



EUROPEAN PARLIAMENT

2014 - 2019

---

*Plenary sitting*

---

2.3.2015

B8-0213/2015

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on the 2014 Progress Report on Serbia  
(2014/2949(RSP))

**David McAllister**

on behalf of the Committee on Foreign Affairs

**B8-0213/2015**

**European Parliament resolution on the 2014 Progress Report on Serbia  
(2014/2949(RSP))**

*The European Parliament,*

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia and repealing Decision 2006/56/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),
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia that entered into force on 1 September 2013,
- having regard to UN Security Council Resolution 1244 (1999), to the Advisory Opinion of the International Court of Justice (ICJ) of 22 July 2010 on the question of the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly resolution A/RES/64/298 of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Belgrade and Pristina,
- having regard to the Declaration and Recommendations from the second EU-Serbia Stabilisation and Association Parliamentary Committee meeting of 26-27 November 2014,
- having regard to the European Council conclusions of 28 June 2013,
- having regard to the Commission's 2014 progress report on Serbia of 8 October 2014 (SWD(2014)0302),
- having regard to the conclusions of the General Affairs Council of 16 December 2014,
- having regard to its resolution of 16 January 2014 on the 2013 Progress Report on Serbia<sup>2</sup>,
- having regard to its resolution of 27 November 2014 on Serbia: the case of the accused

---

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

<sup>2</sup> Texts adopted, P7\_TA(2014)0039.

- war criminal Šešelj<sup>1</sup>,
- having regard to the work of David McAllister as the Foreign Affairs Committee’s standing rapporteur on Serbia,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the European Council of 28 June 2013 decided to open accession negotiations with Serbia; whereas the first intergovernmental conference (IGC) took place on 21 January 2014;
  - B. whereas in its 2014 Progress Report on Serbia the Commission reports on the progress made by Serbia towards European integration, assessing its efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process;
  - C. whereas Serbia, like every country aspiring to EU membership, must be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria, and whereas the speed and quality of the necessary reforms determines the timetable for accession;
  - D. whereas the EU has placed the rule of law at the core of its enlargement policy;
  - E. whereas the Commission has highlighted the need to strengthen economic governance, the rule of law and public administration capacities in all of the Western Balkan countries;
  - F. 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; whereas further steps are urgently needed in order to deal with all pending issues between the two countries;
  - G. whereas good neighbourly relations constitute a key element of the successful European integration of any country, and whereas bilateral issues should be addressed in the accession process in accordance with the negotiating framework, in a constructive and neighbourly spirit, taking account of the EU’s overall interests and values; whereas important steps have been taken in the historical reconciliation process between Serbia and its neighbours;
  - H. whereas the implementation of the legal framework on the protection of minorities needs to be fully ensured, notably in the areas of education, use of language, and access to media and religious services in minority languages;
  - I. whereas Serbia’s Chairmanship-in-Office (CiO) of the OSCE in 2015 comes at a time of lasting conflict in eastern Ukraine and when the OSCE is celebrating 40 years since the adoption of the Helsinki Final Act;
1. Welcomes the formal beginning of accession talks that took place on 21 January 2014 at the first EU-Serbia IGC and the high level of preparedness and engagement in the

---

<sup>1</sup> Texts adopted, P8\_TA(2014)0065.

- screening process of the EU acquis demonstrated by the Serbian Government;
2. Welcomes the conduct of the early parliamentary elections, which were assessed positively by the international observers; calls on the authorities to address fully the recommendations of the last and previous OSCE/ODIHR election observation missions;
  3. Underlines the progress in and the importance of improving the implementation of the EU-Serbia Stabilisation and Association Agreement (SAA); stresses that the SAA provides the general framework for Serbia and the EU to intensify their cooperation;
  4. Welcomes the commitment shown by the new Serbian Government to the European integration process, and calls on Serbia to tackle decisively and head-on the systemic and socio-economic reforms; underlines that the thorough implementation of legislation and policies remain a key indicator of a successful integration process; calls on Serbia to improve the planning, coordination and monitoring of implementation of new legislation and policies; underlines the need to improve the inclusiveness and transparency of the accession process; stresses that Serbia has to make further progress on its reform priority, the rule of law;
  5. Encourages that the opening of the negotiating chapters should take into consideration developments on the technical level, but also the political context of relations between Serbia and the EU; stresses that Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) should be tackled early in the negotiations; insists that Chapter 35 of the EU acquis, concerning relations with Kosovo, should be clearly defined; underlines that the negotiating framework provides a yardstick for establishing whether progress under one chapter is significantly lagging behind the progress in negotiations overall, thus enabling the Commission to recommend the delayed opening or closure of other negotiating chapters;
  6. Notes that the recently published report by the European Court of Auditors (ECA) has found that the funding from the Instrument for Pre-accession Assistance (IPA), along with other forms of support, has helped Serbia to implement social and economic reforms and to improve its public finance management; notes, however, that the reform of the judicial sector is significantly lagging behind; calls on Serbia to align with the EU acquis in the area of state aid; welcomes the overall effective use of EU financial and non-financial assistance, as noted by the ECA, and encourages the authorities to build on good governance practices and address remaining weaknesses in project design, implementation and sustainability; calls on the Commission to continue its assistance to Serbia within the framework of the IPA in an effective and transparent way;
  7. Is concerned at the fact that the majority of laws are adopted under the urgency procedure, which does not always allow for sufficient consultation of stakeholders and the wider public;
  8. Notes that the floods of May 2014 in Serbia have gravely affected the population and have had a negative impact on the economy; extends its condolences to the families of the victims; welcomes the fact that the EU as well as individual Member States provided immediate and substantial rescue and relief efforts on the request of Serbia, organising a donors' conference in July 2014; stresses that the Commission has invited

Serbia to join the EU Civil Protection Mechanism and welcomes the fact that on 16 October 2014 Serbia expressed its interest in doing so;

9. Welcomes the First Agreement on the Principles of Normalisation of Relations reached in the high-level dialogue between the Prime Ministers of Serbia and Kosovo on 19 April 2013; welcomes Serbia's engagement in the normalisation process with Kosovo, and strongly encourages the Serbian authorities to play a constructive role in this process, as well as in the development of good neighbourly relations which can serve the interests of both Serbia and Kosovo; notes that the pace of the overall negotiations has slowed down, due, inter alia to the holding of early elections in both Serbia and Kosovo; welcomes the formation of a new government in Kosovo, which is an important step for the resumption of the high-level dialogue, and also welcomes, in this respect, the constructive role of the Serbian Government in encouraging the elected representatives of the Serbian minority to participate and assume their responsibilities within the new coalition government in Pristina; calls on Serbia and Kosovo to move forward with the full implementation of all the already-reached agreements, in good faith and in a timely manner; encourages the Serbian and Kosovo authorities to further normalise their relations; calls for continuous efforts by both sides to bring ethnic Albanian and Serbian communities closer together; underlines that the negotiating framework requires progress in the process of normalising relations with Kosovo under Chapter 35 to be made in parallel with progress in negotiations overall; stresses that Chapter 35 should be opened early in the negotiations; considers that full normalisation of relations between Serbia and Kosovo would facilitate Serbia's accession to the EU;
10. Calls on the Serbian and Kosovo authorities to step up cooperation to clamp down and dismantle the criminal networks that are controlling, exploiting and smuggling irregular migrants from Kosovo to some EU Member States through Serbia;
11. Calls on Serbia to make stronger efforts in aligning its foreign and security policy to that of the EU, including policy on Russia; regrets that Serbia did not align itself, when invited, with the Council decisions introducing restrictive measures against Russia, keeping in mind, however, the traditionally strong economic, social and cultural ties that exist between the two countries; believes that Serbia can play a key role in EU-Russia relations; welcomes Serbia's active participation in international peacekeeping operations; notes that Serbia has hosted with honours some persons falling under the EU's visa ban and organises military drills with the Russian army;
12. Welcomes Serbia's Chairmanship-in-Office (CiO) of the OSCE in 2015 and its priorities; notes that Serbia as CiO of the OSCE is willing to support all means to step up efforts to resolve existing conflicts in the OSCE area in a peaceful manner; encourages Serbia to take advantage of this Chairmanship to contribute to stabilising the situation in eastern Ukraine, acting as a mediator; furthermore acknowledges Serbia's readiness to further promote regional cooperation; calls on Serbia as current OSCE Chair-in-Office to help restore the OSCE as a comprehensive platform for tackling security issues in Europe;
13. Encourages Serbia to further cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), to strengthen domestic war crimes trials and continue to

- strengthen its efforts regarding regional cooperation to end impunity and bring justice to the victims of war crimes and their families; highlights the urgent need to adopt comprehensive legislation and policy for the protection of witnesses and to provide the victims and their families with the right to reparations; reiterates its support for the REKOM initiative;
14. Calls on Serbia to intensify its cooperation with neighbouring countries and to strengthen its efforts in the search for missing persons, and to fully share all relevant data; urges the Serbian authorities, in this regard, to open up the archives of the Yugoslav People's Army in order to establish the truth of past tragic events and obtain information; furthermore urges the authorities to open up and facilitate transparent access to those archives that concern former republics of Yugoslavia and to the documents of the former intelligence agency (UDBA), including by providing them to the respective governments;
  15. Welcomes the signing, under the auspices of the International Commission on Missing Persons (ICMP), of the Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuses; highlights the need to strengthen efforts to find and identify missing persons and locate mass graves from the wars in Croatia, Bosnia and Herzegovina and Kosovo, as well as to ensure the right of victims' families to know the fate of their missing family members;
  16. Appreciates the constructive approach of the Serbian Government to relations with neighbouring countries, since this has enabled substantial progress in both regional cooperation and closer relations with the EU; encourages Serbia to work even more closely with neighbouring countries and to initiate further steps for trans-border cooperation, in order to improve, inter alia, the economic development of border regions and areas populated by minorities; emphasises the importance of promoting policies of exchange and contact among young people in the framework of reconciliation; welcomes generally the compliance of Serbia with its international obligations and the fact that it has further developed bilateral relations with its neighbours; reiterates the crucial importance of reconciliation; encourages Serbia to fully implement bilateral agreements with neighbouring countries and to address its open bilateral issues with a pragmatic approach; welcomes the meeting between the Prime Ministers of Serbia and Albania on 10 November 2014 in Belgrade; encourages Serbia to actively support and constructively contribute to the progress of Bosnia and Herzegovina towards European integration; equally welcomes the fact that Serbia has continued to participate actively in regional initiatives, such as the South-East Europe Cooperation Process (SEECPP);
  17. Stresses the essential role of the Serbian Parliament as well as of civil society in the accession negotiations process; welcomes Parliament's adoption on 4 June 2014 of the Decision regulating the procedure of consideration of negotiating position proposals during the accession negotiations; welcomes the adoption of guidelines for the inclusion of civil society organisations in the regulation adoption process on 26 August 2014, and calls on greater involvement of civil society in the integration process; invites the government to refrain from anti-EU rhetoric and to conduct regular dialogues and public consultations with all relevant stakeholders so as to ensure full transparency of the

negotiations and to provide all information for a constructive debate regarding the functioning of the EU and its membership and to facilitate their broad participation in this process;

18. Commends the work of independent regulatory bodies and their contribution to improving the legal framework and accountability of state institutions; underlines that state institutions must act in a transparent and accountable manner; supports the work of independent state authorities such as the Ombudsman, the Commissioner for Information of Public Importance, and others; calls on the state authorities to protect the independence of these offices and fully cooperate with them when they exercise their powers; considers that the authorities should provide them with all financial and administrative resources necessary for their work; stresses that their recommendations need to receive proper follow-up and their independence needs to be fully respected;
19. Underlines the fact that Serbia has ratified the major labour rights conventions of the ILO as well as the revised European Social Charter; draws attention to the fact that labour and trade union rights still remain limited despite constitutional guarantees, and calls on Serbia to further enhance these rights; notes that additional procedures governing trade unions and the right to strike are required in order to ensure clarity; notes that there are only a few sectorial collective agreements, while several have expired and are in need of being renewed; 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 social dialogue and these actors' consultative role in lawmaking;
20. Reiterates the importance of promoting, protecting and implementing human rights and fundamental freedoms at all levels of Serbian society, with no discrimination in any form and in accordance with European and international standards; notes that an action plan for the implementation of the anti-discrimination strategy was adopted on 2 October 2014, calling for respect for women, persons with disabilities, LGBT persons, and all minorities, national, ethnic or sexual, and for the securing of their rights; encourages the Serbian authorities to make further efforts to guarantee equal representation of women in political and public life; notes that administrative capacity in the field of gender equality remains weak, and urges the Serbian authorities to increase their efforts to this end; welcomes the decision by the Government of Serbia to allow the organisation of the Pride Parade, which took place in Belgrade on 28 September 2014 without major incidents, and commends the government for their support and also the police for the facilitation thereof;
21. Commends the establishment of the National Council for Child Rights, and encourages this body to make full use of its mandate in order to make sure that children's rights priorities are fully reflected in the Action Plans that the Government of Serbia is developing as part of the accession process;
22. Notes that steps were taken in the implementation of the Strategy and the Action Plan on judicial reform for the period 2013-2018; welcomes the adoption of rules for evaluation of the work of the judges and prosecutors; stresses the vital importance of an independent judiciary, and highlights the need for the reform of the judiciary to be completed so as to ensure the full independence and impartiality of judges and

- prosecutors; calls on the authorities not to delay the adoption of the draft law on legal aid while ensuring that the most vulnerable citizens are not excluded from accessing free legal aid services; stresses the importance of resolving the issue of cases of abuse of office, and expresses its concern at the reclassification en masse of these cases; stresses that constitutional reforms are needed to ensure the independence of the judiciary;
23. Welcomes the strong political impetus to fight corruption, and the further implementation of the recommendations of the Group of States against Corruption (GRECO); welcomes the adoption by the Serbian Parliament on 25 November 2014 of the law on whistle-blower protection; welcomes the fact that several investigations into high-level cases are being conducted and that efforts have been made to improve coordination; underlines that significant efforts are needed to enhance and fully enforce the legal framework for the fight against corruption, and to back reforms with appropriate resources; stresses that leaks to the media about ongoing investigations, in breach of the presumption of innocence, are an issue of serious concern and should be investigated, processed and eliminated in line with the law; condemns also the pressure exerted by media or political parties on independent anti-corruption bodies, and in this regard considers that the powers of and resources for the Anti-Corruption Agency should be strengthened; notes that such practices may significantly slow the progress of the accession negotiations; calls for further action to protect the independence and integrity of the judicial system and access to justice;
  24. Notes that corruption and organised crime are widespread in the region and also represent an obstacle to Serbia's democratic, social and economic development; considers that a regional strategy and enhanced cooperation between all the countries in the region are essential to tackle these issues more effectively;
  25. Notes with concern the lack of transparency in the financing of political parties and election campaigns, and, therefore, the high risks of corruption; stresses that the funding of political parties needs to be transparent and in accordance with the highest international standards;
  26. Welcomes the adoption of the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Service Broadcasting, and calls for their immediate implementation; underlines that when implementing the new media package the sustainability of public broadcasting in minority languages should also be ensured, as well as the sustainability and financial stability of the public services and of regional and local media; expresses its concern at deteriorating conditions for the full exercise of freedom of expression in Serbia, and emphasises the need for complete transparency in media ownership; expresses its concern about the pressure being put on and threats being made against journalists, which also leads to increased self-censorship, and urges the Serbian authorities to take action in order to bring the perpetrators to justice; notes with concern that political pressure undermines media independence; reiterates the importance of freedom of the media as one of the core EU values; calls on the Serbian authorities to create a media-friendly environment supporting freedom of expression and of the media;
  27. Calls on the Serbian Government to implement the Law on Rehabilitation in a full and



non-discriminatory manner; also suggests that it make further amendments to the Law on Restitution in order to remove all procedural obstacles and legal impediments concerning restitution in kind;

28. Welcomes the elections to the National Minority Councils of 26 October 2014; underlines the importance of National Minority Councils in their role of implementation of rights of national minorities, and calls on Serbia to ensure that the level of acquired rights and competences is retained in the process of their legal alignment with the decision of the Constitutional Court of Serbia, as well as for their adequate and ascertainable financing; calls on Serbia to ensure consistent implementation across the country of legislation on protection of minorities, including in relation to education, use of languages, and access to the media and religious services in minority languages, and adequate representation of national minorities in public administration, local and regional bodies, as well as in the national parliament; encourages Serbia's commitment in drafting a specific action plan on the position of national minorities in the framework of the Action Plan for Chapter 23; encourages the Serbian authorities to take further measures to improve the situation of the Roma, particularly when it comes to education, housing and employment; urges the government to increase awareness of civil rights among the Roma population and also to offer equal safety protection for the Roma; stresses the importance of encouraging the Roma to take part in public life; calls on the Serbian authorities to improve the planning, coordination and monitoring of implementation of Roma inclusion policies and actions at national and local level;
29. Underlines the importance of the restitution of property confiscated from minority churches and religious communities under the communist regime; emphasises the role of the state in creating an impartial policy towards historic churches in the country, including those belonging to minorities; stresses that religious freedom cannot be guaranteed in the absence of such restitution;
30. Notes that Vojvodina's cultural diversity also contributes to Serbia's identity and that protecting and supporting its minorities and maintaining and promoting the diversity of nationalities which has functioned well for centuries there is therefore of fundamental concern; calls for multilingualism and cultural diversity to be maintained; stresses, furthermore, that the autonomy of Vojvodina should not be weakened, and reminds the Government to submit the law on the competences and financing of the Autonomous Province of Vojvodina without any further delay;
31. In connection to the importance of European Groupings for Territorial Cooperation (EGTCs) for the further development of cross-border cooperation between EU Member States and their neighbours, calls on the Serbian Government to provide the necessary legal background that would allow Serbian participation in EGTCs;
32. Welcomes the new public administration reform strategy, the creation of a dedicated Ministry of Public Administration and Local Self-Government, and the increased focus on policy planning and coordination following the establishment of the Secretariat for Public Policies, as positive steps towards a more efficient public administration; expresses its concern at the lack of transparency in recruitment of public administration employees and administrative and management capacity at the local level; urges the

- authorities to ensure a transparent and merit-based process of appointment and promotion of civil servants and public officials;
33. Encourages the Serbian authorities to undertake structural economic reforms so as to support growth, improve the business and investment climate throughout Serbia, and ensure balanced social and economic development across all regions, combat the high levels of unemployment and poverty, carry out fiscal consolidation, and fight corruption, which remains the major threat to the business environment; notes with concern the high youth unemployment figures, and urges the government to address the issue by providing adequate opportunities for young people and education geared to the needs of the labour market; underlines the need to ensure an accessible education system with work and training opportunities for young people and access to European study programmes such as Erasmus; welcomes the adoption of the labour law, the bankruptcy law, the privatisation law and the law on planning and construction, which represent the legislative framework for both structural reforms and the improvement of the business climate;
  34. Calls for the improvement of the business environment by implementing the planned structural reforms in this area, strengthening the legal system and ensuring the even implementation of the law; insists on the urgent need to abolish administrative barriers to doing business, particularly with regard to small- and medium-sized enterprises, and points to the importance of the necessary restructuring of public companies while respecting the rights of workers and the significance of public-sector employment for Serbian citizens and their wellbeing, as well as their reliance on essential public services;
  35. Takes note of the work on amending the Criminal Code; notes, however, that legal uncertainty persists in the private sector following the adopted amendments; reiterates its concern at the provisions of the new Article 234 on abuse of responsible positions, which still leaves room for arbitrary interpretation; notes that most of the former cases concerning abuse of office appear to have been reclassified en masse without proper review under the heading of ‘abuse of responsible position’, and calls, therefore, for an independent and thorough review of the reclassified cases so that long-standing unjust prosecutions can be dropped immediately;
  36. Congratulates Serbia on organising the China / Central and Eastern Europe summit in Belgrade; welcomes the plans for enhanced cooperation and hopes it will be in line with European standards; notes the initial agreements on projects concerning energy and infrastructure agreed at the summit, and reminds Serbia and other countries of the region that the projects should take into consideration the long-term objectives of EU policies;
  37. Notes that preparations in the area of energy are moderately advanced; stresses that Serbia needs to step up its efforts to align with the acquis in the field of energy, particularly in the fields of meeting energy efficiency and renewable energy targets and preventing state aid for the lignite sector, and to achieve unbundling in the gas sector and the restructuring of the public gas company, as a matter of priority; calls on the Commission to support the Serbian Government in its efforts to reduce the country’s

dependence on energy imports by increasing the diversity of energy sources; encourages Serbia to initiate a revision of its proposed energy strategy; calls on the government to strengthen its efforts in the field of renewable energy, in particular with regard to the Renewable Energy Directive, as this is a necessary step towards achieving energy security and meeting the Europe 2020 goals for renewables;

38. Regrets that too little progress has been made in the areas of the environment and climate change, and calls on the Serbian authorities to adopt quickly a comprehensive countrywide climate policy and strategy in line with EU targets;
39. Is concerned that academic institutions, together with state authorities and public officials, have failed to deal with accusations of plagiarism in universities;
40. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.