

Procedure file

Basic information		
INI - Own-initiative procedure	2018/2148(INI)	Procedure completed
2018 Commission report on Bosnia and Herzegovina		
Subject 8.20 Enlargement of the Union		
Geographical area Bosnia and Herzegovina		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs	 PREDA Cristian Dan	16/05/2018
		Shadow rapporteur	
		 PAPADAKIS Demetris	
		 BELDER Bas	
		 RADOŠ Jozo	
		 ŠOLTES Igor	
		 CASTALDO Fabio Massimo	
European Commission	Commission DG Neighbourhood and Enlargement Negotiations	Commissioner HAHN Johannes	

Key events			
19/04/2018	Non-legislative basic document published	SWD(2018)0155	Summary
05/07/2018	Committee referral announced in Parliament		
06/12/2018	Vote in committee		
17/12/2018	Committee report tabled for plenary	A8-0467/2018	Summary
12/02/2019	Debate in Parliament		

			
12/02/2019	Debate in Parliament		
13/02/2019	Results of vote in Parliament		
13/02/2019	Decision by Parliament	T8-0095/2019	Summary
13/02/2019	End of procedure in Parliament		

Technical information

Procedure reference	2018/2148(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 89-p4
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	AFET/8/13816

Documentation gateway

Non-legislative basic document	SWD(2018)0155	19/04/2018	EC	Summary
Committee draft report	PE625.428	12/07/2018	EP	
Amendments tabled in committee	PE629.461	18/10/2018	EP	
Committee report tabled for plenary, single reading	A8-0467/2018	17/12/2018	EP	Summary
Text adopted by Parliament, single reading	T8-0095/2019	13/02/2019	EP	Summary
Commission response to text adopted in plenary	SP(2019)327	17/07/2019	EC	

2018 Commission report on Bosnia and Herzegovina

PURPOSE: to present a Commission staff working document on the Bosnia and Herzegovina 2018 report in the context of EU enlargement.

BACKGROUND: in February 2016, the country applied for EU membership and in September 2016 the European Council invited the European Commission to submit its Opinion on the merits of Bosnia and Herzegovina's application. In December 2016, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations handed over a comprehensive Questionnaire covering all EU accession criteria. The country's consolidated answers were finalised in February 2018. The Commission has started the work on its Opinion, which will be prepared on the basis of the country's answers to the Questionnaire and follow up inquiries, dedicated peer reviews as well as Commission's consultations with international organisations and civil society.

Pending finalisation of the Opinion preparation process, this interim report on Bosnia and Herzegovina provides an update on the situation in the country as well as on key developments on fundamentals' first areas: the rule of law and fundamental rights, public administration reform and economic development. The full analysis of Bosnia and Herzegovina's situation in relation to the EU accession criteria will be carried out as part of the Commission's future Opinion and its accompanying analytical report.

Bosnia and Herzegovina continued to implement the Stabilisation and Association Agreement.

CONTENT: the EU continued to provide guidance to the country's authorities on reform priorities on the country's EU membership path.

A summary of the main chapters of the report is as follows:

Political and economic dialogue: political and economic dialogue took place between the EU and Bosnia and Herzegovina in the framework of the SAA structures which continued to operate smoothly. Regarding the political criteria, the electoral framework remains to be urgently amended with a view to ensuring the proper organisation of the October 2018 elections and the smooth implementation of the results. Bosnia and Herzegovina's constitution remains in breach of the European Convention on Human Rights, as per the Sejdić-Finci and related cases. The functioning of the Presidency of Bosnia and Herzegovina was affected by the expression of divergent positions by its individual members on a number of issues under its competence over foreign policy. The coordination mechanism on EU matters has started to function as of June 2017 with the preparation of country's answers to the Commission's Opinion Questionnaire.

Concerning the economic development and competitiveness, Bosnia and Herzegovina has made some progress, but is still at an early stage of establishing a functioning market economy. Some improvements of the business environment have been achieved and the financial sector has been strengthened. Key remaining issues are a weak rule of law, a still poor business environment, a fragmented and inefficient public administration and major labour market imbalances, related to a poor education system, weak institutional capacities, and an unsupportive investment climate. Moreover, the informal economy remains significant. Bosnia and Herzegovina has made some progress and remained at an early stage in achieving the capacity to cope with competitive pressure and market forces within the Union. The overall level of education and spending on research and development has remained low. Transport and energy infrastructure is insufficiently developed.

Judicial system: Bosnia and Herzegovina has some level of preparation regarding its judicial system. Some progress was made regarding the judiciary, but overall, reforms progress at a slow pace.

Corruption and organised crime: there is some level of preparation regarding the fight against corruption. However, corruption is widespread and remains an issue of concern. Bosnia and Herzegovina has some level of preparation on the fight against organised crime. Some progress was made, notably by adopting a new strategy on fighting organised crime and fulfilling the action plan on anti-money laundering and financing of terrorism as a result of which Bosnia and Herzegovina will no longer be subject to Financial Action Task Force Monitoring. However, significant efforts are needed regarding financial investigations and improving capacities for countering terrorism as well as enhancing cooperation with neighbouring countries on border management issues.

CFSP and CSDP: the EU continued to deploy considerable resources in Bosnia and Herzegovina under the common foreign and security policy and the common security and defence policy. However, Bosnia and Herzegovina's alignment with EU common foreign and security policy has yet to be improved. The EUFOR Althea military operation remained deployed in the country and EUFOR retained deterrence capacity to support a safe and secure environment. Bosnia and Herzegovina did not align itself with Council decisions introducing EU restrictive measures in the context of Russia's illegal annexation of Crimea and events in eastern Ukraine.

Fundamental rights and freedom of expression: some progress was achieved on human rights and minorities issues. However, the strategic, legal, institutional and policy frameworks for the observance of human rights are in need of substantial improvement. This includes freedom of expression where political pressure and intimidation of journalists continued, including physical and verbal attacks. Gender-based and domestic violence remains a concern. A more comprehensive and integrated approach towards the Roma population is required to foster their social inclusion.

2018 Commission report on Bosnia and Herzegovina

The Committee on Foreign Affairs adopted the own-initiative report by Cristian Dan PREDA on the 2018 Commission Report on Bosnia and Herzegovina (BiH).

It noted that the Commission is preparing its opinion on BiH's application for EU membership and that on 20 June 2018, BiH received more than 600 follow-up questions to the Commission's questionnaire and has not yet been able to send its replies to the additional questions.

The committee stated that it was concerned about the marked slowdown in the pace of EU-related reforms since 2017, noting that no substantial progress has been achieved apart from the adoption of the countrywide strategies in the field of the environment, rural development and energy, and the amendments to the Law on Excise Duties necessary for ensuring IMF and EBRD funding. Members stressed that the declared commitment of the BiH authorities to the European path must be matched by consistent implementation of reforms stemming from the Reform Agenda and translated into concrete results, regardless of citizens' ethnic and religious affiliation. The committee deplored the fact that BiH remains in breach of the European Convention on Human Rights by not implementing the rulings of the European Court of Human Rights (ECHR) in *Sejdić-Finci* and related cases, which allows overt discrimination between citizens in BiH in flagrant contradiction with EU values and norms.

Members also deplored the nationalistic and inflammatory rhetoric leading up to the elections on 7 October 2018 and also stressed the continuing shortcomings in the democratic election process and expected the OSCE/ODIHR recommendations to be addressed without delay. Members noted that the electoral campaign was focused mainly on divisive issues linked to the past, rather than on proposing concrete solutions to resolve citizens' day-to-day problems. They regretted that the issue of democratic and legitimate representation of three constituent peoples and of all citizens remains unresolved. All parties were urged to find a timely compromise as the new legislators should address this issue as soon as possible. Members also regretted the lack of progress on freedom of expression and the independence of the media, and rejected continued attempts to put political and financial pressure on the media.

They called on the authorities in Bosnia to proceed with constitutional, political and electoral reforms in order to advance in the EU integration process, and transform BiH into a fully effective, inclusive and functional state based on the rule of law. The report noted that the country's EU membership application represents a strategic choice and a commitment to advance towards the EU.

The committee renewed its call for the adoption of a countrywide strategy on human rights, and called for additional steps to be taken to reinforce the protection of minority rights. In this respect it stressed the need for:

- the establishment of a national preventive mechanism for the prevention of torture and ill treatment;
- a state law on the rights of civilians tortured during the war;
- more effort to bring the conditions in prisons and police holding facilities into line with international standards;
- repeal of the provision on the death penalty from the Republika Srpska's constitution;
- non-discriminatory access to justice throughout the country through a harmonised and sustainable system of free legal aid;
- decisive action be taken at all levels in order to find systemic solutions that will ensure inclusive and non-discriminatory education for all children;
- more effective implementation of the legal provisions regarding equality between men and women, reducing pay gaps between men and women and enhancing access to the labour market for women, and for the combating of gender stereotypes in society;
- measures to further improve the education, employment rates, health, housing and living conditions for Roma people and other minorities.

Lastly, the committee deplored the fact that, owing to the attempts to introduce ethnic blocking into the EU-BiH Stabilisation and Association Parliamentary Committees (SAPC) voting rules, delegates from BiH have still been unable to agree on the rules of procedure for the SAPC, which has consequently not met for three years. It regretted the failure to cooperate with the European Parliament, recalling that this is a clear breach of the obligations stemming from the SAA and urges all actors to agree to and accept the SAPCs rules of procedure based on the European Parliaments recommendations on the subject.

2018 Commission report on Bosnia and Herzegovina

The European Parliament adopted by 468 votes to 123, with 83 abstentions, a resolution on the 2018 Commission Report on Bosnia and Herzegovina (BiH).

The Commission is preparing its opinion on BiHs application for EU membership. BiH drew up its replies to the Commissions questionnaire and submitted them on 28 February 2018. BiH received more than 600 follow-up questions on 20 June 2018 and has not yet been able to send its replies to the additional questions.

Members stated that they were concerned about the marked slowdown in the pace of EU-related reforms since 2017, noting that no substantial progress has been achieved apart from the adoption of the countrywide strategies in the field of the environment, rural development and energy, and the amendments to the Law on Excise Duties necessary for ensuring IMF and EBRD funding.

Parliament stressed that the declared commitment of the BiH authorities to the European path must be matched by consistent implementation of reforms stemming from the Reform Agenda and translated into concrete results, regardless of citizens ethnic and religious affiliation.

Ending the nationalist and ethnic discussion

Members regretted the nationalistic and inflammatory rhetoric leading up to the elections on 7 October 2018 elections and also stressed the continuing shortcomings in the democratic election process and expected the OSCE/ODIHR recommendations to be addressed without delay. Members noted that the electoral campaign was focused mainly on divisive issues linked to the past, rather than on proposing concrete solutions to resolve citizens day-to-day problems. They regretted that the issue of democratic and legitimate representation of three constituent peoples and of all citizens remains unresolved. All parties were urged to find a timely compromise as the new legislators should address this issue as soon as possible.

Parliament called for the EU integration process to be properly communicated to the public also as a project for reconciliation and the development of a political culture based on compromise and mutual understanding. It called on political leaders and elected members of parliaments to show responsibility in order to avoid any statements challenging the unity of the State.

Members also regretted the lack of progress on freedom of expression and the independence of the media, and rejected continued attempts to put political and financial pressure on the media.

They called on the authorities in Bosnia to proceed with constitutional, political and electoral reforms in order to advance in the EU integration process, and transform BiH into a fully effective, inclusive and functional state based on the rule of law. The resolution noted that the countrys EU membership application represents a strategic choice and a commitment to advance towards the EU.

Improve the protection of human rights

Parliament deplored the fact that BiH remains in breach of the European Convention on Human Rights by not implementing the rulings of the European Court of Human Rights (ECHR) in the Sejdi?-Finci, Zorni?, Pilav and Iaku cases, which allows overt discrimination between citizens in BiH in flagrant contradiction with EU values and norms.

Parliament renewed its call for the adoption of a countrywide strategy on human rights, and called for additional steps to be taken to reinforce the protection of minority rights. In this respect it stressed the need for:

- the establishment of a national preventive mechanism for the prevention of torture and ill treatment;
- a state law on the rights of civilians tortured during the war;
- more effort to bring the conditions in prisons and police holding facilities into line with international standards;
- repeal of the provision on the death penalty from the Republika Srpskas constitution;
- non-discriminatory access to justice throughout the country through a harmonised and sustainable system of free legal aid;
- decisive action be taken at all levels in order to find systemic solutions that will ensure inclusive and non-discriminatory education for all children;
- more effective implementation of the legal provisions regarding equality between men and women, reducing pay gaps between men and women and enhancing access to the labour market for women, and for the combating of gender stereotypes in society;
- measures to further improve the education, employment rates, health, housing and living conditions for Roma people and other minorities.

Lastly, the resolution deplored the fact that, owing to the attempts to introduce ethnic blocking into the EU-BiH Stabilisation and Association Parliamentary Committees (SAPC) voting rules, delegates from BiH have still been unable to agree on the rules of procedure for the SAPC, which has consequently not met for three years. It regretted the failure to cooperate with the European Parliament, recalling that this is a clear breach of the obligations stemming from the SAA and urged all actors to agree to and accept the SAPCs rules of procedure based on the European Parliaments recommendations on the subject.