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Enlargement report for Serbia

European Parliament resolution of 29 March 2012 on the European integration process of Serbia (2011/2886(RSP))

The European Parliament,

- having regard to the European Council conclusions of 2 March 2012,
- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia, to which the European Parliament gave its consent on 19 January 2011 and which is in the final stage 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 General Affairs Council conclusions of 28 February 2012,
- 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, the Council Conclusions of 5 December 2011 and the Conclusions of 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)0666),
- 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 listing the third countries whose nationals must be in possession of visas when

¹ OJ L 80, 19.3.2008, p. 46.

² A/RES/64/298.

³ OJ L 334, 19.12.2007, p. 46.

- crossing the external borders and those whose nationals are exempt from that requirement¹,
- having regard to Council Decision 2011/361/CFSP of 20 December 2010 on the signing and conclusion of the Agreement between the European Union and the Republic of Serbia establishing a framework for the participation of the Republic of Serbia in European Union crisis management operations²,
 - having regard to the report of the Chief Prosecutor of the ICTY submitted on 7 December 2011,
 - having regard to its previous resolutions,
 - 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 an unequivocal 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, as well as by the EU-Western Balkans ministerial meeting of 2 June 2010;
- B. whereas in its opinion of 12 October 2011 on Serbia's application for membership the Commission recommended that the European Council grant Serbia EU candidate status;
- C. whereas constructive approaches towards regional cooperation and good-neighbourly relations are key elements of the Stabilisation and Association Process;
- D. whereas Serbia is in a position to become an important player in guaranteeing security and stability in the region;
- E. whereas bilateral issues should not represent and be used as an obstacle in the accession process but they should be addressed in a constructive spirit, as early as possible, taking into account overall EU interests and values;
1. Welcomes the Council's decision to grant Serbia candidate country status on 1 March 2012; welcomes the progress achieved by Serbia in the reform process and the agreement between Belgrade and Pristina on inclusive regional cooperation reached on 24 February 2012; underlines the utmost importance of continuation of the Belgrade-Pristina dialogue and implementation in good faith of the agreements reached;
2. Is of the opinion that, provided that the key priority outlined by the Commission in its Opinion is satisfactorily acted upon 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; welcomes the considerable progress made by Serbia towards meeting the political Copenhagen criteria, as recognised by the European Council, and recalls that further progress in the European integration process is dependent on continuing the progress in this area, and in particular guaranteeing democracy and the functioning of democratic institutions, upholding the rule of law, respect for human rights,

¹ OJ L 336, 18.12.2009, p. 1.

² OJ L 163, 23.6.2011, p. 1.

equal and committed protection of all minorities throughout Serbia according to European standards, maintaining good-neighbourly relations and regional cooperation, including peaceful resolution of bilateral issues, as well as improving the functioning of the market economy; calls, in particular, on the Serbian authorities not to organise local elections in the municipalities in north Kosovo, as they would be contrary to international law and UNSC Resolution 1244; calls on the Serbian authorities to encourage integration of these municipalities within the wider Kosovo;

3. 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;
4. Underlines the importance of holding fair and transparent parliamentary and local elections due to take place on 6 May 2012; emphasises the importance of completing a final list of eligible voters as soon as possible;
5. Welcomes the surrender to the judicial authorities of the remaining two fugitives sought by the ICTY, Ratko Mladić and Goran Hadžić, by means of which entirely satisfactory cooperation with the ICTY has been achieved; underlines that their capture was not only a requirement for the further progress of Serbia towards the EU but, above all, a step towards bringing justice to the victims of the conflicts of the 1990s in the former Yugoslavia and reconciliation in the region; calls for continuous full and committed cooperation with the Tribunal and for a thorough investigation into 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;
6. Is seriously concerned about the developments in north Kosovo in the second part of 2011, and in particular the violence resulting from the July incidents and the subsequent attacks against the international forces of KFOR; condemns such actions, reminds the Serbian Government of its obligation to do everything in its power to prevent them, reiterates that only continuous political efforts in good faith and negotiated, pragmatic and sustainable solutions within the framework of the EU-mediated Belgrade-Pristina dialogue can permanently eliminate the tensions in the region and recalls the vital significance of a stable majority-minority relationship, based on mutual respect; welcomes, in this regard, the agreements reached on freedom of movement and Kosovo's participation in regional organisations, and calls on the Serbian Government to move forward with their full implementation, and without delay; welcomes the regular flow of goods that has been enabled by the acceptance of the customs stamps, the technical protocol on implementation of the agreement on integrated border management, the beginning of delivery to EULEX of civil registry books taken from Kosovo by Serbian authorities and the start of the implementation of the agreement on freedom of movement on 26 December 2011, as the first positive steps in the implementation of agreements; welcomes the statements by President Tadić on the necessity of dismantling the barricades, followed by their partial removal; calls on political leaders to adopt a constructive discourse in order not to endanger the implementation of the agreements reached and the ongoing negotiations between Serbia and Kosovo; recalls that free movement of people, goods, ideas, services and capital is a fundamental value in the EU and calls on the Serbian authorities to encourage the permanent removal of the remaining barricades, allowing free access to and passage through the crossing points and facilitating the cooperation of EULEX with the Kosovo Serbs to enable EULEX and KFOR to fully execute their mandates; welcomes in this regard

the removal of the two remaining roadblocks on the Serbian side of the border line as well as criminal investigations taking place into perpetrators of the incidents of July 2011;

7. Welcomes the reaffirmation of the need for continuity of dialogue between Belgrade and Pristina to improve living conditions for the people of both Serbia and Kosovo and underlines the importance of that process for wider regional cooperation, stability and the dynamism of the accession process; calls for a proper investigation of cases of violence, especially those involving the international forces of KFOR; recalls, however, that dismantling parallel structures in Kosovo would be the focal point of all cooperation;
8. 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 Parliament; fully supports this extension of the visa-free regime but is however concerned about the increased numbers of asylum seekers in some EU Member States; calls on the authorities to reinforce their efforts to explain to society the inadmissibility of such requests and to identify and prosecute the organisers of ‘asylum travel’; stresses, however, that any measures aimed at preventing abuse of the visa-free travel regime must be based on the rule of law and must not unduly infringe fundamental rights, for example by arbitrarily denying individuals the right to leave their country; calls on EU Member States to assist Serbia in its efforts to fight organised crime in connection with trafficking of false asylum seekers; moreover notes that Serbia is increasingly becoming a recipient country of asylum seekers, needing therefore more efficient management of asylum requests;
9. Points out that a large number of Serbian asylum seekers in the European Union belong to ethnic minorities; calls on the Serbian authorities to tackle actively their problems, aggravated by the current economic situation and high unemployment, by facilitating their integration into society and improving their living conditions; is of the opinion that such actions will reduce and eventually eliminate the root causes of the high number of asylum applications; furthermore, calls on the Member States to step up efforts to fight organised crime groups dealing with trafficking in human beings, in cooperation with the Commission and with EU law enforcement agencies;
10. Recalls also that respect for and protection of minorities are important elements of the EU accession criteria; concurs with the European Commission that the implementation by Serbia of the legal and institutional framework for protecting minorities needs to be improved; welcomes therefore the intention of the Commission, as stated in its Declaration to the minutes of the Council of 28 February 2012, to monitor closely Serbia’s efforts in this regard and looks forward to its report;
11. Underlines the utmost importance of the fight against corruption and organised crime for the rule of law in the country; welcomes the recent adoption of several laws related to the fight against corruption and encourages the Serbian authorities to focus on their effective implementation; but expresses its concern about the lack of implementation and the increasing influence of the executive branch on the work of independent institutions and the media; points out, in this regard, that the position of Serbia in the Corruption Perception Index has not improved over the last three years; stresses that not only declaratory but genuine political will is needed to combat corruption; encourages the government to build up strong leadership over the anti-corruption processes; equally, welcomes the decision of the Constitutional Court on the unconstitutionality of holding several public functions as a step towards greater transparency in the public sector, lowering the risk of conflicts of

interests; underlines, however, that intertwined interests of political parties and private interests sustain systemic corruption, a common problem in the region which continues to be widespread, and calls for a credible record of prosecution of high-level cases and for implementation of an appropriate protection system for the persons who report it; underlines likewise that corruption in the health sector is a particular concern; urges the government to follow up on the findings of high-level and 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;

12. Is concerned about the Draft Law on Amending the Public Procurement Law, which is not in line with the Serbian Government's own Strategy for Development of Public Procurement; calls on the Serbian Government to allow proper public consultation on the draft law and to bring it into line with the government's official public procurement strategy and international standards; underlines that changes to the Law should not weaken the body which monitors public procurement procedures, as this area has been identified as one of the most important sources of systemic corruption in the country;
13. Draws attention to the many reported irregularities, in particular in the fields of privatisation and public procurement, and calls for more active engagement on the part of law enforcement agencies to ensure their thorough investigation and that the perpetrators are brought 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, to ensure continuity of restitution of private property without any kind of discrimination, especially on ethnic grounds, to avoid processes involving the liquidation and bankruptcy of private companies caused by inappropriately increased and retroactively applied taxes, to review such cases and enable fair compensation to those affected, and to prevent illegal expropriation of public assets by private interests; welcomes the fact that the Act on Rehabilitation which has been adopted solves controversial issues concerning collective guilt and that individual responsibility prevails in this law; calls on the government to guarantee efficiency and non-discrimination in the process of implementation of the Act on Restitution and the Act on Rehabilitation;
14. Welcomes the adoption of the law on financing of political activities, as a major step towards transparency of the political system, and calls for its proper implementation, in particular for the establishment of an effective system of monitoring of transactions and effective sanctions;
15. Recalls the importance of the work of the Serbian Parliament, welcomes the steps taken to strengthen its legislative role and the oversight of government actions and calls for further efforts to further build up the capacities to perform its tasks effectively, particularly over the security services; to this end, welcomes the decision to reorganise the services of the Parliament, with the aim of streamlining and increasing the efficiency of their work;
16. Notes the reform of the judiciary and the prosecutions department as well as the reorganisation of the system to improve its efficiency and eliminate the backlog of cases, in line with the recommendations of the Venice Commission; calls on the Serbian Government, however, to increase its efforts to ensure the independence and professionalism of these two sectors, which should undergo deep and broad reforms; emphasises that the development of a non-political judiciary and separation of powers are

essential elements in the reform of the judiciary;

17. Regrets the lack of transparency and a number of shortfalls and deficiencies in the judicial review procedure and in the appeal procedure concerning judges and prosecutors who have not been reappointed, including violations of procedures and standards, and the impact that these deficiencies might have on the independence of the judiciary, the separation of powers and the rule of law as well as the right to impartial treatment for all members of the judiciary, including those removed from office; calls on the authorities to ensure that the High Judicial Council acts transparently, independently and in full exercise of its powers, applying consistent and firm criteria clearly laid down by law and without any external pressures; points to the need for a regular system of assessment of the performance of judges to ensure the continued quality of the judiciary after completion of the review;
18. Is seriously concerned about repeated allegations of misuse of Article 359 of the Criminal Code on abuse of office, which was accompanied by alleged widespread unjustified freezes of company and private assets; underlines that these allegations have undermined trust in the rule of law in the country; calls on the authorities to swiftly proceed with a revision of the Criminal Code to ensure that it is in line with European standards and to immediately put an end to the bringing of charges of abuse of office in private enterprises and enterprises with majority private ownership and to discontinue the pending criminal proceedings; emphasises that, where people have been charged under Article 359 and there is a suspicion that the period for which they have been detained or their assets frozen is disproportionate to their alleged offence, they should be entitled to an immediate review of the proceedings against them and the right to reclaim private property and fair compensation;
19. Calls on the Serbian authorities to review immediately the controversial privatisation and sale of 24 companies, as the European Commission has expressed serious doubts concerning their legality, including those of 'Sartid', 'Jugoremedija', 'Mobtel', 'C market' and ATP Vojvodina, and to declassify immediately documents classified as State Secret regarding their privatisation and sale, as this is contrary to European standards; 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 restitution of private property and prevent illegal acquisition of public assets by private interests;
20. Draws attention to serious deficiencies in the functioning of the witness protection programme regarding cases of war crimes, which have resulted in a number of witnesses voluntarily opting out of the programme after being systematically intimidated; calls on the Interior Ministry and the War Crimes Prosecutor's Office to engage actively in efforts to ensure the safety and well-being of all witnesses participating in the protection programme; underlines that a functional witness protection programme is of the utmost importance for the rule of law in the country as well as to demonstrate the political will to deal effectively with war crimes cases left to national judiciaries by the ICTY;
21. Urges the Serbian authorities to initiate and guarantee the legal rehabilitation and financial compensation of persons persecuted for political, ethnic or religious reasons in the past, including those who have suffered as a consequence of the application of collective guilt;
22. Calls on the authorities to continue their efforts to eliminate the legacy of the former Communist secret services, as a step in the democratisation of Serbia; recalls the importance of further security sector reform, increasing parliamentary oversight and control over the

security services, as well as of opening up the National Archives, and in particular the documents of the former intelligence agency, the UDBA; encourages the authorities to facilitate access to those archives that concern former republics of Yugoslavia and to return them to the respective governments if they so request;

23. 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 a merit-based appointment and career system; calls for increased coordination in the implementation of the strategy for public administration reform and for local government to be included in the legislative framework; draws attention to the underrepresentation of national minorities in the public administration and courts, as well as in state-owned companies;
24. Welcomes the amendments to the laws on elections, including local elections, and in particular the abolition of the undemocratic practices of appointment of parliamentarians by political parties irrespective of the order on the voting lists and of 'blank resignations', allowing political control over their work; calls for the adoption of the law on the State Electoral Commission immediately after the elections, in order to create an independent body to control the election process;
25. Welcomes the role of independent regulatory bodies in improving the efficiency and transparency of the country's institutions; commends in particular the work carried out by the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection; urges the authorities to provide the State Audit Institution, the Competition Protection Commission, the Public Procurement Office and the Commission for the Protection of Bidders' Rights with adequate financial, administrative and office capacities in order to carry out their duties; reiterates that independent regulatory bodies are essential in the fight against systemic corruption and to provide efficient oversight of the government;
26. Recalls that strong, professional and independent media and internet provision 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; welcomes the fact that the Strategy respects the constitutional rights regarding minority language media; is concerned, however, about attempts to control and interfere in the media sector and calls on the authorities to ensure its independence from political pressures and other influence; calls upon the Serbian Government to ensure freedom and independence of the media in line with EU standards; is concerned that a criminal law was introduced barring public comment in the media on judicial proceedings and verdicts; is concerned about threats directed against Serbian journalists, and calls for their thorough investigation in order to provide the journalists with a safe environment to conduct their work effectively and without the necessity of self-censorship; underlines the need to take steps against the concentration of media ownership and lack of transparency in the media as well as to ensure equal access to the advertising market, including the disbursement of public funds spent on advertising and promotion; calls on journalists to respect the Code of Ethics; notes that the level of internet access remains low, recognises the importance of the internet in media freedom and urges the authorities to maximise their efforts in this field;
27. Regrets the fact that the state authorities have effectively imposed a 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 the importance of free and independent media for democracy and a well informed public;

28. Welcomes the functioning of the democratically elected national minority councils, which represent national minorities in the fields of education, culture, media and official language use; notes, however, the importance of the full implementation of the competencies of these minority self-governing bodies and the necessity of adequate budgetary subsidies guaranteed by the Law on National Minority Councils; notes with concern the complaints about the irregularities in the preparation process and the legal requirements for the establishment of the councils, as well as the complaints about the violation of the guaranteed competencies of national councils by some ministries and local municipalities, and calls on the authorities to respond to them; welcomes those decisions of the Serbian Administrative Court which have upheld the cases brought by the National Council of the Hungarian National Minority arising from the violation of the competencies of the National Council by local authorities;
29. Expresses satisfaction about the overall good inter-ethnic situation and the fact that the number and intensity of ethnically-based incidents have decreased in the country, but encourages further efforts by Serbia in the field of minority protection, by consistently implementing legislation which has been adopted; is concerned about the protests by ethnic Albanians against discrimination and about the tense situation in Sandžak and calls on the government to attach higher political priority to improving respect for the fundamental rights of all minorities, including their access to education in their own language, equal access to the labour market and fair representation in institutions; equally, calls on the government to address the problem of regional disparities by providing support to the social and economic development of Sandžak and the Southeast region, including Preševo valley, and to develop strategies for reducing the unemployment rates in these regions; welcomes the agreement reached in October 2011 in the municipality of Bujanovac, which envisages steps to integrate ethnic Serbians in the public administration, and calls for its swift implementation;
30. Notes that, two years after the elections for minority councils, the Bosniak national council has still not been set up due to alleged procedural shortcomings in the election process, and calls for its swift formation in compliance with the rules; calls on political and religious leaders to refrain from inflammatory statements, which risk increasing the tensions; calls on the Serbian Government to stay neutral concerning the tensions related to the religious community in Sandžak and to take measures to ensure good relations with this community while ensuring its right to freedom of religion;
31. Underlines the importance of the population census in gathering statistical information important for the development of Serbia, in particular of less developed regions; welcomes the fact that the census operations were conducted broadly successfully in Serbia in October 2011; strongly regrets the calls for a boycott of the census by politicians of ethnic Albanian origin, which were acted upon by members of municipal census commissions and a considerable number of citizens in Preševo and Bujanovac; notes that the authorities have not yet presented statistical information regarding ethnicity;
32. Calls for further steps to ensure full implementation of the legislative framework on measures against discrimination; is seriously concerned about the lack of political will to

actively promote a policy of tolerance and respect for 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, which led to the ban on its organisation; strongly condemns inflammatory and discriminatory remarks on the topic by some politicians and members of the Orthodox clergy; reminds the government that freedom of expression and freedom of association are fundamental human rights and basic values of the EU, which must be respected by any country aspiring to become an EU Member; welcomes the Constitutional Court ruling of 22 December 2011 on this issue; welcomes the positive action undertaken by the Ombudsman and the Commissioner for Equality to promote these values in Serbian society;

33. Calls for investigation of the threats by extremist groups which were given as the reason for banning the parade; underlines the importance of the first ever convictions for discrimination against gays in Serbia, including the sentencing by the Belgrade Higher Court of a far right leader to two years in prison for inciting violence during the 2010 gay pride march, but notes the generally slow pace of the investigation of the violence surrounding the 2010 Pride Parade, resulting so far in a low number of convictions accompanied by light sentences; 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, including awareness-raising campaigns against homophobia, in line with European standards;
34. Welcomes progress in improving child protection and establishing a solid legal basis and strategies for increasing respect for children's rights and reforming the child welfare system; is however concerned about the slow pace of implementation of the legislation adopted, especially concerning children with disabilities, many of whom remain effectively excluded from society, and the development of child protection services at the local level; is particularly concerned about the rise in juvenile violence; in this respect calls on the authorities to act vigorously to implement pre-emptive measures and to take all necessary steps to eradicate violence from schools;
35. Welcomes the amendments to the electoral law increasing the percentage of women in the legislature; calls on the authorities to implement rapidly policies to fight discrimination, including indirect discrimination, which women still face on the labour market and in other sectors of society, and to encourage their greater participation in the political life of the country, including in government posts; is concerned that, although both legislation and implementation bodies are in place as regards measures both against discrimination and to promote gender equality, effective implementation of the existing legislation and further strengthening of administrative capacity remain major challenges; 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;
36. Underlines the difficult situation of the Roma community, which continues to suffer from discrimination on the labour market as well as to encounter 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 state of health, access to education and registration of Roma; calls on the representatives of the Roma community to actively engage in this process; calls on the Serbian Government to fully implement the National

Strategy for the Improvement of the Status of Roma and the related action plan to improve the social and economic situation of Roma in accordance with the EU Framework for National Roma Integration Strategies; is concerned about the low schooling rates of Roma children, especially girls; calls on the Serbian Government to ensure that all Roma are provided with identity documents, the lack of which presents an obstacle to enjoying basic civil rights; underlines the particularly difficult situation of members of the Roma community in Serbia who fled from Kosovo in the wake of the war; condemns the forced evictions of Roma, including children and the elderly, without proper consultation and notice and without providing them with alternative housing; calls on the authorities to immediately end this practice;

37. Asks the Serbian authorities to develop an institutional and legal framework for social services organisations and to better coordinate the supply of services and entitlements, adjusting it to local needs and involving potential and actual beneficiaries in the design, monitoring and evaluation of the systems, in close cooperation with the local authorities; underlines the importance of strengthening the capacity of municipalities to this end;
38. Underlines the importance of civil-society organisations in improving inter-ethnic relations and fostering tolerance, and in monitoring the activities of the authorities; calls on the government and parliament to develop and coordinate the implementation of a consistent framework for their adequate consultation on the development of social policies; urges the government to investigate fully all incidents against ethnic minorities; is concerned about the threats against activists, human rights defenders, journalists and media organisations, particularly those working in the fields of war crimes, organised crime, corruption, LGBT rights and relations with Kosovo, and calls on the authorities to ensure that these threats are investigated and the perpetrators brought to justice, putting an end to the existent high level of impunity;
39. Expresses its support for the RECOM initiative (Regional Commission for Truth Seeking and Truth Telling about War Crimes and Other Serious Violations of Human Rights in the former Yugoslavia) with a view to further moving forward the process of reconciliation throughout the Western Balkans;
40. Underlines that Serbia has ratified the major labour rights conventions of the International Labour Organisation (ILO) as well as the revised European Social Charter; points out that labour and trade union rights still remain limited despite constitutional guarantees, and calls on Serbia to further enhance these rights; is concerned that the social dialogue remains weak and the consultation of social partners irregular; calls for further steps to be taken to strengthen the Economic and Social Council to ensure that it can take an active role in strengthening the social dialogue and play a more active consultative role in law-making;
41. Calls on Serbia and the Commission to ensure that structural reforms and liberalisation carried out in the framework of progress towards EU membership do not lead to the downgrading of working conditions and labour and trade union rights;
42. Notes with satisfaction that the Instrument for Pre-Accession (IPA) assistance works well in Serbia; encourages both the government and the EU to simplify the administrative procedures for IPA funding with the aim of making it more accessible to smaller and non-centralised beneficiaries; stresses the need to maintain an adequate level of pre-accession support in the forthcoming review of the EU's financial framework;

43. 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;
44. Welcomes the initiative of the Belgrade city authorities to launch the Belgrade European Capital of Culture 2020 campaign and encourages related projects to bring Belgrade and Serbia culturally closer to the EU, in particular with regard to interethnic coexistence, multicultural understanding and interreligious dialogue; calls on the Member States and the Commission to support Belgrade's candidacy; calls in this regard on the Serbian Parliament to adopt and implement the necessary special laws to regulate cultural activity and to adopt a cultural development strategy to better implement the Law on Culture;
45. Reiterates the importance of inclusive regional cooperation in the Western Balkans and welcomes Serbia's active participation in regional initiatives and bilateral meetings that promote good neighbourly relations, and its increasingly active role in fostering reconciliation in the region; welcomes the official visit by President Tadić to Bosnia and Herzegovina and his support for the territorial integrity and sovereignty of the country; calls on the Serbian Government to ensure that its direct relations with the authorities of the Republika Srpska are in line with this stated support and do not undermine the integrity, sovereignty, competences and effective functioning of the institutions of the state of Bosnia and Herzegovina; furthermore, urges the Serbian authorities to support reforms in BiH aimed at strengthening and streamlining the country's institutions with a view to EU-related reforms; calls on both governments to hold a special joint session in order to achieve better coordination in EU-related reforms; welcomes the initiatives and achievements with regard to improving political relations between Croatia and Serbia launched and brought about by Presidents Josipović and Tadić; reiterates that such positive bilateral relations are a good basis for resolving pending border issues and underlines that the lawsuits on genocide launched by the two countries against each other should not impede further progress in this regard; encourages the Serbian authorities to work closely with the countries of the former Yugoslavia and other neighbouring countries on the resolution of all outstanding problems of legal succession; encourages transborder cooperation with the neighbouring EU Member States Bulgaria, Hungary and Romania, including within the framework of the EU Strategy for the Danube Region;
46. Welcomes the active involvement of Serbia in advancing the Sarajevo process and the signing on 7 November 2011 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; looks forward to the Regional Donors' Conference due to take place on 24 April 2012 in Sarajevo, where the Joint Regional Housing Programme covering the remaining needs will be presented, and hopes that substantial assistance will be secured for housing refugees and displaced persons in all countries, ensuring proportionality for Serbia, which is hosting one of the largest populations of displaced people in Europe;
47. Welcomes the improvements in relations between Montenegro and Serbia; calls for tighter coordination between the respective governments of EU-related reforms and in particular efforts to address joint challenges to the rule of law, especially measures against organised crime; encourages both governments to step up their efforts to find a solution for the remaining border issues;

48. Welcomes the agreement reached between Serbia and Macedonia on the free movement of citizens in addition to the agreements already signed by Serbia with Montenegro and Bosnia and Herzegovina, and hopes that such agreements, which improve bilateral relations and enhance opportunities for the people concerned, can be extended to all countries in the region;
49. Underlines the importance of the activities of the Historical Reconciliation Committee and reiterates that an ongoing dialogue could lead to better relations; regrets, however, that the larger part of the historical archives, especially those of the former secret police, UDBA, remain closed; further urges a complete and thorough investigation of the massacres of 1944-1945;
50. Calls on the authorities to promote the example of relatively prosperous Vojvodina for less developed regions of Serbia; calls on the authorities to swiftly proceed with the adoption of the related law on the financing of the province, two years after the adoption of the Statute of Vojvodina;
51. Recommends that European funds should be made directly accessible to the national minority councils and civil society organisations of Serbia, in the context of EU support for the country's reform process;
52. Encourages the authorities to initiate further steps and open the border regions to neighbouring countries in order to facilitate trade and economic links; underlines the importance of opening a terminal for commercial trucks and goods at the border crossing at Ribarci-Oltomantsi in order to improve local economic development;
53. Underlines the paramount importance of high-quality education for the further social and economic development of Serbia and to reduce the high unemployment in the country, in particular among young people; calls on the authorities to actively engage in promoting the value of education among the young, as well as to invest more in higher education; stresses the need for public investment for the recruitment of university graduates with the aim of making the public sector more efficient and preventing a further brain drain which will severely impede the country's long-term development;
54. Calls for more efforts to ensure unrestricted quality education in minority languages on state and provincial level, which is necessary to preserve ethnic and cultural identity, a right already secured through constitutional means as well as through the 2002 Federal Law on the Protection of the Rights and Freedoms of National Minorities, and consistent with the guidelines specified in the Framework Convention for the Protection of National Minorities, and in particular to provide all the necessary text books and other educational materials; to this end, welcomes the opening of the bilingual university faculty in Bujanovac, accommodating students of both Albanian and Serbian ethnic origin; encourages Serbia to replicate this model for policy towards other minorities where suitable; encourages both minorities and the majority Serbian community to learn each other's languages in the interests of better understanding; underlines the need to respect the cultural diversity of ethnic minorities by allowing the unhindered proliferation of cultural centres, electronic and press media and libraries that adequately cater for the cultural needs of these communities;
55. Calls on the Serbian Government to resolve the issue of the accreditation of the International University of Novi Pazar in Sandžak and stresses the importance of ensuring the independence and impartiality of the Commission for Accreditation and Quality

Assurance;

56. Welcomes the important steps taken towards establishing a functioning market economy and the activities of the government which have improved the financial and macroeconomic situation of Serbia; notes the decision to freeze the stand-by agreement with the IMF until the new government is elected; underlines that Serbia needs to pursue structural reforms in order to upgrade the productive capacity of the economy and that the country needs to decrease its budget deficit; recalls that the global financial and economic crisis has had a negative effect on society, in particular on the most vulnerable groups; calls on the authorities to make every effort to minimise the adverse effects on these groups – poverty, unemployment, social exclusion – and to address their root causes by developing necessary social and economic policies;
57. Underlines that a genuine rule of law in the country is necessary in order to attract foreign investment, to improve conditions for a faster transition of the economy towards the open market and to create a better business environment; to this end, recalls that the existence of monopolies severely hampers this transition, and calls on the government to continue to take measures to abolish them; underlines the importance of removing red tape, enhancing competition and the role of the private sector;
58. Commends the efforts of the government to develop a thriving SME sector through the adoption and implementation of relevant legislation and the establishment of administrative bodies in support of SMEs; at the same time calls for more efforts to facilitate the proliferation of SMEs by reducing the administrative burden and rigidities on the labour market and by increasing access to finance; urges the government to use a definition of SME that is fully in line with EU recommendations;
59. Calls on the Serbian Government to introduce the necessary measures to increase cooperation with the SME sector in neighbouring regions; stresses that this is an essential prerequisite if Serbia's economy is to be locked more profitably into the Community trading system;
60. 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; urges the authorities to step up their efforts in particular as regards water quality and waste disposal; encourages Serbia to adopt climate change targets in line with those of the European Union;
61. Welcomes the conclusion of the EU-Serbia agreement establishing a framework for participation by Serbia in EU crisis management operations and commends the country for its readiness to participate in two EU CSDP operations, namely EUTM and EU NAVFOR Somalia;
62. Calls for further efforts to develop a sustainable network of public transportation in Serbia, and in particular to improve the railway system and inland waterway (Corridor VII) transport as well as the road infrastructure, including swift completion of Corridor X; underlines the importance of improving links with neighbouring countries in order to facilitate mobility of citizens;
63. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.