



**2nd meeting, 4 February 2016, Brussels**

**JOINT DECLARATION**

The EU-Serbia Civil Society Joint Consultative Committee (JCC) is one of the bodies set up within the framework of the Stabilisation and Association Agreement between the European Union and Serbia.

The JCC enables civil society organisations from both sides to monitor Serbia's progress towards the European Union, and to adopt recommendations for the attention of the Government of Serbia and the EU institutions.

The JCC understands the notion of civil society as encompassing organisations of employers, trade unions and other economic and social interests.

The JCC is made up of eighteen members, nine from each side, representing the EESC and Serbian civil society. During its current term, the JCC will be co-chaired by **Mr Ionuț Sibian**, member of the EESC and Executive Director of the Civil Society Development Foundation of Romania, and **Mr Branislav Čanak**, member of the Economic and Social Council of Serbia and President of the Trade Union Confederation "Nezavisnost".

The members of the JCC discussed the current state of play and the work ahead in Serbia's accession negotiations to the EU. They debated Chapter 23 - Judiciary and fundamental rights - and Chapter 24 - Justice, freedom and security - with a special focus on the rule of law and the fight against corruption.

**1. Current state of play in EU-Serbia relations and the accession process**

- 1.1 Following the opening of the accession negotiations with Serbia on 21 January 2014 and completed analytical examination (screening) of the EU acquis in March 2015, JCC members are pleased that at the second meeting of the Intergovernmental Conference held on 14 December 2015 the first two chapters of negotiations were opened: Chapter 32 (Financial

control) and Chapter 35 (Other issues, Item 1: Normalisation of relations between Serbia and Kosovo<sup>1</sup>).

- 1.2 The JCC welcomes Serbia's preparation and submission of comprehensive action plans for Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, freedom and security) and expresses hope that these two chapters can be opened in the first half of 2016. Members of the JCC underline the importance of chapters 23 and 24 and believe that keeping those chapters open throughout the upcoming accession negotiations can only be beneficial to Serbia, providing a strong incentive for reforms in the areas of the rule of law, in particular the judiciary, protection and promotion of fundamental rights, democratic governance and the fight against corruption and organised crime.
- 1.3 JCC members are pleased that the work carried out by Serbian authorities on chapters 23 and 24 draws on the expertise of civil society organisations and they encourage the Government of Serbia to continue with the same method and to ensure that the members of the JCC, as well as other civil society experts, are closely involved in the upcoming negotiations on all the other chapters.
- 1.4 Members of the JCC welcome the findings of the Commission's November 2015 report on Serbia, accompanying the Communication on the *EU's Enlargement Strategy*, as well as the new Commission's approach that provides clearer guidance on what enlargement countries need to focus upon. They acknowledge the principle of strict but fair conditionality based on which the accession process takes place, but they equally stress the importance of giving the candidate countries, such as Serbia, a clear prospective of EU accession.
- 1.5 The JCC welcomes the fact that in September 2015 Serbia fully established its negotiating team. It encourages the Government and Parliament of Serbia to continue working closely with the working groups on EU integration, in order to ensure active participation of and contributions from civil society.
- 1.6 The JCC is concerned about the extensive use of urgent procedures in adopting legislation, including legislation related to the EU accession process, as such procedures do not allow for sufficient consultation of stakeholders and the wider public. Public consultations need to be effective and deadlines more realistic to enable all interested parties to provide qualitative input.
- 1.7 The members of the JCC emphasise the importance of civil society involvement in the process of aligning Serbian legislation with the EU *aquis*, especially in the phase of monitoring of the implementation of enacted legislation and strategic documents and in the programming and implementation of IPA (Instrument for Pre-Accession) funded projects. The Social and Economic Council (SEC) of the Republic of Serbia is instrumental in

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

reinforcing the dialogue between political authorities and the social partners and the JCC calls upon the Serbian government to consult it in a timely manner at each stage of the accession negotiations.

- 1.8 The JCC calls on the Serbian authorities to fully implement the required enabling environment in which freedom of expression can be exercised without hindrance, and to align relevant legislation for freedom of assembly to the best international standards.
  - 1.9 The JCC also draws attention to the need for raising public awareness of Serbia's accession process, both through the media and through relevant government campaigns. This should include adoption and proper implementation of the communication strategy, with participation of social partners and other interested CSOs, for informing the Serbian public, business sector and workers on EU and all the impacts of the accession, to ensure transparency and a high degree of understanding and support.
  - 1.10 The JCC reiterates the importance of independent regulatory bodies, including the Ombudsman, in ensuring oversight and accountability of the executive and calls on the authorities to provide the independent regulatory bodies with full political and administrative support for their work and to safeguard their right to independent work and follow-up of their findings and recommendations. It calls for the Serbian government to enable the Office for Cooperation with Civil Society to be fully operational.
  - 1.11 With regard to the upcoming elections in Serbia, the JCC calls for a fair and transparent electoral process, and urges the future government to more intensively include CSOs, which will ultimately lead the country towards EU accession.
  - 1.12 The JCC calls upon the Government of Serbia to implement a comprehensive strategy to combat and limit the grey economy. This would improve the country's financial situation, prevent unfair competition and thereby create a better economic environment, while guaranteeing better respect for workers' social rights, help restore confidence in institutions and promote the concept of the rule of law.
  - 1.13 The JCC calls upon the Government of Serbia and the EU institutions to take into account the outstanding recommendations from the EESC's *Opinion on the role of civil society in EU-Serbia relations* (July 2013) and *Opinion on Enhancing the transparency and inclusiveness of the EU accession process* (July 2014).
2. **Debate on Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, freedom and security) with a focus on the rule of law and the fight against corruption**
  - 2.1 The JCC supports the Commission's recommendation to improve the investigation and prosecution of corruption and organised crime. For this purpose, it is important to enable

merit-based selection of senior police and prosecutor leadership and let them initiate investigations without political interference.

- 2.2 The JCC calls for the creation of a robust system to coordinate and monitor the implementation of the national anti-corruption strategy and action plan, ensuring that all key institutions have adequate capacity and resources to fulfil their remits effectively. It is especially important to swiftly adopt a new law on the Anti-Corruption Agency to strengthen its role as a key institution in a more effective fight against corruption and to ensure systematic follow-up by the Government of recommendations made by the Anti-corruption Agency and Anti-Corruption Council.
- 2.3 The JCC stresses that actions envisaged in the anticorruption strategies and in corresponding action plans should be implemented according to the deadlines set and that an effective and functioning monitoring and evaluation mechanism should include meaningful involvement of civil society, so as to allow for regular and careful monitoring of the implementation results and analysis of their impact to people's lives.
- 2.4 The JCC calls upon the Serbian authorities to take the necessary steps to implement the outstanding recommendations of GRECO – the Council of Europe Group of states against corruption.
- 2.5 The members of the JCC note that corruption in Serbia continues to prevail in many areas, and that the investigation and prosecution of cases of corruption and organised crime need to be stepped up. They call on the law enforcement authorities to develop a more proactive attitude to look into allegations of corruption, especially high-profile cases and cases involving public officials.
- 2.6 JCC members point to the key role of the judiciary in the fight against corruption. They stress that it is necessary to create a stable, independent and efficient judicial system which would contribute to greater efficiency in the fight against corruption, and increase citizens' trust in the legal functioning of the state.
- 2.7 The JCC calls upon the Serbian authorities to pay special attention to the respect of freedom of expression and to provide an enabling environment for true and full independence of the media, as well as freedom of expression for civil society and grassroots civil initiatives working for accountability of the executive, which are instrumental in the timely detection of corrupt practices, raising public awareness and supporting whistle-blowers and proactive citizen action.
- 2.8 The JCC calls upon the Serbian authorities to work hand in hand with civil society organisations when introducing reforms and implementing legislation on key issues such as handling high-level corruption cases, better supervision of public procurement procedures, enforcement of environmental legislation with regards to infrastructural, development, energy

and transport projects, as well as when developing a legal framework for the financing of political parties based on transparency and accountability.

- 2.9 The JCC calls upon the EU institutions to promote public awareness and education concerning the value of integrity in society and the economy, and also to adopt an inclusive EU strategy to involve and engage broad circles of civil society in the efforts to combat and prevent corruption. Furthermore, it calls on the EU institutions to ensure consistency in understanding, upholding and monitoring the rule of law and anti-corruption across all EU institutions, Member States and all countries in the process of association with and accession to the EU.
- 2.10 The JCC calls for systematic funding to be ensured under the Civil Society Facility with the aim of strengthening partnerships between the EU and CSOs working on the fight against corruption.
- 2.11 The JCC commends the humane way in which Serbia is handling the current refugee crises and encourages the EU to continue providing necessary assistance to Serbia in this joint undertaking.
- 2.12 The JCC instructs its co-chairs to forward this Joint declaration to the Commission, the EU-Serbia Stabilisation and Association Council, the EU-Serbia Stabilisation and Association Parliamentary Committee (SAPC), the European External Action Service (EEAS) and the Government of Serbia.

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The next JCC meeting, to be held in Serbia in the second half of 2016, will deal specifically with the issue of Ch 24 - Justice, Freedom & Security, with a focus on civil rights and migration.

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