



NPC

Network of Parliamentary Committees
on Economy Finance and European
integration of Western Balkans

PARLIAMENTS IN THE EUROPEAN COMMISSION 2016

PROGRESS REPORT FOR THE WESTERN BALKANS

December 13TH 2016 Belgrade, Serbia

Albania



In December, cross-party consensus led to the adoption of constitutional amendments and a law on the integrity of elected and appointed officials, banning criminal offenders from holding and running for public office. Amendments passed in February and by-laws in March 7 ensured that implementation could be launched within legal deadlines. Both the majority and the opposition engaged in intense preparatory activities for justice and electoral reforms. The ad hoc committee for justice reform carried out an inclusive, transparent, expert-driven process, producing a comprehensive set of constitutional amendments and accompanying laws. The amendments to the constitution were approved by a unanimous vote in July. The mandate of the ad hoc committee for justice reform was extended until the end of 2016.

Parliament adopted 14 laws requiring a qualified majority, including amendments to the criminal code and the labour code. Of 14 laws adopted during the reporting period, around one third received the support of the opposition (in the previous reporting period only 16 out of 173 received cross-party support). However, political polarisation remained high, hindering both political dialogue and technical processes. Partial, short-lived opposition boycotts occurred on a number of occasions. Parliamentary ethics do not meet regulatory provisions and public expectations.

The code of ethics, which has been in parliamentary procedure since early 2016, is pending approval. In March and April, the parliament filed requests to review whether three members of parliament (MPs) from the ruling majority had complied with the constitutional rules governing their mandate. The mandate of one MP was lifted as a result of a Constitutional Court ruling. The Constitutional Court has yet to issue decisions on the other two MPs. One MP from a smaller party lost his mandate after being imprisoned, while another MP from the majority resigned in October in response to accusations of having a criminal background. Two MPs await High Court rulings. Two members of the Central Election Commission were elected in December and one member of the Financial Supervisory Authority Board was appointed in January. The parliament rejected five presidential decrees returning laws for parliamentary review. The capacity of the National Council for European Integration was boosted with the addition of a dedicated support unit. The Council is yet to fully assume its role as a forum for broad involvement and consultation on EU integration issues.

Parliament's overall capacity to monitor the implementation and compliance of new legislation with the acquis remained limited. Despite some efforts, coordination with the executive branch needs to be further improved. The mandates of two parliamentary inquiry committees were extended in February, April and June, and two new ones were established in April. Three of these inquiry committees were initiated and are led by the opposition. The work of inquiry committees remained highly conflictual and lacked results. Other oversight mechanisms remained underused. Parliament conducted a more structured process of review of annual reports of independent institutions and adopted 16 resolutions. 8 Constituency offices were opened in five regions and equipped with parliamentary staff. Transparency and inclusiveness in parliament's work continued to follow an upward trend. A new parliamentary website launched in March significantly improved access to parliamentary documents. However, more transparency is needed at committee level. Parliamentary committees continued consultations with relevant stakeholders, but improvements are required on early notification and follow-up. A law on the establishment of the National Council on Civil Society was adopted in November. Expert capacity was strengthened in February and increased budgetary allocations for training were adopted, but research and analytical capacity remained limited.

Some progress in the functioning of parliament continued over the reporting period with the consensual adoption of constitutional amendments on justice reform and on the exclusion of criminal offenders from public office. Contacts with constituents were improved, as were the transparency and inclusivity of parliamentary activities. Cross-party work on key reforms continued, although on a number of occasions political dialogue was polarised.

Bosnia and Herzegovina



The Parliamentary Assembly of Bosnia and Herzegovina further delivered on its legislative agenda, with a focus on legislation stemming from the Reform Agenda. The oversight role of the assembly improved as its committees repeatedly organised specific sessions to review the activities of the executive.

During the reporting period the assembly also adopted several multiannual strategic documents to increase legislative efficiency, transparency, public outreach, dialogue and cooperation. The Secretariat of the Parliamentary Assembly also started to share its capacities with entity and Brčko District parliaments. The Stabilisation and Association Parliamentary Committee (SAPC) was established in November 2015 as part of the Stabilisation and Association Agreement (SAA) bodies. However, it failed to adopt its Rules of Procedures due to insistence by some delegates from Bosnia and Herzegovina for the inclusion of a voting mechanism provision which would not comply with European standards. The Republika Srpska National Assembly continued to adopt legislation to implement the Reform Agenda. The assembly's EU Integration Committee was active and fostered cooperation with other parliamentary institutions in Bosnia and Herzegovina and abroad. However, fast-track procedures were often used for law-making, which raises questions about the quality of the adopted legislation.

In October 2015, the assembly adopted conclusions which included the possibility for representatives to be sanctioned through Republika Srpska entity courts for their political activities at state level, a provision not in line with European standards. The work of the Federation of Bosnia and Herzegovina (FBiH) Parliament resumed after the new parliamentary majority was established in October 2015. Coordination with cantonal assemblies improved, in particular on shared powers.

While the parliament adopted a number of Reform Agenda-related legislation, the overall decision-making process was slow due to disagreements in the coalition. The Federation House of Peoples remained short of three Serb delegates, including the Deputy Chair, which had a negative impact on the legislative process. The functioning of the parliament also continued to be hampered by the lack of space in its rented premises and insufficient capacity to deal with European integration-related issues. The work of the Brčko district assembly committees, including the Committee for European Integration, remained problematic due to frequent lack of quorum at meetings and the limited capacity of the district assembly's services.

The Committee for European Integration held only two meetings. The four parliaments adopted a joint concept of cooperation on EU matters. This led to an improvement in inter-parliamentary cooperation, including through the work of the parliamentary forum on European integration, which held quarterly meetings on EU issues. Members of sectoral committees of the four parliaments were also active in joint activities about the Bosnia and Herzegovina EU integration process.

The Bosnia and Herzegovina Parliamentary Assembly and the entities' parliaments made progress towards adopting outstanding reform priorities, in particular those stemming from the Reform Agenda. While cooperation between state-level, entity-level and Brčko District parliaments improved, their role and capacities in the EU integration process need to be further improved.

Macedonia



Parliament's work continued to be seriously hampered by the political crisis, including by a lack of political dialogue, its dissolution and the non-participation of the main opposition party in parliamentary activities from 23 June to 22 July 2016. The parliament was dissolved again on 17 October 2016 ahead of the early parliamentary elections on 11 December 2016.

During the reporting period, the parliament did not adequately fulfil its function of providing checks and balances. The practice of frequent legislative changes to laws and use of shortened procedures for adoption, without sufficient consultation or impact assessment, continued. The two committees responsible for oversight of the security services (one on security and counterintelligence, and one on the interception of communications) need to carry out their mandate.

The inquiry committee failed to deliver on political accountability over the illegal wiretaps because members of the main ruling party either did not participate in hearings or would not answer questions. All three committees failed to submit their initial reports as agreed in the Pržino Agreement. The parliamentary committee established following the President's decisions on pardons decided that there were no grounds for impeachment. There was no progress on implementing the earlier recommendations of the Committee of Inquiry into the events in parliament of 24 December 2012.

The ongoing crisis underlined once again parliament's weak legislative and oversight functions and the need to substantially improve its performance as a forum for constructive political dialogue and representation. The focus needs to be on active participation of all parliamentary parties, proper consultation and impact assessment prior to the enactment of legislation, credible functional oversight of the work of government and the intelligence services, establishing political accountability for the illegal wiretaps, and the capacity to monitor the protection of human rights and fundamental freedoms in the country.

Montenegro



Overall, the political scene, especially the opposition, is fragmented, with a multitude of small political parties. Partial or full boycotts by parts of the opposition presented a key challenge to parliamentary work. Following intensive talks, an agreement on power sharing with a view to fostering confidence in upcoming elections was signed in April, and the law implementing the agreement was adopted in May (see under Governance).

Following these positive developments, parts of the opposition returned to parliament. As part of the preparations of the October elections, a parliamentary committee for monitoring the implementation of the laws and other legislation relevant for building trust in the electoral process was set up in July. The protests organised by part of the opposition since September 2015 continued during the reporting period. Results of investigations into all incidents of violence and allegations of excessive use of force by the police during the October 2015 opposition protests are still pending.

Subsequent protests were, overall, without incident. In December, parliament waived the immunity of three opposition MPs, to allow prosecution for their actions during the protests (for incitement to violence with the aim of changing the constitutional order). Legislative activity decreased over the reporting period due to boycotts by the opposition parties. The backlog of laws pending in parliament, was reduced after the return of the opposition to the parliament. The acquis alignment process requires close and structured dialogue between the government and parliament. The parliament regularly takes the initiative in presenting laws and amendments, and voting does not always correspond to government priorities.

Although this reflects parliament's seriousness in discharging its democratic duties, it also raises the need for additional responsibility for and scrutiny of legislation, especially EU related legislation. In line with the law on the prevention of corruption, parliament's integrity plan was adopted in March. One report on an alleged breach of the code of ethics was submitted to the human rights committee. The formal procedure for acting upon this complaint is pending. The right to file complaints, limited to MPs and parliamentary bodies, should be extended to the public, the media and other external stakeholders.

There is also room for improvement in other areas, including MPs' obligation to declare private interests, the statute of limitations and the range of penalties. No progress has been made on increasing parliament's capacity to follow up on conclusions and recommendations adopted in oversight hearings. Parliament continued to exhibit a high level of transparency. It continued to reply to all access to information requests. No action was taken to establish procedures for addressing citizens' petitions and complaints. Administrative and expert capacity needs further improvement. Additional premises should be provided for parliament's administrative services. Parliament's premises are now accessible to persons with disabilities.

The party-political scene is fragmented. Parliament was at times disrupted by partial or full boycotts before resuming normal functioning after an agreement between government and parts of the opposition.

Serbia



Due to early elections in April, parliament's legislative activity was suspended from March. Outside this period, parliament's legislative activity continued to be intensive. Further efforts were made to improve transparency and consultation processes, including through public hearings, the holding of the first ever parliament week in October 2015, the constitution of an Informal Parliamentary Group for an Open Parliament, and regular meetings and consultations with the National Convent on European Integration, which brings together civil society organisations involved in the accession process. However, frequent use of urgent procedures, last-minute changes to the parliamentary agenda, limited support for independent regulatory bodies and a lack of pro-activeness in oversight of the executive, combined with a lack of genuine cross-party debate, undermines parliamentary effectiveness. The adoption of parliament's code of conduct and annual work plan remains pending.

Outside the electoral period, parliament's legislative activity was intensive and reflected increased involvement in the accession negotiation process. Consultation and transparency improved. However, the inclusivity, transparency and quality of law-making and effective oversight of the executive need to be further enhanced, and the use of urgent procedures limited.

Kosovo*



Normal parliamentary functioning was prevented for parts of the reporting period by violent means, including teargas, by some opposition members. This has led to tensions and the arrest of a number of opposition parliamentarians at the assembly's premises. All political parties should show responsibility and re-engage in a constructive dialogue, with the assembly as the key forum for political debate. The recent return of opposition members to parliamentary activities is a welcome step. Despite the serious political polarisation, the European agenda remained a unifying element across the political spectrum.

In November, the assembly ratified the Stabilisation and Association Agreement (SAA) with the EU. In May 2016, the first meeting of the EU-Kosovo Stabilisation Association parliamentary committee took place, in which members of the opposition took part. The assembly elected two Constitutional Court judges in November 2015 and appointed the Auditor General in March 2016. During the reporting period, the assembly completed most of the outstanding appointments to independent institutions and agencies.

However, appointments were often subject to political influence. Appointments should be made on the basis of merit-based and more transparent selection procedures to ensure the independent functioning and effective management of these bodies. The assembly failed to properly supervise independent institutions, regulatory authorities and agencies, whose reports were often adopted without, or without fully considering the results of, debates. The absence of clear mandates, suitable reporting and accountability mechanisms, as well as institutional fragmentation, continue to present a problem for oversight and effective reform. Several important laws were enacted using the fast-track procedure. Breaches of the rules of procedure occurred frequently.

The absence of parliamentarians often led to the lack of a quorum and irregular plenary and committee sessions. The sessions that were held had very heavy agendas. Such practices are not conducive to comprehensive parliamentary debate and risk diminishing the assembly's oversight role. The regulatory framework for the assembly should be improved. Parliamentary checks and balances and budgetary control need to be strengthened and there is still no mechanism to ensure that recommendations by the public finance oversight committee are implemented. The assembly needs to strengthen consultations with civil society, especially on important laws. The assembly should take a stronger role in ensuring that reports and recommendations of the Office of the Auditor General and Ombudsman are followed up by the government.

Assembly committees continued their work on monitoring the implementation of laws and held regular public hearings with ministers. The capacity of the EU Integration Committee should be increased to reflect its key role in advancing EU-related reforms. Better screening of draft legislation is needed to ensure alignment with the acquis. In March 2016, the assembly presidency adopted a strategic plan 2016-2020 that contains concrete objectives to boost the assembly's ability to fulfil its constitutional role.

* This designation is without prejudice to position on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo declaration of independence

The assembly must play a key role in guaranteeing proper checks and balances necessary in a parliamentary democracy. It is the responsibility of all parliamentarians to ensure that the assembly can fulfil this role. Boycotts and continuous violent obstructions of parliamentary work have adversely affected parliamentary activities during parts of the reporting period. Breaches of parliamentary procedures continue to be a concern.