



EUROPEAN UNION

OSCE Permanent Council N°1090 Vienna, 18 February 2016

EU Statement in Response to the Report by the Head of the OSCE Mission in Serbia, Ambassador Peter Burkhard

The European Union and its Member States welcome Ambassador Burkhard back to the Permanent Council and thank him for his thorough report on the Mission to Serbia's activities over the past year.

Since Ambassador Burkhard's last report there have been significant positive developments in Serbia, most notably the opening on 14th December of EU Accession Chapters 32 on financial control and 35 on other issues - normalisation of relations between Serbia and Kosovo* respectively. This huge step in the EU accession process of Serbia has been made possible by further agreements in the framework of the EU-facilitated Belgrade-Pristina Dialogue. Serbia also engaged constructively in fostering regional cooperation. We congratulate Serbia and Foreign Minister Dačić on concluding its cooperative and industrious Chairmanship of the OSCE, and trust that it will continue to play a valuable role as a member of the Troika during 2016.

Mr Chairperson, we underline that the opening of two EU Accession Chapters constitutes a positive step. It is the start of a process and there is much still to do. In this regard, we look forward to swift progress towards the opening of Chapters 23 and 24 on the Rule of Law. We take positive note of Serbia's submission of its Actions Plans for these chapters, which should provide clear guidance for future reforms and for developing a solid track-record in these areas. We note that despite previous concerns expressed - including by the OSCE Mission and the European Commission – the pace of reforms in Serbia still needs to be more inclusive and

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

thoroughly planned. Thorough implementation of meaningful reforms should be the priority, and we call for the use of urgent procedures in parliament to be curtailed.

We commend Serbia for its constructive response to the migration and refugee crisis, and the OSCE Mission in Serbia for its flexible approach to assist Serbia in this daunting challenge. We would like to encourage the Mission to continue assessing which additional support it can lend to Serbia within its existing mandate.

We note the shortcomings identified by Ambassador Burkhard in the election to self-administration bodies of the judiciary and prosecution, and would like further information from the Ambassador on the impact of this, and what steps the Mission has taken to engage the Serbian authorities on this issue. We also note the list of challenges confronting the media environment in Serbia and welcome the engagement of the Mission in supporting implementation of the new media laws. We call upon the Serbian government to address issues such as editorial independence and violence against journalists. We invite the Mission to support these efforts in coordination with the Representative for the Freedom of the Media and encourage the Serbian authorities to draw on the institution's expertise and advice.

The European Union and its Member States continue to highly value the important support provided to Serbia by the OSCE Mission, and the spirit of cooperation with the host country, which should serve as an example to other host countries on the benefits derived from engaging positively with OSCE field operations. In particular we commend the work of the field presences in Novi Pazar and Bujanovac and the engagement of the Mission on national minorities. We regret that there has been no progress in negotiations on the seven point Common Agenda with ethnic Albanian leaders. We underline the importance of respecting and promoting the rights of persons belonging to national minorities, throughout Serbia, as well as ensuring the non-discriminatory treatment, in line with the international standards and commitments as well as bilateral agreements pertaining to the rights of persons belonging to national minorities, particularly in relation to education, the use of languages, access to media and religious services in minority languages, and representation in public administration and representative bodies at all levels.

We welcome the Mission's support to the work on the census in the south of Serbia. We welcome the focus of the Mission in supporting work to improve institutional and administrative capacities for more effective prosecution of war crimes. In this regard, we encourage the Mission to continue to support the Serbian authorities to show full cooperation with the ICTY, in regard to which renewed concerns have recently arisen, including assistance in addressing all outstanding issues pertaining to its rulings, to allow for greater regional cooperation and reconciliation.

We also appreciate the Mission's support to various new laws and reforms, including the Law on Police and Fighting Financial Crime. Regarding the latter, we note the conclusion of the European Commission that corruption remains an issue in Serbia. We welcome progress in regional cooperation and appreciate the Mission's focus on this, for example continuing the "Follow Us" initiative, and supporting regional youth exchanges, for example with Albania. While recognising that the OSCE Mission in Kosovo has a clearer entry point, we would encourage the Mission to Serbia within its mandate to consider whether it can also play a role in supporting the Belgrade-Pristina Dialogue.

Mr Chairperson, we welcome the broad and intensive activities of the Mission. At the same time, we note that a trend of insufficient implementation of new laws continues. We would therefore like to ask the Mission how it foresees adaptation to new demands and how it believes it can best support Serbia's reform path. With that in mind, we would be interested in hearing from Ambassador Burkhard whether a strategic review of the Mission's activities could provide useful direction, as has been the case with other field operations.

We continue to underline that for all field operations effective evaluation is essential in ensuring the efficient use of resources, and that activities remain result-oriented. We encourage the Mission to focus its reporting at outcome level, on results and follow-up, and to ensure continuous evaluation. To that end, we would be grateful if Ambassador Burkhard could highlight some of the key impacts of the Mission's programmatic work during this reporting period, as well as providing information on what is planned by way of evaluation during the next year.

Finally, Mr Chairperson, we note the planned early general elections in 2016, and anticipate engagement by the Mission in helping Serbia minimise the disruption to its reform agenda. In preparing for the elections, we urge the Serbian government to maximise implementation of previous ODIHR recommendations.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and NORWAY, members of the European Economic Area, as well as UKRAINE align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.