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**8th meeting, 27 February 2019, Brussels**

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**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 (CSOs) 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, social and civic interests.

The JCC is made up of 18 members, nine from each side, representing the European Economic and Social Committee (EESC) and Serbian civil society. During its current term, the JCC is co-chaired by **Ana Milićević-Pezelj**, member of the EESC and Executive Secretary of the Union of Autonomous Trade Unions of Croatia (SSSH), and **Boško Savković**, Secretary General of the Serbian Association of Employers.

The members of the JCC discussed the state of play and the work ahead in Serbia's accession negotiations to the EU. They discussed digitalisation as a tool for social and economic development, and assessed participation of CSOs in the public administration reform in Serbia. They also held a discussion on enabling civic space and the situation of civil society in Serbia.

# **State of play of EU-Serbia relations and the accession process**

## The JCC is pleased that since the last meeting, Serbia has opened Chapter 17 (Economic and monetary policy) and Chapter 18 (Statistics). This brings the number of chapters open to 16, of which two have already been provisionally closed. The JCC once again calls for increased efforts from the Serbian authorities towards meeting the benchmarks set for the opening and closing of the chapters, especially the interim benchmarks in the rule of law chapters (Chapters 23 and 24) and political criteria.

## The JCC is pleased that the current Romanian Presidency of the Council of the EU kept the integration of the Western Balkan countries high on its list of priorities. It also notes with satisfaction that the future Croatian Presidency of the Council of the EU plans to hold another EU-Western Balkans Summit in the first half of 2020 and expresses hope that this Summit will become a new impetus delivering concrete results for the EU enlargement countries and Serbia in particular.

## The JCC calls upon Serbian authorities and the EU institutions to address elements of state capture identified in 2018 Communication on EU Enlargement Policy. It calls on the EU institutions to monitor more effectively the reforms in the area of the rule of law in the EU candidate countries by commissioning independent analysis of mechanisms that endanger democracy and lead to capturing of public institutions for political purposes[[1]](#footnote-1).

## The JCC calls the new European Parliament and the new European Commission to continue to be supportive of the EU enlargement policy after the European elections in May 2019 and to improve its toolbox of engagement with the Western Balkans. Once again, it welcomes the proposed increase of the funds allocated for the new Programme for Pre-accession Assistance for 2021-2027 (IPA III) and invites all EU institutions to support it. This increase would enable Serbia and other countries of the Western Balkans to better prepare for accession, meet the acquis standards and improve economic and social convergence with the EU.

## The members of the JCC are pleased that economic growth in Serbia is still strong (at about 4 %) and that unemployment rate keeps falling, even though this fall does not seem to be reflected in a substantial rise of employment and quality jobs. The JCC stresses once again that in order to create new jobs it is important to have a favorable and more predictable business environment, as well as to develop adequate support to foster labour market integration.

## The JCC invites once again the Serbian authorities to focus, in close cooperation with the social partners and other CSOs, on structural reforms in the area of social policy, tax system, education and employment, with the aim to reduce poverty and inequalities that are still considerably high in Serbia. When adopting key reforms and legislation, the JCC reminds the Serbian authorities of the importance of conducting quality debates and analysis within the Serbian Parliament.

## The JCC expresses strong concern that Freedom House Report 2019declined Serbia’s status from Free to PartlyFree due to "deterioration in the conduct of elections, continued attempts by the government and allied media outlets to undermine the independent journalists through legal harassment and smear campaigns"[[2]](#footnote-2). The JCC is also concerned with limitations in public dialogue and oversight of the executive by the Serbian Parliament where the ruling majority tends to limit the opposition's time for debate with the practice of filibustering. It expresses concern over the trend of abuse of public office by the representatives of the executive during the electoral campaigns in Serbia and the lack of reaction from the relevant state institutions. It calls for the implementation of recommendations of the ODIHR and national CSOs on the improvement of the legal framework for conducting elections and electoral campaigns.

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## The JCC also points out with distress that Serbia in 2018 World Press Freedom Index of the Reporters without Borders fell ten places compared to 2017 because of "alarming number of attacks on journalists that have not been investigated, solved, or punished, and the aggressive smear campaigns that pro-government media orchestrate against investigative reporters"[[3]](#footnote-3).

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## The members of the JCC also note with regret that Serbia dropped two points in Transparency International's 2018 Corruption Perception Index (CPI) and therefore they strongly request full respect of the independence of judiciary and other institutions that are responsible for maintaining the rule of law, fighting corruption and respecting fundamental rights. They express concern that the amendments proposed from the Serbian government to the Constitution of the Republic of Serbia will not create preconditions for independent judiciary, free from political influence, and condemn the attacks by high-level politicians and pro-government CSOs on professional judicial associations who criticised these proposed amendments.

# **Digitalization as a tool for social and economic development**

## The JCC welcomes the fact that the European Commission has established a Digital Europe Programme, underscoring the EU's intention to make Europe a leading player in digitalisation and to increase its economic strength and competitiveness on the world stage. Members of the JCC equally welcome the recent launching of the Digital Agenda for the Western Balkans that calls for investment in broadband connectivity, increasing cybersecurity and strengthening the digital economy and society, as well as for gradual reduction of roaming charges between the EU and the Western Balkans, and within the Western Balkans itself, to the benefit of citizens and companies.

## The JCC welcomes the fact that digitalisation remains a key priority for Serbia. Nevertheless it regrets that the Serbia 2018 Report reports moderate preparedness in the field of information society and media, and calls on the Serbian government to increase their efforts to achieve effective and systematic implementation of legislation, taking also into account the recommendation of the 2018 OECD study[[4]](#footnote-4). It encourages the Serbian authority to take decisive steps to improve Serbia's Digital Economy and Society Index (DESI), especially in areas such as internet usage by citizens, network coverage for new generations' access and the cost of broadband access.

## The JCC welcomes the New Skill Strategy for Europe[[5]](#footnote-5) and the Digital education action plan[[6]](#footnote-6) and invites the Serbian authorities to study these documents. The JCC stresses that citizens and companies are the real motor of digital development and it recommends that – in order to be able to fully use the potential of digitalisation as a tool for economic growth and social development – the Serbian government step up its efforts in the area of digital education and training. Members of the JCC call on Serbian authorities to invest more in modernisation and digitalisation of schools and to enable high speed internet in all primary and secondary schools. They point out that the connection between academia and the economic sector should be further improved and more opportunities for e-learning and life-long learning created.

## Members of the JCC invite the Serbian authorities to invest more in infrastructure, research and development in order to make digital innovations available to all Serbian citizens for personal or professional purposes and in order to make Serbian products more competitive. They welcome the significant steps made in Serbia concerning the provision of e-government and e-health services and invite the Serbian authorities to make additional improvements concerning the number of institutions that provide such services, as well as the number of services that are available to public. Along with e-government, e-business, e-trade and e-banking for citizens and businesses should also be widely promoted and facilitated at national and local level.

## Members of the JCC point out that it is necessary to prioritise the e-inclusion of underprivileged groups (older workers, low-skilled workers, disabled people, those returning to the labour market following a break to care for others and migrants). Special attention should also be paid to the young people in order to develop and implement targeted programmes equipping them with the relevant skills, including digital ones, which would facilitate transition from school to the labour market and transition between jobs. The JCC stresses that gender aspect should also be taken into account, addressing stereotypes in education and on the labour market.

## The members of the JCC express concern at the fact that only a limited number of businesses in Serbia use internet and digital tools to increase their productivity and further their development. They call for support to micro-enterprises and SMEs to help them to develop and implement their IT projects and gear activities and programmes better to their needs. The JCC welcomes the formation of the Center for Digital Transformation by the Chamber of Commerce and Industry of Serbia, which aims to help SMEs establish a support model for the digital transformation.

## The JCC highlights the role of the social partners and other civil society organisations in digital transformation. It calls on the Serbian authorities to include them in a better and more effective way, including through collective agreements, in the policy-making process since social dialogue will be of crucial importance in the efforts to alleviate the effects of the digital revolution on the future of work and labour relations. The aim of such cooperation should be to frame adequate medium- and long-term measures that will ensure modernisation of the education and training system making it more fit to the needs of the changing world of work, decent remuneration, quality of employment, work-life balance and universal access to social security.

## Besides bringing economic and social progress, the JCC points out also to the negative consequences of digitalization such as information overload, internet addiction and social and professional isolation due to emergence of new forms of employment (such as crowd work and teleworking) and calls for timely measures to be taken in order to alleviate such occurrences. Since such new forms of employment, although reducing cost for employers, could increase anxiety of job precariousness among employees, the JCC calls on Serbian authorities to gradually adapt its labour and social legislation, in close cooperation with the social partners, to the digitalized society.

## The JCC members ask the public authorities in Serbia to pay special attention to digital identity, the security of online transactions, the internet as a safe place for minors, the right to privacy and the right to be forgotten. It calls for education campaigns at all levels, from family and school to the work community, to raise awareness among citizens of the need and methods available to ensure personal and collective cyber security. The JCC members ask to promote and ensure a whole-of-government and whole-of-society multi-stakeholder approach in ensuring national cybersecurity and digital literacy.

## The JCC members urge the EU institutions to secure funds for the building and modernisation of digital infrastructure in Serbia, not only through the Instrument of Pre-Accession (IPA), but also by exploring ways of including Serbia in other EU programmes and initiatives on digitalisation. They welcome the opening of the Broadband Competence Offices (BCO) network to the Western Balkans partners and urges Serbia to make the best use of the information and workshops available.

## The JCC expresses concern regarding the newly adopted Personal Data Protection Act since it does not provide guidance for its implementation and introduces a number of unjustified exceptions regarding privacy of data collected by security institutions. The JCC condemns irresponsible handling of private data by public authorities and unauthorised leaking of sensitive personal data of citizens, CSOs, media and trade union activists who highlight problems in governance.

# **Public administration reform (PAR) in Serbia**

## Concerning the *Strategic Framework for PAR* the JCC recommends to the Serbian government to:

* start consultations with CSOs on strategic documents as early as possible, broadly advertise these consultations in order to give an opportunity to participate in them to all interested CSOs and to make reports on these consultations public, clearly addressing all inputs received;
* meaningfully take into consideration contributions from social partners, CSOs and academic community.

## Concerning *policy development and coordination* the JCC recommends to the Serbian government to:

* regularly publish implementation reports of annual work programmes at the official governments website and include citizen-friendly summaries of government's activities;
* publish agenda items and meeting minutes for each governmental session;
* introduce mechanisms for regular public consultations and carry out regulatory impact assessments (RIA) when preparing reforms and legal proposals.

## The JCC asks the Serbian government to ensure further depolitisation of the state administration, especially with regards to the hiring of new staff. They stress that the selection procedure following an open competition should always be conducted in accordance with objective criteria, as should staff appraisals.

## Concerning *public service and human resource management* the JCC also recommends to the Serbian government to:

* explicitly limit the duration and prescribe unambiguous criteria for the selection of temporary staff in the state administration;
* ensure maximum transparency of the outcomes of the recruitment procedures, including when competitions are annulled, and define clear criteria for the admission of external candidates;
* regulate by legislation the acting positions in a way which unequivocally shows the intention of regulating such a state as exceptional, temporary and serving the sole purpose of ensuring continuity in the work of a body or sector with a vacant senior civil service position. In addition, it should urgently cease the practice of appointing and reappointing acting managers and appoint senior civil servants in accordance with the legal provisions.

## Concerning *transparency* the JCC recommends to the public authorities to:

* communicate to the public by using simple, citizen-oriented language on their websites, focusing on ease of access and better user experience;
* proactively publish their annual work reports online;
* start producing and publishing citizen-friendly versions of their annual budgets;
* start publishing at least one open dataset pertaining to their scope of work in line with the open data standards.

## Concerning *service delivery*, members of the JCC recommend to the Serbian public authorities to aim for one-stop-shop system that includes as many obtainable services possible in one place and to regularly collect through e-government portal user feedback in order to improve the e-government service delivery further. As far as *public finance management* is concerned, members of the JCC stress the importance of the implementation of the existing rules on transparency of budget execution and audit.

## Regarding the draft proposed amendments to the Law on Free Access to Information of Public Importance the JCC requests the Serbian government to enable free access to information for citizens, without unnecessary restrictions (in terms of labelling information as classified or restricting its access when it comes to state-owned enterprises, Treasury and the National Bank of Serbia). It calls the Serbian authorities to initiate the procedure for the appointment of the new Commissioner for information of public importance and personal data protection as soon as possible, in a transparent competition that would allow for the selection of the most qualified candidate with no conflict of interest.

# **Enabling civic space and overview of the civil society situation in Serbia**

## The members of the JCC once again invite the Serbian authorities to strengthen the independence of the Regulatory Authority of Electronic Media, as well as other independent regulatory bodies and associations of liberal professions, and to ensure the implementation of their decisions. They call for the Serbian government to complete the procedure for amending the Law on the Protector of Citizens and the Law on the Anti-Corruption Agency in a transparent process and with full participation of all stakeholders, making sure not to decrease the existing level of protection.

## The JCC strongly condemns the attacks on CSOs by representatives of government, parliament and government-funded media and invites the Serbian authorities to do everything in their power to bring to justice perpetrators and those that have ordered these vicious attacks.

## As far as the legal framework for the enabling of civil society is concerned the members of the JCC reiterate their recommendations from the previous meeting regarding a pending need for the adoption of a national strategy for an enabling environment for CSOs and its accompanying action plan, improvement with regards to freedom of association and freedom of assembly, volunteering, charity development and public funding for CSOs.

## When it comes to the institutional framework for participation in decision-making processes, the members of the JCC reiterate a need for improvement in terms of strengthening mechanisms for cooperation with civil society, enforcing obligatory common standards for the effective inclusion of CSOs in consultation processes in public institutions, as well as clarifying conditions under which laws could be passed using an urgent procedure and decreasing the use of the urgent procedure.

## The members of the JCC reiterate the need for Serbian authorities to consult the Economic and Social Council, the National Convention on the EU and other relevant civil society platforms in a more comprehensive and systematic way at all stages and in all relevant chapters of the EU accession negotiations.

## The JCC instructs its co-chairs to forward this joint declaration to the EU-Serbia Stabilisation and Association Council, the EU-Serbia Stabilisation and Association Parliamentary Committee (SAPC), the European External Action Service (EEAS), the European Commission and the government of Serbia.

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The next JCC meeting is to be held in Serbia in October 2019 (tentative dates 10-11 October) and it will discuss the state of democracy and the functioning of institutions in Serbia.

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1. A good example for such a mechanism could be the "Priebe report" from 2015 that helped to overcome the serious situation in North Macedonia. [↑](#footnote-ref-1)
2. <https://freedomhouse.org/report/freedom-world/2019/serbia> [↑](#footnote-ref-2)
3. <https://rsf.org/en/serbia> [↑](#footnote-ref-3)
4. OECD Policy Outlook - Competitiveness and private sector development - Competitiveness in South East Europe, second edition, 2018. [↑](#footnote-ref-4)
5. A new agenda for Europe - COM(2016) 381 final. [↑](#footnote-ref-5)
6. A Digital education action plan - COM(2018) 22 as part of the 2nd Education Package. [↑](#footnote-ref-6)