



12.7.2018

DRAFT REPORT

on the 2018 Commission Report on Bosnia and Herzegovina
(2018/2148(INI))

Committee on Foreign Affairs

Rapporteur: Cristian Dan Preda

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the 2018 Commission Report on Bosnia and Herzegovina (2018/2148(INI))

The European Parliament,

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part,
- having regard to the Protocol on the Adaptation of the SAA between the European Communities and its Member States, on the one part, and BiH, on the other part, to take into account the accession of the Republic of Croatia to the European Union, which was initialled on 18 July 2016 and entered into force on 1 February 2017,
- having regard to BiH's application for membership of the European Union on 15 February 2016 and the submission of the country's replies to the Commission questionnaire on 28 February 2018,
- having regard to the European Council conclusions of 19-20 June 2003 on the Western Balkans and to the annex thereto entitled 'The Thessaloniki Agenda for the Western Balkans: moving towards European integration',
- having regard to the Council conclusions of 16 October 2017 on Bosnia and Herzegovina and of 26 June 2018 on enlargement and the stabilisation and association process,
- having regard to the first meeting of the EU-BiH Stabilisation and Association Parliamentary Committee (SAPC) held on 5-6 November 2015, the second meeting of the EU-BiH Stabilisation and Association Council held on 10 July 2017 and the third meeting of the EU-BiH Stabilisation and Association Committee held on 27 March 2018,
- having regard to the Berlin Process, notably the Chair Conclusions of the Heads' meeting of the London Western Balkans Summit of 10 July 2018, the three joint declarations signed on the same day on regional cooperation and good neighbourly relations, on missing persons and on war crimes, and the anti-corruption statement issued by BiH on the same occasion,
- having regard to the Sofia Declaration adopted during the EU-Western Balkans summit of 17 May 2018 and to the Sofia Priority Agenda annexed thereto,
- having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),
- having regard to the Commission communication of 17 April 2018 entitled '2018 Communication on EU Enlargement Policy' (COM(2018)0450), accompanied by the Commission Staff Working Document entitled 'Bosnia and Herzegovina 2018 Report'

(SWD(2018)0155),

- having regard to the statement of 2 May 2018 by VP/HR Mogherini and Commissioner Hahn on the electoral reform in BiH for the elections of the Federation entity House of Peoples,
 - having regard to the joint conclusions of the economic and financial dialogue between the EU and the Western Balkans and Turkey of 25 May 2018,
 - having regard to the EU local statement of 1 June 2018 on the BiH Criminal Procedure Code,
 - having regard to the fifty-third report to the UN Security Council of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina of 8 May 2018¹,
 - having regard to the Reform Agenda for BiH 2015-2018 adopted in July 2015 as well as the Coordination Mechanism adopted by the Council of Ministers of BiH and the governments of the Federation of BiH and the Republika Srpska (RS) on 23 August 2016,
 - having regard to its previous resolutions on the country,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0000/2018),
- A. whereas the EU remains committed to BiH's European perspective and to its territorial integrity, sovereignty and unity;
- B. whereas the Commission is preparing its opinion on BiH's application for EU membership; whereas BiH submitted its replies to the Commission's questionnaire on 28 February 2018 and received more than 600 follow-up questions on 20 June 2018;
1. Welcomes the submission of BiH's answers to the Commission's questionnaire; calls on BiH to respond to the follow-up questions in a timely manner in order to contribute to the Commission's opinion on the application for EU membership;
 2. Is concerned about the marked slowdown in the pace of reforms due to disagreements between parties and the pre-electoral campaign that started very early; stresses that the declared commitment of the BiH authorities to the European path must be matched by consistent implementation of reforms stemming from the Reform Agenda and translated into concrete results, to the benefit of citizens; regrets that, apart from the adoption of the countrywide strategies in the field of the environment and rural development, and of some important reform measures, such as the Law on Excise Duties, no substantial progress has been achieved;
 3. Regrets that no compromise has been reached with regard to changes to the electoral legislation required to implement the Constitutional Court decision in the Ljubić case on

¹ S/2018/416.

the election of the members of the Federation House of Peoples; urges all political leaders to show responsibility and amend swiftly the electoral framework in order to ensure smooth implementation of the results of the elections; stresses that holding credible elections and implementing the results is an essential feature of a well-functioning democracy, as well as a requirement for any country aspiring to join the EU;

4. Deplores the fact that delegates from BiH have still been unable to agree on the rules of procedure for the SAPC, which has consequently not met for three years; regrets the failure to cooperate with the European Parliament and recalls that this is a clear breach of the obligations stemming from the SAA;
5. Calls for the adoption of further countrywide strategies in areas such as energy, employment and public financial management, which will enable consistent implementation of reforms throughout the country, as well as access to further IPA funding; urges the adoption of a national programme for approximation of the country's laws with the EU acquis, a legal requirement under the SAA and an indispensable means of preparing for EU accession;
6. Renews its call for the adoption of a countrywide strategy on human rights; underlines that amendments to the Ombudsman Law should be adopted as soon as possible, in order to ensure compliance with the Paris Principles; urges once more the authorities in Republika Srpska to repeal the provision on the death penalty from the entity's constitution; reiterates the need to ensure non-discriminatory access to justice throughout the country through a harmonised and sustainable system of free legal aid;
7. Deplores the fact that BiH remains in breach of the European Convention on Human Rights by not implementing the rulings of the European Court of Human Rights (ECHR) in the Sejdić-Finci, Zornić, Pilav and Šlaku cases, which allows overt discrimination between citizens in BiH in flagrant contradiction with EU values; recalls that the Commission should pay attention to this issue when preparing its opinion; stresses that, as in the case of any aspiring member of the EU, BiH is expected to progressively align its legal system with the requirements of the EU acquis regarding non-discrimination, and expects progress to be made on these essential issues in due course after the elections; insists that implementing these rulings must not affect further implementation of the Reform Agenda;
8. Calls for more effective measures to combat all forms of discrimination, in particular by adopting country-wide human rights and anti-discrimination strategies; regrets that there was no progress in addressing the 'two schools under one roof' issue; urges that decisive action be taken at all levels in order to find systemic solutions that will ensure inclusive and non-discriminatory education for all children; calls for more effective implementation of the legal provisions regarding equality between men and women; urges that progress be made towards ensuring that the rights of persons with disabilities are respected, in particular by swiftly addressing the relevant UN recommendations; acknowledges the steps taken towards the legal protection of LGBTI persons but stresses that more needs to be done in order to prosecute violence and hate crimes against them, as well as to promote their social inclusion; is concerned that lack of coordination between different levels of authority and lack of funding continue to

hamper effective protection of minorities and vulnerable groups, in particular Roma people;

9. Regrets the lack of progress on freedom of expression and the independence of the media; clearly rejects continued attempts to put political and financial pressure on the media; condemns the recurrent cases of intimidation, threats, and verbal and physical attacks against journalists; calls on the authorities to collect data on these cases, ensure swift investigation and prosecution of the perpetrators and promote an environment conducive to freedom of expression; reiterates its call for the independence and sustainable financing of the public broadcasters to be ensured; deplores the fact that due to political obstruction a functional public broadcasting service, could not be established; renews its call for the transparency of media ownership to be ensured, notably through a dedicated law;
10. Welcomes efforts aiming at promoting reconciliation, mutual respect and religious tolerance in the country; deplores continued cases of discrimination on religious grounds, as well as incidents targeting religious sites, and calls on the authorities to react promptly and consistently in these cases;
11. Regrets the lack of progress with regard to the reform of public administration; acknowledges the steps taken towards the development of the new country-wide public administration reform strategy and calls for its swift adoption; draws attention again to the fragmentation of the policy-making system in BiH and stresses the need to improve the quality, coherence and financial affordability of public policies throughout the country; calls for the adoption of a country-wide strategy on public financial management and for increased budget transparency in BiH, as well as for stronger mechanisms to prevent inefficiency and waste of public resources, including in the area of public procurement; calls in particular for action to be taken to reduce the risk of politicisation of civil service, through an effective human resources management system at all administrative levels;
12. Acknowledges that some progress has been made in establishing institutional mechanisms of cooperation between authorities and civil society organisations (CSOs) and in ensuring public financing for CSOs; reiterates its call for the adoption of a strategic framework of cooperation with civil society at all levels of governance;
13. Remains concerned by the widespread corruption in BiH and the persistent gap between the declared political will to fight it and the lack of concrete results; calls for steps to be taken to improve the legal and institutional anti-corruption framework in line with European standards, by better harmonising the action plans adopted at various levels, implementing the existing strategies and enhancing the cooperation between corruption prevention bodies and with the anti-corruption agency;
14. Urges that action be taken to significantly improve track records in the area of prevention and repression of corruption, including measures to impose effective and deterrent sanctions; stresses that particular attention should be given to conducting effective checks on the financing of political parties and electoral campaigns and to improving public access to and oversight over the asset declarations of public officials, including those standing for election; calls for the GRECO recommendations to be addressed, notably those on political party financing and conflicts of interest; deems it

essential for BiH to adopt a law on conflicts of interest in accordance with European and international standards;

15. Welcomes the adoption of the action plan on the implementation of the 2014-2018 Justice Sector Reform Strategy in March 2017 and the establishment of the necessary reporting and monitoring structures; points to the need for decisive action regarding its implementation; is concerned by continuing politically motivated threats against the judiciary; reiterates the need to strengthen the independence of the judiciary, including from political influence, as well as its impartiality, professionalism, efficiency and accountability; welcomes the implementation of the action plan adopted by the High Judicial and Prosecutorial Council (HJPC) aimed at strengthening appointment, disciplinary and integrity measures as regards the judiciary;
16. Welcomes the further reduction in the backlog of war crime cases, the continued positive trend in the prosecution of war crime cases involving sexual violence and improvements in in-court victim and witness support; calls for prompt amendment of the national war crimes strategy, in order to ensure a more efficient distribution of cases between different levels of governance, along with new criteria and timelines for processing the most complex cases;
17. Acknowledges that some progress has been achieved in the implementation of Annex VII to the Dayton Peace Agreement on refugees and internally displaced persons; calls again for significant attention to be devoted to damages compensation for property that cannot be returned, access to healthcare and employment, social protection, safety and education;
18. Welcomes the adoption of the 2017-2020 Strategy for Combatting Organised Crime and the progress in implementing the action plans on anti-money laundering measures and on the financing of terrorism; calls for a stepping-up of efforts to establish a track record of investigations, prosecutions, final convictions and confiscation of proceeds of organised crime; believes that adopting the necessary amendments to the Criminal Procedure Code and the Law on the Intelligence Security Agency, in order to align the provisions on special investigative measures and witness immunity with the BiH Constitutional Court decision and European and international standards, should be the highest priority for the authorities; appreciates the fact that BiH has been removed from the FATF list of 'high-risk third countries with structural deficiencies in anti-money laundering/counter-terrorism financing';
19. Notes with concern the increasing number of migrants arriving in BiH lately and the lack of coordination between different government levels in responding to this situation; considers that the issue of migration should not be politicised; welcomes the EU humanitarian aid to address the increasing needs of refugees, asylum seekers and migrants in the country; believes that cooperation with neighbouring countries and the EU is essential in addressing this common challenge;
20. Acknowledges that some progress has been made by BiH regarding economic development and competitiveness, but notes that the country is still at an early stage of establishing a functioning market economy; strongly believes that advancing socio-economic reforms should be a high priority up to the elections and beyond;

21. Instructs its President to forward this resolution to the VP/HR, the Council, the Commission, the Presidency of BiH, the Council of Ministers of BiH, the Parliamentary Assembly of BiH, the governments and parliaments of the Federation of BiH and the Republika Srpska entities and of the Brčko District, and the governments of the ten cantons.