**Follow-up to European Parliament non-legislative resolution**

**on the 2021 Commission Report on Bosnia and Herzegovina**

1. **Rapporteur:** Paulo RANGEL(EPP / PT)
2. **Reference number:** 2021/2245 (INI) / A9-0188/2022 / P9\_TA(2022)283
3. **Date of adoption of the resolution:** 6 July 2022
4. **Competent Parliamentary Committee:** Committee on Foreign Affairs (AFET)
5. **Brief analysis/ assessment of the resolution and requests made in it:**

The resolution is broadly in line with the 2021 Commission Report on Bosnia and Herzegovina (BiH) as well as the EU positions regarding BiH’s path towards European integration. It reflects the main findings of the 2021 Report of the European Commission and the latest updates including the 12/06 meeting of BiH political leaders with the President of the Council Michel and High Representative / Vice President Borrell:

* It calls on BiH political actors to show commitment and make significant steps towards EU membership by advancing on the **14 key priorities**.
* It welcomes the readiness of the European Council to grant candidate country status to BiH, as mentioned in its conclusions of 23 June 2022, underlining that this could be a message of support and a credible accession perspective;
* The resolution “takes note of the concept of **constituent peoples** but stresses that this concept **should not in any way lead to the discrimination** of other citizens **or imply any additional rights** for people identifying with one of these groups compared to other citizens of BiH;”.
* It condemns the secessionist plans of **Republika Srpska (RS)** and calls for the full return to the work of State institutions and the withdrawal of all legislation and conclusions in breach of the legal and constitutional order of BiH, calling on EU and Member States to withdraw **funds** (welcoming the suspension of the Western Balkans Investment Framework projects in RS) and to **sanction** Milorad Dodik.
* It calls for support for High RepresentativeSchmidt, including in his recent decisions to make use of Bonn Powers to suspend the RS Law on Immovable Property and to impose a budget for the organisation of elections, due to political obstruction, and welcome previous High Representative Inzko’s amendments to criminalise genocide denial.
* It expresses caution about the EU/US-facilitated talks on **constitutional and electoral reforms**, calling for a review and lessons-learned exercise of the facilitation attempts by the European External Action Service (EEAS) and the EU Delegation, calling on them to always act in line with the EU's highest democratic standards.
* The resolution also calls for “**caution** towards the **Open Balkan** Initiative, which does not encompass all six countries, and […] should be based on EU rules and contribute to the EU integration processes”.
* The resolution explicitly mentions the implementation of the Ljubić ruling, achieving “an adequately diverse political representation at all levels of governance”.
* The resolution also “stresses the importance of respecting **BiH’s sovereignty** when implementing **infrastructure projects** in BiH, notably projects involving companies from third countries” – a reference to RS transboundary energy projects with **Croatia** (former Brod refinery) and **Serbia** (Buk Bijela) conducted without involving the State level.
* On reconciliation, the resolution condemns the ban of the White Ribbon Day march in **Prijedor** on 31 May and calls on the Commission to make IPA (Instrument for Pre-Accession Assistance) funds conditional upon “sustainable peace and genuine reconciliation” - the resolution calls for **education** reform, the end of the “two schools under one roof” and the development of inclusive curricula without “counter-factual content that promotes division”.
* It welcomes the opening of the EU-funded centre in **Lipa**, but regrets that it still lacks accessibility; it calls for more transparency in the management of EU funds for **migration** by IOM, and expresses concerns about the credible and numerous reports of **pushbacks** into BiH.
* It welcomes the increased **alignment** of BiH with EU common foreign and security policy (**CFSP)** on Ukraine, regretting that some actors **block** the implementation of sanctions and urge all of them to distance themselves from Putin’s Russia, also flagging concerns about Russia’s plan to open a ‘humanitarian centre’ in Banja Luka. The resolution “is alarmed that **Hungary** and **Serbia** are helping China and Russia with their geopolitical objectives”.
* The resolution also welcomes the presence of European Union Force Bosnia and Herzegovina **(EUFOR Althea)** and its recent reinforcement and calls on the Member States to develop **alternatives** to maintain a peace-enforcement mechanism, in case Althea’s **executive mandate** is not extended by the UN Security Council in November.

**6. Response to requests and overview of action taken, or intended to be taken, by the Commission:**

The Commission overall welcomes the support this resolution provides for the 2021 Commission Report. The Commission shares the Parliament’s assessment on the situation in Bosnia and Herzegovina and the need to deliver concrete results on fulfilling the 14 key priorities in order to advance on the EU path. The Commission agrees on the importance of adopting rule of law and constitutional/electoral reforms. The Commission also expects BiH political leaders to put a stop to secessionist and divisive rhetoric. The Commission continues to advocate for a functioning and sustainable migration and asylum system. The Commission will continue to support BiH authorities in delivering in all these areas.

On the specific points on which the resolution of the European Parliament calls on the Commission to take action:

Paragraph 8 strongly calls on the Commission, EEAS and EU Member States to publicly express their unequivocal **support** to the full mandate of the **High Representative** and cooperate closely with a view to supporting the High Representative in the implementation of the 5+2 agenda.

The Commission and the High Representative regularly express their support for the mandate of High Representative Schmidt and cooperate in view of fostering domestic solutions, for which political leaders are accountable. As highlighted in the Commission’s Opinion, extensive international supervision is not compatible with the sovereignty of BiH and therefore with its EU integration.

Paragraph 10 opposes any harmful concessions on the issue of **state and defence property;** calls on the international stakeholders, notably Commission and EU delegation, to **support the Office of the High Representative (OHR) and its expert group** in their work towards a sustainable solution to the benefit of the whole country and all citizens and to react to the secessionist efforts of the RS entity leadership with a more forceful and credible approach*;*

The Commission supports the role of the BiH Parliament as the main forum for political dialogue on issues of concern, including State and defence property issues. In this regard, the Commission supports the parliamentary working group on the topic and stands ready to provide support together with the OHR. Any solution will need to be in line with the jurisprudence of the BiH Constitutional Court on State property.

Paragraph21 stresses that the persistent challenges in the reconciliation process should be addressed more vigorously; calls on the Commission to **provide frameworks for dialogue on legacies from the past**.

The Commission’s Western Balkan Strategy[[1]](#footnote-1) had as a focus the need to overcome the legacies of the past. This has resulted in support for regional initiatives to resolve the outstanding cases of missing persons in the region, support for the Residual Mechanism for the International Criminal Tribunals and broader efforts to foster regional co-operation to fight impunity for war crimes. A number of actions in the social and cultural field have also been supported to help foster greater ties within the region and support good neighbourly relations. The Commission discusses issues relevant to reconciliation and transitional justice in the framework of the EU-BiH policy dialogue under the Stabilisation and Association Agreement (subcommittee on justice, freedom and security).

Paragraph28 stresses that IPA III funding must be modulated or even suspended in the case of significant regression or persistent lack of progress in the area of the rule of law and fundamental rights, including fight against corruption and organised crime, as well as media freedom, and calls on the Commission that **guidelines should be developed on its application**, as per the recommendations of the European Court of Auditors Special Report 01/2022*.*

The Commission welcomed the Court of Auditors report and is in the process of implementing the recommendations. The IPA III Regulation provides for the possibility to reduce funding in case of significant regression or persistent lack of progress by a country in the area of the fundamentals. Equally, assistance can be increased when progress has resumed. The Commission applies and will continue to apply conditionality, as prescribed by the legal framework of the IPA III Regulation, on a case-by-case basis following a thorough analysis and due consideration of its impact. Reporting and monitoring of IPA projects are also being improved.

Paragraph 13 expresses concerns about the **allegations** regarding the role of the EU Commissioner for Neighbourhood and Enlargement in the vote of the RS National Assembly on the roadmap of the withdrawal from the state Institutions of BiH; recalls the Commissioners’ obligations of integrity, discretion and independence in compliance with the code of conduct for the Members of the Commission and therefore calls on the Commission to **assess the recent actions** of **Commissioner Varhelyi,** in this light.

Commission President von der Leyen replied in writing on 21 February to a letter by 30 MEPs on the issue, stressing that the Commission is fully committed to the territorial integrity and sovereignty of Bosnia and Herzegovina and rejects any proposal that would undermine its constitutional framework. During his visit in November 2021, Commissioner Várhelyi reiterated these points on a number of occasions, with all political leaders. He was then informed by Serb Member of the Bosnia and Herzegovina Presidency and SNSD Leader, Mr Milorad Dodik, of his intention to call a session of the Republika Srpska National Assembly on 10 December 2021 to begin a process of withdrawing competences. Commissioner Várhelyi strongly argued against these plans. Commissioner Várhelyi’s well-known position against the withdrawal of competences was clearly articulated in statements delivered to the media during his visit to Bosnia and Herzegovina.

Commissioner Várhelyi underlined that the plans announced by the leadership of the Republika Srpska entity to dismantle State institutions would take Bosnia and Herzegovina further away from alignment with the EU *acquis* and would put the EU path on hold. He moreover stressed that, if implemented, they would have a very negative impact on businesses and citizens, including in the Republika Srpska entity itself, as the country would not be able to benefit fully from EU programmes and from the Economic and Investment Plan for the Western Balkans. Commissioner Várhelyi repeated this position in phone calls and meetings with political leaders.

The EU expects Republika Srpska entity representatives to return in full capacity to the State institutions and ensure they function properly, as this is key for Bosnia and Herzegovina to benefit fully from EU programmes and funds and foster socioeconomic recovery from the pandemic. Without fully functioning State institutions, Bosnia and Herzegovina undermines its European future, which was stressed many times by Commissioner Várhelyi during his trip to the country.

Paragraph 63 calls on the Commission to **refocus IPA III support** to strengthening in-country democratic forces, standards, institutions and procedures, the rule of law, genuine reconciliation, and civil society organisations, fostering an environment for functioning pluralism, independent civil society, media and market economy; calls for a better absorption of funds by local and regional administration*.*

The Commission is committed to **ensure adequate funding for all priorities covered by window 1** and programme support to reforms in the areas of rule of law, democracy and fundamental rights across IPA III 2021-2027. Rule of law, democracy and fundamental rights entail primarily legislative, policy and capacity-building actions. In the area of Rule of Law, the onus on progress lies with the beneficiaries; the EU cannot substitute the political will of partner administrations to undertake reform. The Commission is programming IPA funds in line with its own priorities, including Economic Investment Plan and Green Agenda for the Western Balkans, as well as to support the fundamentals of EU accession, including the rule of law. The Commission currently implements programmes of more than EUR 33.8 million to support **freedom of expression** and independent journalism. This includes a EUR 11.2 million programme launched in March 2022, co-funded by the German government, to improve the economic sustainability of independent media outlets in the region, improve the quality of their reporting and facilitate regional networking. In addition, the December 2021 multi-country programme on the **Civil Society Facility** and Media Programme will continue to provide key strategic support. This programme plans the signature of a new regional action with the **European Endowment for Democracy**, for targeted support for innovative media initiatives and civic actors, and to cover emergency /non-standard needs.

Paragraph 64 calls on the Commission to **take a stance and make it clear that sustainable peace and genuine reconciliation are one of the conditions for BiH to receive EU financial support**.

The Commission provides EU financial support to Bosnia and Herzegovina in line with the thematic priorities and provisions set out in Regulation (EU) 2021/1529 establishing the Instrument for Pre-Accession assistance (IPA III). The assistance is thus based both on a performance-based approach and fair share principle, and adjusted to specific situations of each beneficiary. The regulation does not indicate specific conditionalities to receive EU financial support. Rather, where the relevant indicators show a significant regression or persistent lack of progress in efforts made in the fields of the rule of law and fundamental rights, democratic institutions and public administration reform, as well as economic development and competitiveness, IPA III assistance can be modulated accordingly, including by reducing the funds proportionally and redirecting them in ways that avoid compromising support for improving fundamental rights, democracy and the rule of law, including support to civil society and, where appropriate, cooperation with local authorities. Where progress has resumed, the assistance shall also be modulated accordingly.

Paragraph 77 notes serious unaddressed challenges in the fields of employment, social inclusion and protection, and poverty reduction; stresses that strengthening the welfare state is an important condition for social cohesion; calls on authorities to foster social dialogue; calls on the Commission to **give due consideration to collective bargaining, social rights, their protection and enforcement** in its annual report.

The Commission monitors and reports on all developments related to the EU *acquis* within the scope of chapter 19 and within the relevant sub-committee under the Stabilisation and Association Agreement. The issues are also addressed in the context of the Economic Reform programmes.

Paragraph 86 calls on the Commission to **build up the infrastructure required to counter disinformation threats,** and on the EEAS to expand the monitoring of the communication strategy to focus on cross-border disinformation threats from Western Balkan countries and their neighbours.

The Commission has recently launched a regional call for proposals in the framework of the EU Civil Society Facility and Media Programme in favour of the Western Balkans and Turkey for 2021-2023 (CSF). The call aims at strengthening Civil Society organisations and networks with a total amount of EUR 18 million, aimed at enhancing civil society’s role in several key thematic areas, such as media freedom, quality journalism and freedom of expression, media pluralism and countering disinformation and misinformation. The EEAS has continued proactively engaging partners in the region and raising their capacity to analyse and expose disinformation, and has engaged in a series of resilience-building activities against disinformation. The EEAS is also working on providing support to civil society efforts to secure transparency of media ownership across the region. Furthermore, the EEAS monitors cross-border disinformation, and is currently exploring additional ways in which to address disinformation and evolving information manipulation tactics. At the end of April, the Commission organised an online TAIEX (Technical Assistance and Information Exchange) workshop on the new geopolitical consequences of disinformation in the Western Balkans with nearly 100 key communicators from Western Balkans governments and top experts from the Baltic countries, the European institutions and the EEAS. The experts shared their experience in fighting Russian disinformation and gave in-depth presentations on how to plan, put in place and follow-up with strategies to counter disinformation. Follow-up actions are planned with partners from the region.

1. COM(2018)65 [↑](#footnote-ref-1)