

IS SERBIA READY FOR THE EUROPEAN UNION?

As a result of the agreement between Belgrade and Priština, the European Commission (EC) has recommended the opening of negotiations with Serbia about joining the European Union (EU) and the negotiations with Kosovo about signing the Stabilisation and Association Agreement (SAA). The decision was made on the basis of Report of the European Commission about progress and dialogue of Priština and Belgrade which was reported by the High Representative of the European Union for Foreign Politics and Security Catherine Ashton. Serbia and Kosovo, still, can expect promised dates in June, when things which were arranged have been provided on the ground. It was confirmed by the Chief of the German diplomacy Guido Westerwelle when he said after the meeting in Luxemburg that the European Union wanted „that what is promised be provided on the ground.“

According to the report of Catherine Ashton in which she stated that Serbia took over „quite significant steps towards visible and sustainable improvement of relations with Kosovo according to the conclusions of the Commission from December 2012“. The European Commission concluded that Serbia during the dialogue was engaged „actively and constructively“ and that it „included whole spectre of themes for achieving sustainable improvement of relations“. European and Serbian public were too much occupied with dramatic negotiations about Kosovo that it went almost unnoticed that the European Commission stressed that, apart from the improvement in the process of Kosovo, it is going to continue with monitoring of the progress of Serbia in fulfilling the criteria for the membership and terms which are the part of the process of stabilising and association. „Commission is going to continue, during the negotiations, to monitor carefully reforms and their implementation, especially in the field of the government of Law and the basic freedoms, as well as the reform of judiciary, the struggle against corruption and reduction of discrimination“, it is stated in the Report which was published after the meeting of the European Commission in Luxemburg.

There is no doubt that the European Council is going to announce the date of the beginning of negotiations about the membership of Serbia in the European Union in June provided that the arrangement between Belgrade and Priština is going to be achieved in the field or provided that strong will is going to be shown to be done so, in which, when Belgrade is concerned, no one in Brussels has got any doubts. It is only the beginning of long negotiations Serbia is going to face so that one day, like this year neighbouring Croatia, it could become the member of the European Union. The negotiation about the membership in the European Union is an active process in which is demanded the implementation of political, economic and social reforms by the country which is willing to become the member of the European Union of nations. Some of the reforms that Serbia will have to make already in the following period can be flaired from the last report of Catherine Ashton.

The European Commission in its report has greeted the determination of Serbian Government to the process of European integrations by the conclusion that „in the previous months Serbia made some steps for a renewal of the strength of state work programme concerning the European Union reforms“. In the Report was concluded that the new cabinet has intensified the working programme for reforms in coordination with the demands of the European Union „since the day of taking over the government in July 2012“ and the adoption of the National programme for the adopting of legal heritage for the period 2013 -2016 (NPUPT) on February 28th 2013. was marked as „significant milestone“ in the process of European integrations. National programme represents a detailed, several-years plan of adjustment of home regulations with the regulations of the European Union and is created in a way to joins the European legislation and home legal system in order to follow the pace, range and quality of that adjustment at every moment. Serbia planned in this year the adoption of 337 regulations out of which 65 would be laws, and is predicted that for every following year, at the very beginning, would be defined a detailed legislative activity.

While the European Union is satisfied with the planned pace of the adjustment of home and european legislation, the consequences of the reform of judiciary from 2009. still represents a problem in the relations between Brussels and Belgrade. The former government was hiding from the public that its judiciary reform was one of the greatest European scandals which burdened the relations of Serbia and the European Union is such a way that the problem became even greater than the problem of Kosovo!? The European Commission in its report admits that the new Government of Serbia faced with the problem how to „reintegrate some 800 judges (who make one third of the overall number of judges) after the decision of the Constitutional Court in July 2012. to maintain the basic newly positioning of judges and prosecutors“. Brussels expects the „preparation of overall strategy which is going to enable structural and significant changes towards the objective, independent and efficient legal bodies“, as well as that the reform of the net of courts „requires overall analysis of the current net in a sense of expences, efficiency and the attitude to the justice“. The European Commission expects that Serbia is going to adopt long-term strategy of judiciary, which would correct the greatest problem of Serbian judiciary – „the lack of real judiciary independence which was found in many characteristics of the current system“. The system of positioning and promotion of judges has still not been independent, neither executively nor validly. Also, the councils must be more transparent in their functioning and their members must be responsible. Overall strategy which has been built on the basis of complete analysis of the omissions in the current frame of judiciary is the key goal“, it is said in the report of the European Commission.

The European Commission welcomed three changes being entered in the criminal law, such are „the criminalisation of the executives of the misuse at their right to the asylum in the foreign country, decriminalisation of the slander, and the decriminalisation of unauthorised public comments in judiciary processes and the admittance of certain crimes out of „rage“ motivated by the ethical, religious intolerance or sexual orientation“. It was welcomed the redefining of the criminal deed named „misuse of official position“ in a sence that no longer would be possible to apply it to legal individuals which are not at the official position.

The European Commission in its report expects that on the basis of this change „ open cases“ based on „ the misuse of the official position“ should be requalified , case by case, on the basis of new felonies in the area of economic criminal defined by the criminal law“. Besides, the European Commission also expects that „ this part of criminal law“ should be the case of „ overall revision and change in the future“ which means that we can expect new changes of the criminal law especially concerning the criminal deeds made in the economy. The European Commission concluded that „ Serbia has made a progress in the struggle against the organised criminal“. „The struggle against the corruption was the central element of the Government activities since its foundation, marked with the message „ tolerance zero“. Numerous investigations have been started, including high level of corruption in the part of troublesome cases of privatisation, which were identified in the past by the Council for the struggle against the corruption. The operative coordinations and the cooperation among the bodies maintaining the law and regulations are still satisfactory. Serbian previous evidence in the effective questioning, suing and verdicting the offenders in cases of corruption and organised criminal still needs to be further improved, and there should be provided additional human and financial sources, including the field of the witness protection, financial reporting and special suits for the organised criminal“, it is stated in the Report of the European Commission. The Commission also welcomed the attention of the Government to already during this spring prepares and adopts the Strategy of the struggle against the corruption in the period 2013. – 2018. The European Commission expects that the priorities of the strategy will be the struggle against the corruption in the „ sectors such are the urbanism and space planning, judiciary, the police, education and the health care“. It is expected better defining of the role of the Agency for the struggle against the corruption and the Council of the struggle against the corruption with „ the purpose of implementation and following of the strategy in order to be achieved the cooperation among the institutions“. From the report can be concluded that the European Commission is quite satisfied with the efforts of the Serbian Government concerning the struggle against the corruption and that this question is no longer the problem in the relations of Serbia and the European Union but the advantage of Belgrade.

Brussels paid special attention to the civil monitoring of the security services. In the Report is stated that the „ Ombudsman and the Commissioner for free access of information of public interest and protected data started the cooperation with the newly founded parliamentary council for the civil monitoring of security services and after their recommendations“, as well as that „ the Parliament adopted in February 2013. the changes of Law about military security and military safety-intelligence agency in the part of interception of communication in state security“. European Commission expects of Serbia in the following period to „ enable legal frame to clearly distincts the interception in purpose of criminal questioning and interceptions for the state security, and all in coordination with the european experiences“. Civil monitoring over the work of the security services especially in the area of interception and using data separately by the internet and phone providers and coordination of these practices with European standards are the reforms demanded by the European Union. This demand specially gets on the importance if we take into consideration writings of Serbian media about quite large number of citizens who have been targets of interception and using of personal data in the time of the administration of President Tadić. Unfortunately, about these cases citizens of Serbia become informed through the media instead through the bodies being authorized for the control of the work of services.

Change of this practice is going to be the consequence of reforms which are demanded in this area by the European Union.

The European Commission welcomed the reforms of Serbian Government in the economy and business surrounding. „ Significant and positive progress is the adoption of new Law about public supplies from 2012. This law further connects legislation of Serbia with joining and improves the efficiency of the procedures of public supplies by centralizing the public supplies. It strengthens the institutions which are authorized for the implementation and monitoring of the regulations for public supplies“, it is stated in the Report of the European Commission and is also concluded that „ the Law is going to result in more transparent and efficient procedures of supplies and the increase of the competition“.

Some other Governmental economic measures have been marked positively, such are „ the abolishing of more than 130 parafiscal fees and commissions which were burdening the businesses, the change of the law about the VAT and the adoption of the law which restrains a deadline for the call of cash obligations“. In the Report can be noticed that Brussels much insists on the abolishing of the domestic monopolies , especially in the trade. „ The Law about the international trade adopted in January 2013 has got the purpose to reduce the obstacles for the entering the market to the retailers“, it is said in the Report. The European Commission stresses that the questions of the state subventions and the rights of the intelectual properties are still opened. From the Report can be clearly seen that Brussels is going to insist on forming the independent Commission for state subventions which will have to approve each subvention of the state to the public sector, economy or local authorities. „ The independence of the Commission for the control of state aid must still be demonstrated“, it is said in the Report and is insisted on „ all measures of state aid being recorded in this Commission and approved by it“ and is stressed that „ it is necessary to carry out the change of the existing scheme of aid“.

Speaking about the „ freedom of the media“ , the European Commission concluded that „ by the decriminalisation of the slander“ has been achieved „ significant progress“. It is also welcomed the foundation of the „ ad hoc council, consisting of the journalists, police and the representatives of the Security Information Agency in January 2013. with the aim of solving the cases of the unsolved murders of the journalists“. It is asserted that it is in the procedure of the preparation the Law about public information and media „ which would cover the area of public information, the owning of media, and the concentration as well as the acreditation of foreign informants“, and the Law about the electronic media „ which would cover the area of electronic media and public emitters“. The Commission also approved the changes of Law about public enterprises by which is abolished the possibility for „ public governments of all levels to find the companies in the sector of media“, It is stated that „ the draft of the Law about public information and media which is currently on public discussion guarantees the transparency of financing and regulates the concentration of media, introduces bottom and high limits and gives the role to the Commission for the protection of competition in that process“.

Still, Brussels, despite the satisfaction about everything that have been done so far in the sphere of media, concludes that „ the reports in the media are still not enough analytic and balanced „ as well as that „ self-censorship is widely used“.

It is asserted that „ it is recorded the improvement in the field of regulations about the struggle against discrimination where it is widely used general legal frame but its implementation and execution is still necessary to be improved on the basis of tough efforts of the Government including the creation of positive climate in the society“. Brussels considers that the prequalification of criminal acts in the sence that the aggravating circumstance is treated if the crime is committed out of „ rage“ which emerged „ on the basis of ethnical origin, religion or sexual orientation“, would be a progress „ which is welcomed“. It is asserted that the Government is preparing the overall Strategy for the struggle against discrmination for the period 2013. – 2018. together with the „ active advice with interested ones“, and expresses their belief that it is going to be adopted in the second quarter of 2013. as well as that it is going to be followed by the „ implementation of the suitable Plan of activities“.

The Commission also dealt with the protection of the national minority rights as well as the Romas. It is asserted that „ Serbia, as a preparation for the elections in the Council of the Minorities in 2014. accepted the revision of the Law about the councils of national minorities from 2009., in order to remove minor flaws“.

One part of the Report is committed to the regional cooperation and bilateral relations with neighbours which has been for years now the pre-term for European integrations. It is asserted that the Government of Serbia „ after some greater difficulties in the first months of taking over their duty, has amplified its high level contacts with neighbouring countries in the last few months, trying to regain positive contribution to the regional cooperation“. It is stressed that Serbian Government „ improved its relations with Montenegro and FYR Macedonia“, compared to the politics of the previous Government. „ The relations with Montenegro have been improved. The visit of the President of Serbia lasted in a friendly atmosphere, where he stressed the respect of Montenegrin sovereignty and territorial integrity. The relations with the Former Yugoslav Republic of Macedonia have been improved, and Serbian Prime Minister visited Skoplje in January 2013., and at the meeting of the Ministers of Justice which was held on the same occasion, was also arranged to be held the mutual conference of the two Governments in May 2013. In Belgrade“, it is said in the Report and is stressed that „ Serbia made the improvement in establishing good relations with Turkey“, and that „ the importance of the relations Serbia- Turkey in the region was confirmed during the visit of the President Nikolić to Ankara“. The Commission positively marked the development of the relations with Croatia and Bosnia and Herzegovina as well as other neighbouring countries- members of the European Union – Bulgaria, Hungary and Romania.

The European Commission at the end of their Report marked that „ Serbia now in the satisfactorily amount fulfills the political criteria and terms in the Process of Stabilisation and Association“, like the Commission confirms its estimation „ about the economic criteria and readiness of Serbia to take over the obligations from the membership“ and thus „ recommends that the negotiations about joining the European Union become opened with Serbia“.

The Report of the European Commission is good news for Serbia and its citizens. It is clear that the progress of Serbia towards the membership in the European Union is going to depend on normalisation of relations between Belgrade and Priština. Brussels clearly repeated that fact several times in its Report. However, equally important are the reforms that Serbia needs to carry out, especially in the field of law governance, with special accent on the reform of judiciary, struggle against the corruption and anti-discrimination politics. There is an impression that Serbian Government is quite well familiar with the changes that need to be done, and that it bears on its mind new attitude of the European Union in the process of joining of new members which was applied after the decision of the European Council in December 2011. and according to which in the process of negotiations firstly are opened the questions of judiciary and basic rights, justice, freedom and security. Also, it should be borne in mind that the European Commission is going to insist on economic reforms and the abolishing of monopoly in the economy, and specially in trade. The fact that can cheer us up is the one that Belgrade and Brussels, after quite some time, again on the same wavelengths because the reform we are going to fulfill in the process of negotiations about the membership in the European Union are going to be primarily in the interest of the citizens, the protection of their rights, better standard and the competition. Many small countries in Europe, including Serbia, would not ever be able to reach these standards.