

EU - CROATIA JOINT PARLIAMENTARY COMMITTEE

2nd Meeting

4-5 October 2005

Brussels

DECLARATION AND RECOMMENDATIONS (adopted on 5 October 2005)

SMZ/GG/sw/pel
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PE 366.155

The Joint Parliamentary Committee EU-Croatia held its 2nd meeting on 4-5 October 2005 in Brussels, under the co-chairmanship of Mr. Pal SCHMITT (HU, PPE-ED), for the European Parliament, and of Mr. Gordan JANDROKOVIĆ (HDZ -Croatian Democratic Union), for the Croatian Parliament .

It exchanged views with:

- Mr Angus LAPSLEY, Deputy Co-ordinator for the Balkans at the British Foreign Office, on behalf of the Presidency-in-Office of the Council of the European Union;
- Mr Vladimir DROBNJAK, Chief Negotiator of the Republic of Croatia, on behalf of the Government of the Republic of Croatia;
- Mr Fabrizio BARBASO, Director General of DG Enlargement, on behalf of the European Commission.

The members of the Joint Parliamentary Committee addressed the following subjects:

- reform of the judiciary and the police
- co-operation with ICTY, with a particular view to the implementation of the Government's Action Plan
- return of refugees and situation of the minorities living in Croatia, with a particular view to the Serb minority
- the privatisation process in Croatia
- regional co-operation and cross border activities, with a particular view to the initiatives of Croatian and neighbouring countries local authorities and communities.

The Joint Parliamentary Committee, in accordance with Rule 3 of its Rules of Procedure and Article 116 of the EU-Croatia Stabilisation and Association Agreement addressed the following recommendations to the Stabilisation and Association Council, the institutions of Croatia and of the European Union:

On Croatia's accession to the EU

1. stressed that, through its history, geography and culture, Croatia has a natural vocation for EU membership and that the opening of accession negotiation on 3 October 2005 constituted a wider political signal for Croatia itself, as well as for the entire region of South East Europe; noted the positive impact which the accession perspective can have on all the countries of the region aspiring to become candidates and reaffirmed that enlargement is an evolutionary process open to any European country which complies with the criteria laid down in the Treaties and fulfils the Copenhagen criteria;
2. was sincerely pleased with the conclusions of the General Affairs Council concerning Croatia on 3 October 2005 deciding on the opening of accession negotiations with Croatia; warmly welcomed the actual opening of negotiations by holding the first meeting of the Intergovernmental Conference between EU and Croatia on 3 October 2005 in Luxembourg and looked forward to a smooth and constructive negotiation process;
3. recalled that, according to the criteria defined by the Copenhagen European Council in 1993, membership requires that the applying country has achieved a stability of its institutions, guaranteeing democracy, the rule of law, respect for human rights and protection of

minorities, and has ensured the existence of a functioning market economy, as well as the capacity to cope with competitive pressure within the Union;

4. stressed that the European Council conclusions of Copenhagen had specified that, whilst various accession negotiation processes could be conducted in parallel, each candidate would be judged on its own merits, and that, consequently, no link could be made as to the accession date among different countries;
5. welcomed the recent measures adopted by the Croatian Government for completing the fulfilment of the political criteria, as well as the declarations adopted by all the Croatian political parties confirming joint readiness to support and cooperate during the negotiations for EU membership; invited the political parties represented in the Sabor to continue working on the priority political and legal issues facing Croatia on its way to EU membership, in particular, reform of the judiciary, continuous co-operation with the ICTY, protection and guarantee of minority rights and return of refugees;
6. welcomed the overall efforts and achievements of the Institutions of Croatia to move the country forward towards the European Union by introducing the necessary political, social, economic and other reforms, and recalled the positive aspects of the Avis regarding functioning democracy, market economy and the rule of law; appreciated that the Government and the Parliament had timely put in place the team and the various bodies who would represent the country during the accession negotiations;
7. considering the progress achieved by Croatia in the adoption of EU-related legislation, and in particular the fact that a considerable part of the EU *acquis* has already been adopted, and given that legislation and reforms would be implemented accordingly, expressed the hope that Croatia would become Member of the EU as soon as possible, and possibly still in the current decade;
8. encouraged the efforts of Croatia to improve its administrative capacity as regards the EU financial assistance under the Community Assistance for Reconstruction, Development and Stabilisation Programme (CARDS) and the other programmes which will be extended to Croatia (Phare, Ispa, Sapard), and drew particular attention to the future IPA programme and the need to create the administrative and strategic preconditions for its implementation;
9. expressed concern for the decrease of support of the Croatian population for their country's EU membership and hoped that it would increase again, especially following the opening of accession negotiations, provided that the advantages and challenges of accession to the EU are correctly explained to the public;

On the political criteria:

- reforms of the judiciary and the police

10. recalled that the European Partnership of the EU with Croatia identifies the reform of the judiciary as a short term priority, through adequate development and implementation of a comprehensive strategy; underlined that the strengthening of the judicial system, its improved professionalism and impartiality and the capacity of appropriate enforcement of

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judicial decisions, will be essential for the preparation of Croatia to join the European Union and for further economic development;

11. welcomed the Strategy for the Reform of the Judiciary adopted by the Croatian Government and recognised that Government started to tackle successfully some of the shortcomings, in the hope that the reform process will be further accelerated, especially for the aspects of case management in the courts, training of judges, enforcement of judicial decisions and the introduction of alternative means of dispute resolution;
12. encouraged the Government to further strengthen efforts for the implementation of the anti-corruption legislation which has already, to a large extent, been adopted;
13. on police reform, welcomed the steps taken by the Government for improving police education and training and the coordination and effectiveness of the investigative and intelligence services and noted the appointment of a new Minister of Home Affairs in July 2005; encouraged the Government to take special care of the human resources management system of the police; expressed its conviction that these measures could contribute to further strengthening of the rule of law in the country;

- co-operation of Croatia with the ICTY (International Criminal Tribunal of the former Yugoslavia)

14. in line with the Council's conclusions of 3 October 2005, confirmed that sustaining full-co-operation with the ICTY would remain a requirement for progress throughout the accession process, took note that this aspect would form part of the European Commission's reports on Croatia's fulfilment of the political criteria; noted that the Council agreed that less than full co-operation with the ICTY at any stage would affect the overall progress of the negotiations;
15. welcomed the Action Plan launched by the Croatian Government last Spring, which, along with measures intended to improve the quality of intelligence, investigation and to break down the network of supporters of the indicted wanted, also contains important tools for public awareness and communication campaigns on the necessity of full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY); welcomed the report by the ICTY Chief prosecutor that Croatia is now co-operating fully with the ICTY and shared her hope that Ante Gotovina would be transferred to The Hague soon;
16. welcomed the firm commitment of the Croatian Government to continue with the full co-operation with the ICTY;
17. concerning war crimes trials in domestic courts, encouraged the relevant authorities to closely follow the functioning of the procedures, so as to avoid any disparity on the basis of the national origin of the prosecuted, to ensure fair security for witnesses and a smooth functioning of inter-state judicial co-operation or mutual legal assistance;

- return of refugees and minority rights

18. noted that Croatia made preparations to facilitate the return of refugees still abroad, also through the raising of public awareness; welcomed the signing, on 31 January 2005, of the Sarajevo Declaration on the Return of Refugees by Croatia, Bosnia and Herzegovina and Serbia and Montenegro, which confirms the commitment of the three countries to create the conditions for the return, to provide support to those who would decide to stay in the country where they currently reside and to solve the status of remaining refugees and exiled by the end of 2006; took note that Croatia was the first country to adopt in July 2005 its national Road Map related thereto; noted that this adoption should facilitate the next stage of the process which implies an integrated approach to refugee return in the region, a resolute political will of implementation and availability of appropriate resources for the process to be successfully enhanced; understood at the same time that, ten years after the end of the war, return movements can not be forced and that the obstacles to refugee return are of a diverse nature;
19. stressed the importance of the implementation of the provisions for housing of refugees and returnees, including those who were holders of occupancy/tenancy rights in socially owned flats, the stability of re-installment and the quality of life of those who chose to return, also through a better allocation of financial resources; recalled that, to achieve such a goal, local problems of housing reconstruction, property re-possession, possible discrimination in employment and for access to basic services must be overcome;
20. recalled that Croatia has so far invested more than 3.5 billion Euros for the return of refugees and reconstruction of houses, apartments and infrastructure;
21. recalled that minorities are an integral part of the Croatian society; welcomed the policy of the Croatian Government to ensure the political participation and representation of minorities in the legislative and executive bodies and state and local administration, judiciary, police etc., as well as the allocation of budgetary financial resources to the national minorities; recommended to the Government of Croatia to continue to implement the Constitutional Law on the rights of minorities and to further guarantee an adequate representation of national minorities in State bodies; considered it important to further promote social and inter-ethnic tolerance in Croatian society and to raise local communities' awareness of the crucial importance of minorities' participation in local self-government Institutions;

On the privatisation process in Croatia

22. took note with satisfaction of the relative macro-economic stability in Croatia, the excellent results in the tourism sector and the important achievements in the transport infrastructure and stressed that the Government should continue to implement the reform programme intended to remove remaining weaknesses in the functioning of the economic mechanisms, like the high external debt, and to address concerns, among others, for high unemployment;
23. observed that, although recent progress in the country with provisions intended to make it a more business-friendly environment, privatisations should be dealt with more effectively, especially those of the largest strategic companies; recommended therefore that restructuring and privatisation processes be speeded up and conducted in the exclusive interest of sound

and harmonious economic development of the country; took note of the drafting of the new Privatisation Act;

On regional co-operation and cross-border activities and subsidiarity

24. emphasising the importance of regional co-operation and good neighbourly relations through compromise and dialogue among the concerned countries, supported the efforts of Croatia for further strengthening of relations; welcomed also the efforts of the country to address all remaining open issues with neighbouring countries through political dialogue;
25. welcomed the achieved progress in all aspects of regional cooperation, including in political and economic fields, in the context of strengthening regional dialogue; particularly mentioned the ongoing work for increasing the achieved level of cooperation in the sectors of energy, transport and border security;
26. encouraged the initiatives and activities carried out by local authorities and communities, in Croatia and in the neighbouring countries, for strengthening cross-border understanding and border regions' economic and social developments; considered that, in this context, the creation of a joint EU-Croatia consultative body, at the level of the Committee of the Regions, could be useful;
27. considered it useful to further deepen the co-operation with Members of the Committee of the Regions of the EU and representatives of regional and local authorities in Croatia in order to encourage the decentralisation process and monitor the respect of the principle of subsidiarity in Croatia.

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