as well as for demonstrating the political will to effectively deal with war crimes cases left to national judiciaries by ICTY;
13. Welcomes the progress in the reform of the public administration but underlines that efforts are still needed to ensure its full professionalism and independence from political influence, through full application of merit-based appointment and career system; calls for increased coordination in the implementation the strategy for public administration reform and for including the local administration in the legislative framework;
14. Welcomes the amendments to the laws on elections and on local elections, and in particular the abolishment of the undemocratic practices of appointment of parliamentarians by political parties irrespective of the order on the voting lists and of 'blank resignations', allowing for political control over their work; calls for the adoption of the law on state electoral commission immediately after the elections, in order to create an independent body to control the election process;
15. Recalls that strong and independent media are an indispensable element of a democratic system; to this end, welcomes the adoption of the Strategy of Public Information System development and its Action Plan and the planned withdrawal of the state from any media ownership; however, is concerned by attempts to control and interfere in the media sector and calls on the authorities to ensure its independence from political pressures and other influence; is concerned by threats directed against Serbian journalists, and calls for their thorough investigation in order to provide the journalists with safe environment to conduct their work effectively and without necessity of self-censorship; underlines the need to take the steps against the concentration of media ownership and lack of

transparency in the media as well as to ensure equal access to advertising market, including the disbursement of the public funds spent on advertising and promotion; calls for respect for the Code of Ethics by the journalists;

16. Regrets the fact that the state authorities effectively imposed media blackout in the country with regard to the July 2011 incidents in north Kosovo and misrepresented the role of KFOR in the events; underlines importance of free and independent media for a democratic and well informed public;
17. Is concerned by the protests of ethnic Albanians against discrimination and by a tense situation in Sandžak and calls on the government to attach higher political priority to improving the situation of minorities, including their access to education and representation in local institutions, and to the economic development of the Preševo valley and Sandžak; notes that two years after elections for minority councils Bosniak national council has still not been set up and calls for its swift formation in compliance with the rules; calls on the political and religious leaders to refrain from inflammatory statements, which risk increasing the tensions;
18. Underlines the importance of population census in gathering statistical information important for the development of Serbia, in particular of less developed regions; welcomes that the census operations were conducted broadly successfully in Serbia in October 2011; strongly regrets the calls for boycott of census by politicians of ethnic Albanian origin, which were followed by members of municipal census commissions and a considerable number of citizens in Preševo and Bujanovac;
19. Calls for further steps to ensure full implementation of the legislative framework on anti-discrimination; is seriously concerned by lack of political will to actively promote policy of tolerance and respect of basic human rights as well as to ensure the safety of the participants of the Pride Parade scheduled for 2 October 2011, demonstrated in the course of its preparation, and which led to the ban on its organisation; strongly condemns inflammatory and discriminatory remarks on the topic by some politicians and members of Orthodox clergy; reminds the government that freedom of expression and of association is a fundamental human right and a basic value of the EU, which has to be respected by any country aspiring to become an EU member; welcomes the positive action undertaken by the Ombudsman and the Commissioner for Equality to promote these values in the Serbian society; calls for investigation of the threats by the extremist groups which were given as the reason for banning parade; recalls slow pace of investigation of the violence surrounding the 2010 Pride Parade, resulting so far in a low number of mild convictions; welcomes, however, the steps undertaken by the prosecution and the courts towards prohibiting the functioning of extremist organisations; calls on state and city authorities to work diligently on building an atmosphere of tolerance given that Serbia should become a candidate country in the near future;
20. Welcomes the amendments to the electoral law increasing the percentage of women in the legislature; however, underlines that women still face discrimination on the labour market and that they are not yet fully represented in the political life of the country, including in the governmental positions; underlines slow speed of implementation of strategies to improve this situation and urges the authorities to step up their efforts to this

end; calls for more energetic efforts to prevent and report domestic violence as well as to provide assistance to its victims; to this end, welcomes the opening of the first safe house in the South of Serbia;

21. Underlines difficult situation of Roma community, which continues to suffer from discrimination on the labour market as well as have difficulties with access to adequate housing, education and healthcare; welcomes a number of initiatives taken by the authorities to address in particular the issues of the health conditions, access to education and registration of Roma; is however concerned by the forced evictions of Roma, including children and elderly, without proper consultation and notice and without providing them with alternative housing; calls on the authorities to immediately end this practice;
22. Underlines the importance of civil society organisations in improving inter-ethnic relations and in monitoring the activities of the authorities; calls on the government and the parliament to develop a consistent framework allowing for their adequate consultation in the development of social policies; is concerned by the threats against the activists and human rights defenders, particularly those working in the fields of war crimes, organised crime, LGBT rights and relations with Kosovo, and calls on the authorities to ensure that these threats are investigated and the perpetrators brought to justice;
23. Welcomes the work of the Ombudsman and calls on the authorities to give full political support to and to ensure the follow-up to his recommendations and to provide his office with adequate financial, administrative and office capacities to carry out the activities;
24. Welcomes the initiative of Belgrade city authorities to launch Belgrade European capital of Culture 2020 campaign and encourages related projects bringing Belgrade and Serbia closer to the EU cultural space; calls on the Member States and the Commission to support Belgrade's candidacy;
25. Reiterates the importance of inclusive regional cooperation for all the countries of the region and welcomes Serbia's active participation in regional initiatives; welcomes the official visit of President Tadić to Bosnia and Herzegovina and his support to territorial integrity and sovereignty of the country; furthermore, urges Serbian authorities to support reforms in BiH aimed at strengthening and streamlining the country's institutions in view of EU-related reforms; calls on both governments to hold a special joint session in order to achieve better coordination in EU-related reforms; welcomes initiatives and achievements in improvement of political relations between Croatia and Serbia launched by presidents Josipović and Tadić; welcomes the active involvement of Serbia in advancing the Sarajevo process and the signing on 7 November by Serbia, together with Bosnia and Herzegovina, Croatia and Montenegro, of a Ministerial declaration on ending displacement and finding durable solutions for refugees and displaced persons.
26. Welcomes the improvements in the relations between Montenegro and Serbia; calls for tighter coordination of respective governments in EU-related reforms and in particular in efforts to address joint challenges as regards rule of law and in particular fight against organized crime;

27. Calls on the authorities to promote the example of relatively prosperous Vojvodina for less developed regions of Serbia; calls authorities to swiftly proceed with adoption of the related law of financing of the province two years after the adoption of the Statue of Vojvodina;
28. Underlines the paramount importance of high quality education for further social and economic development of Serbia and for decreasing high unemployment in the country, in particular among youth; calls the authorities to actively engage in promoting the value of education among youth as well as to invest more in higher education;
29. Calls for more efforts to allow for education in minority languages and in particular to provide all the necessary course books; to this end, welcomes the opening of the bilingual university faculty in Bujanovac, accommodating both students of Albanian and Serbian ethnic origin;
30. Welcomes the activities of the government which have led to improved financial and macroeconomic situation of Serbia; welcomes the concluded precautionary agreement with IMF on a stand-by loan as means to improve the confidence of investors in the economic stability of the country; however, underlines that the global financial and economic crisis has had negative effect on the society, in particular on the most vulnerable groups, and calls on the authorities to make every effort to minimalise its adverse effect on these groups;
31. Underlines that a genuine rule of law in the country is necessary in order to attract foreign investments and to improve conditions for faster transition of economy towards open market; to this end, recalls that the existence of monopolies severely hampers such transition and calls on the government to continue taking measures to abolish them; equally, calls for more efforts to facilitate the process of creation of small and medium-sized enterprises by simplifying and decreasing the duration of the administrative procedures necessary for their establishment;
32. Welcomes Serbia's good progress in alignment with the *acquis* in the field of the environment; calls for further sustained efforts in this field, focusing on enforcement of legislation, particularly as concerns water quality and waste disposal;
33. Calls for further efforts to develop a sustainable network of public transportation in Serbia, and in particular to improve railway system and inland waterway transport as well as the road infrastructure, including swift completion of Corridor X; underlines the importance of improving interlinks with the neighbouring countries in order to facilitate trace and mobility of citizens;
34. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.