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# **DRAFT REPORT**

on the 2016 Commission Report on Serbia  
(2016/2311(INI))

Committee on Foreign Affairs

Rapporteur: David McAllister

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the 2016 Commission Report on Serbia (2016/2311(INI))

*The European Parliament,*

- having regard to the Presidency conclusions of the Thessaloniki European Council meeting 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/EC<sup>1</sup>,
- having regard to the Commission opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208), the European Council's decision of 2 March 2012 to grant Serbia candidate status and the European Council's decision of 27-28 June 2013 to open negotiations with Serbia,
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia, which entered into force on 1 September 2013,
- having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,
- having regard to the declaration and recommendations adopted at the fifth EU-Serbia Stabilisation and Association Parliamentary Committee meeting of 22-23 September 2016,
- having regard to the Report on Enterprise and Industry Policy adopted on 7 October 2016 by the EU Serbia Civil Society Joint Consultative Committee,
- having regard to the OSCE/ODHIR limited election observation mission final report on early parliamentary elections in Serbia of 29 July 2016,
- having regard to the Commission's 2016 report on Serbia of 9 November 2016 (SWD(2016)0361),
- having regard to the Commission's assessment on the Economic Reform Programme of Serbia (2016-2018) (SWD(2016)0137),
- having regard to the Joint Conclusions of the Economic and Financial Dialogue

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<sup>1</sup>OJ L 80, 19.3.2008, p. 46.

- between the EU and the Western Balkans and Turkey of 26 May 2016 (9500/16),
- having regard to the Presidency conclusions of 13 December 2016,
  - having regard to the third meeting of the EU-Serbia Stabilisation and Association Council held on 16 December 2016;
  - having regard to its resolution of 4 February 2016 on the 2015 Report on Serbia<sup>1</sup>,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0000/2016),
- A. 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 quality of and the dedication to the necessary reforms determines the timetable for accession;
- B. whereas Serbia has taken important steps towards the normalisation of relations with Kosovo, resulting in the First Agreement on the Principles of Normalisation of Relations of 19 April 2013 and the August 2015 agreements;
- C. whereas Serbia has remained committed to creating a functioning market economy and has continued to implement the Stabilisation and Association Agreement (SAA);
1. Welcomes the opening of negotiations on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) as the key chapters in the EU approach to enlargement based on the rule of law; welcomes the opening of Chapters 32 (Financial Control) and 35 (Other Issues), the opening of negotiations on Chapter 5 (Public Procurement) and the opening and provisional closure of Chapter 25 (Science and Research); calls on the Council to open Chapter 26 (Education and Culture);
  2. Welcomes the continued engagement of Serbia on the path of integration into the EU and its constructive and well-prepared approach to the negotiations, which is a clear sign of determination and political will; calls on Serbia to actively promote this strategic decision among the Serbian population;
  3. Underlines that the thorough implementation of reforms and policies remains a key indicator of a successful integration process; calls on Serbia to improve the planning, coordination and monitoring of the implementation of new legislation and policies;
  4. Welcomes the progress made by Serbia in developing a functioning market economy and the improvement of the overall economic situation in the country; stresses that Serbia has made good progress in addressing some of its policy weaknesses, in particular with regard to the budget deficit; highlights that growth prospects have improved and domestic and external imbalances have been reduced; underlines that the restructuring of publicly owned enterprises has advanced; notes the paramount importance of small and medium-sized enterprises (SMEs) to Serbia's economy;

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<sup>1</sup> Texts adopted, P8\_TA(2016)0046.

5. Welcomes the conduct of the parliamentary elections on 24 April 2016 which were assessed positively by the international observers; calls on the authorities to fully address the recommendations of the OSCE/ODIHR election observation mission;
6. Calls on Serbia to align its foreign and security policy with that of the EU, including its policy on Russia; welcomes Serbia's important contribution to and continued participation in international peacekeeping operations;
7. Commends Serbia's constructive approach in dealing with the migration crisis; takes positive note of the fact that Serbia has made substantial efforts to ensure that third country nationals receive shelter and humanitarian supplies with EU and international support; stresses that Serbia should adopt and implement the new asylum law; calls on the Commission and the Council to provide continued support for Serbia in addressing migration challenges; encourages Serbia to ensure that the downward trend in the number of asylum seekers coming into the EU from Serbia continues;

### **Rule of law**

8. Notes that, while some progress has been made in the area relating to the judiciary, in particular by taking steps to harmonise jurisprudence and further promoting a merit-based recruitment system, judicial independence is not assured in practice; stresses that the quality and efficiency of the judiciary and access to justice remain undermined by an uneven distribution of the workload, a burdensome case backlog and the lack of a free legal aid system;
9. Is concerned by the lack of progress in the fight against corruption and urges Serbia to show clear commitment in tackling this issue; calls on Serbia to step up the implementation of the national anti-corruption strategy and action plan, and calls for the establishment of an initial track record on investigations, prosecutions and convictions for high-level corruption; calls on Serbia to swiftly adopt a new law on the Anti-Corruption Agency in order to improve the planning, coordination and monitoring of the implementation of new legislation and policies; urges Serbia to amend and implement the economic and corruption crimes section of the criminal code with a view to providing a credible and predictable criminal law framework;
10. Welcomes the progress made in the fight against organised crime and the adoption of Serbia's first national serious and organised crime threat assessment (SOCTA); calls on Serbia to step up efforts to investigate wider criminal networks, improve financial investigations and intelligence-led policing and develop a solid track record of final convictions; has taken note of the controversial events in Belgrade's Savamala district and calls for their swift resolution;

### **Democracy**

11. Welcomes the measures taken to improve transparency and the consultation process within the parliament, including public hearings and regular meetings and consultations with the National Convent on European Integration; remains concerned about the extensive use of urgent procedures in adopting legislation; stresses that the frequent use of urgent procedures undermines parliamentary effectiveness; underlines that the

parliament's oversight of the executive needs to be strengthened; calls for the adoption of parliament's code of conduct; regrets that, due to disruption, the EU Delegation was not able to present the Commission's report in the European Integrations Committee of the Serbian Parliament;

12. Notes that the constitution needs to be revised so as to fully reflect the recommendations of the Venice Commission, notably with regard to the parliament's role in judicial appointments, the control of political parties over the mandate of Members of Parliament, the independence of key institutions and the protection of fundamental rights;
13. Welcomes the adoption of the public financial management reform programme, e-government strategy, a strategy on regulatory reform and policy-making, new laws on general administrative procedures, public salaries and civil servants at provincial and local government level; notes that the implementation of the public administration reform action plan has been slow in some areas, and that no progress has been made in amending the legal framework for central government civil servants;
14. 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;

### **Human rights**

15. Underlines that the legislative and institutional framework for observance of international human rights law is in place; stresses that consistent implementation across the whole country is needed; notes that further sustained efforts are needed to improve the situation of persons belonging to vulnerable groups, including persons with disabilities, persons with HIV/AIDS and LGBTI persons;
16. Reiterates its concern that no progress has been made to improve the situation regarding freedom of expression and of the media; stresses that threats, violence and intimidation against journalists remain an issue of concern; calls on the authorities to investigate any cases of attacks against journalists and media outlets; calls for the full implementation of media laws; underlines the need for complete transparency in media ownership and funding of media;

### **Respect for and protection of minorities**

17. Welcomes the adoption of an action plan for the realisation of the rights of national minorities, and the adoption of a decree establishing a fund for national minorities; calls for the full implementation of the action plan; reiterates its call on Serbia to ensure consistent implementation of legislation on protection of minorities, including in relation to education, use of languages, representation in public administration and access to media and religious services in minority languages;
18. Notes that Vojvodina's cultural diversity also contributes to Serbia's identity; underlines that Vojvodina has maintained a high degree of protection for minorities and that the inter-ethnic situation has remained good; 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;

19. Welcomes the adoption of the new Roma social inclusion strategy 2016-2025, which covers education, health, housing and employment; calls for the full implementation of the new strategy for Roma inclusion;

### **Regional cooperation and good neighbourly relations**

20. Welcomes the fact that Serbia remains constructively committed to bilateral relations with other enlargement countries and neighbouring EU Member States; has taken positive note of the fact that Serbia has shown an increasingly constructive engagement in regional cooperation initiatives such as the South-East Europe Cooperation Process, the Regional Cooperation Council, the Central European Free Trade Agreement, the Adriatic-Ionian Initiative, the Brdo process, the Western Balkan Six initiative and its connectivity agenda and the Berlin process; calls on Serbia to implement the connectivity reform measures associated with the connectivity agenda; underlines that outstanding bilateral disputes should not have a detrimental effect on the accession process; welcomes the adoption of a national strategy for the investigation and prosecution of war crimes; notes that the mandate of the former War Crimes Prosecutor expired in December 2015; stresses that the appointment of his successor is a matter of serious concern; calls for the implementation of this strategy and the adoption of an operational prosecutorial strategy; calls for full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); urges the authorities to continue working on the issue of the fate of missing persons;
21. Commends both Serbia and Albania for their continued commitment to improving bilateral relations and strengthening regional cooperation on the political and societal level, for example through the Regional Youth Cooperation Office (RYCO), headquartered in Tirana; encourages both countries to continue their good cooperation in order to promote reconciliation in the region;
22. Welcomes Serbia's continued engagement in the normalisation process with Kosovo, and its commitment to the implementation of the agreements reached in the EU-facilitated dialogue; reiterates its call 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; encourages Serbia and Kosovo to identify new areas of discussion for the dialogue, with the aim of improving the lives of people and comprehensively normalising relations; reiterates its call on the EEAS to carry out an evaluation of the performance of the sides in fulfilling their obligations;

### **Energy**

23. Calls on Serbia to fully implement the connectivity reform measures in the 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 energy efficiency and renewable energy;

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