



**NPC**

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

# **PARLIAMENTS IN THE EUROPEAN COMMISSION 2015**

## **PROGRESS REPORT FOR THE WESTERN BALKANS**

NOVEMBER 12TH 2015 Skopje, Macedonia

## Albania



In December, a six-month parliamentary boycott by the main opposition party ended when parliament adopted a resolution whereby the ruling majority and the main opposition party pledged to engage in constructive political dialogue. They also agreed to revise the rules of procedure on parliamentary committees, and to work on drafting legislation for the exclusion of criminal offenders from public offices. The implementation of this agreement started with the establishment of two parliamentary committees of inquiry and an ad hoc committee to work on the exclusion of criminal offenders from public offices. The adoption of the related legislation would enhance the citizens' trust in political representatives and public institutions. The work of the committees remains affected by political polarisation. In July, the parliament approved the new composition of the ad hoc committee on judicial reform based on parity of members of the ruling majority and the opposition. In November, parliament amended its rules of procedure, granting the main opposition party the same amount of speaking time as the Prime Minister. Constructive dialogue in parliament and its technical bodies needs to be ensured.

Parliament lifted the immunity of three MPs from the ruling majority, and rejected seven of the President's nominations to the High Court.

In March, parliament enacted a new law on its role in the EU integration process, providing for more inclusiveness, oversight and exchange of information. This was followed in May by the establishment of the National Council for European Integration to make the EU-related reform process more inclusive. Parliament's capacity to monitor the implementation and compliance of new legislation with EU law remains limited. Coordination with the executive branch needs to be enhanced. Other oversight mechanisms, such as question and answer sessions, remain underused.

Parliament continued to monitor the work of independent institutions and discussed their reports more promptly and thoroughly. However, appropriate follow-up to their findings needs to be ensured.

Transparency and inclusiveness in the legislative process have improved. Parliamentary committees have generally been proactive in holding consultations with civil society and interest groups. A resolution on the role of civil society in the country's democratic development was adopted in December. Parliament's organisational structure and administrative and expert capacity need to be further improved, which requires the allocation of sufficient funds to recruit and train staff, especially in relation to research and analysis.

**Some progress has been made in the functioning of parliament, in particular by improving the transparency of law-making. A more constructive cross-party dialogue remains to be ensured. Initial steps were taken to prepare legislation for the exclusion of criminal offenders from public offices.**



## Bosnia and Herzegovina

Following the October elections, the two chambers of Bosnia and Herzegovina's Parliamentary Assembly, the House of Representatives and the House of Peoples, were established in the new compositions in December and February respectively. The formation of the parliamentary committees was only completed in June. The new Rules of Procedure for the Parliamentary Assembly entered into force and introduced a fast-track mechanism for EU related legislation. Cooperation between the State-level, Entity-level and Brčko District parliaments has yet to be improved. Joint meetings of the parliaments did not take place.

The Federation of Bosnia and Herzegovina's House of Representatives and House of Peoples held their constitutive sessions in December and January respectively. The Federation House of Peoples remained short of three Serb delegates, as no more than 14 Serb delegates could be appointed from the cantonal assemblies. Legislative changes preventing this issue from reoccurring are yet to be adopted. The functioning of the Federation Parliament continued to be hampered by the lack of space in its rented premises and insufficient capacity to deal with European integration-related issues. Coordination with cantonal assemblies, in particular on shared powers, remained problematic.

In November, the Republika Srpska National Assembly held its constitutive session. In February, the Republika Srpska National Assembly unanimously adopted a written commitment to undertake the necessary reforms for Bosnia and Herzegovina's European integration. In March, the Department for European Integration and International Cooperation was established within the Parliamentary Secretariat. This body will be in charge of providing support to parliamentarians in Republika Srpska. In July, upon a proposal from the Republika Srpska president, the assembly adopted a decision to hold a referendum on the Bosnia and Herzegovina state-level judiciary and its jurisdiction in Republika Srpska. Such a decision runs against the written commitment signed, in February, by the representatives of all political parties represented in the country's Parliamentary Assembly. Questioning the existence of the court and the prosecutor's office of BiH would go against a number of rulings of the Constitutional Court of Bosnia and Herzegovina, which confirmed that the establishment of the state level judiciary was in line with the constitution.

The work of the Brčko District Assembly committees, including the Committee for European Integration, remains problematic due to frequent lack of quorum at their meetings and limited capacities of the District Assembly's services.

**Bosnia and Herzegovina's Parliamentary Assembly has started to function and deliver on the legislative agenda. Cooperation between the State-level, Entity-level and Brčko District parliaments has yet to be improved.**

## Macedonia



Parliament's work continued to be seriously hampered by the political crisis, including the absence of the largest opposition party, SDSM, for 16 months before returning to parliament on 1 September. As a result, parliament failed to provide the necessary checks and balances on the executive's power, most obviously on oversight of the intelligence services at the heart of the interception of communications. During the summer, the two relevant oversight committees were reactivated, now under opposition leadership, but an Inquiry Committee into the interception of communications still needs to be established (Urgent Reform Priorities).

The recommendations made in August 2013 by the committee of inquiry into the events in parliament of 24 December 2012 were not finalised because of the withdrawal of SDSM from the relevant working group in October 2014, and work still needs to restart (Urgent Reform Priority). Implementing these recommendations would significantly improve the functioning of parliament and the scheduling of its work. Consultations on proposed legislative and constitutional changes were carried out through several public debates with the participation of civil society organisations and academia. The Committee on European Affairs reviewed 11 laws under the National Programme for EU Integration. However, frequent changes to recently adopted legislation, including its suspension, point to shortcomings in policy preparation, consultation and legislative processes. A constructive meeting of the National Council for European Integration took place on 18 September, on the occasion of a meeting of the High Level Accession Dialogue.

**The ongoing crisis has underlined the need for parliament to substantially improve its performance as a forum for constructive political dialogue and representation, as well as its legislative and oversight functions.**

**This needs to include credible functional oversight of the work of the intelligence services and the capacity to monitor the protection of human rights and fundamental freedoms in the country. The absence of the main opposition party for most of the reporting period diminished the quality of reforms and hindered the operation of checks and balances.**

## Montenegro



In December, parliament adopted its Code of Ethics. The Code draws on general ethical principles, establishes rules of conduct in carrying out parliamentary duties and promotes transparency. The right to file complaints is currently limited to MPs and parliament entities but should be extended to include citizens, the media and other external stakeholders. There is also room for improvement in a number of other areas, including on the MPs' obligation to declare private interests, the statute of limitations and the range of penalties applied.

In September 2015, opposition parties embarked on a boycott of parliament. They also organised a series of protests outside parliament, calling for the resignation of the government and new elections. These protests eventually led to confrontation between the police and protesters, resulting in injuries and damage to property. It is expected that all incidents of violence and allegations of excessive use of force during these events will be duly investigated. At the same time all political parties should re-engage in a constructive political dialogue in the parliament.

Parliament's capacity to follow up on conclusions and recommendations adopted in oversight hearings remains limited.

Parliament continued to display a high level of transparency. During the reporting period, it continued to reply to all access to information requests. Procedures for acting on citizens' petitions are not yet in place. Administrative and expert capacity need to improve further Parliament should, as a matter of priority, ensure that their premises are accessible to persons with disabilities.

**Montenegro's parliament has a newly-adopted Code of Ethics intended to strengthen the overall anti-corruption framework and public trust in parliament. Work in these two areas must continue. Parliament continues to function in a transparent manner, but there is still no procedure for acting on citizens' petitions. Oversight and legislative capacity need to improve. All political parties should show responsibility and re-engage in a constructive dialogue, with parliament as the key forum for political debate.**

## Serbia



Parliament engaged in intensive legislative activity. Consultation processes improved, in particular through frequent use of public hearings, including on EU accession-related issues, and parliamentary sessions on specific topics held locally. Parliament is increasingly involved by the government in the accession negotiations process. Parliament also has regular meetings and consultations with other stakeholders, including the National Convent on European Integration which brings together civil society organisations involved in the accession negotiations process. Parliament has yet to adopt an annual work plan and a code of ethics. The use of urgent procedures remains extensive, including for major pieces of legislation. This limits the time allowed for scrutiny of draft legislation, and is not always strictly necessary. More democratic and open cross-party political dialogue needs to be promoted.

Parliament remained engaged in its oversight activity through questions and regular debates on government reports. It did not, however, regularly hold monthly sessions or oral questions to the government. Independent regulatory bodies' reports are discussed but parliament needs to take a more proactive approach to promoting and monitoring the implementation of their findings and recommendations. Parliamentary debates should not be used to undermine independent regulatory bodies and the Ombudsman's role.

**Parliament's legislative activity was intensive and reflected increased involvement in the accession negotiation process. Consultation and transparency to some extent improved. However, the use of urgent procedures, including on draft legislation linked to the EU accession process, remained extensive. Oversight of the executive needs to be further enhanced. Parliament needs to increase its support for the institutional role of independent regulatory bodies and the Ombudsman's office and promote implementation of their recommendations.**

## Kosovo\*



Six months after the parliamentary elections of June 2014, a new Assembly was formed on 8 December. The Democratic Party of Kosovo\* PDK (35 seats) and the Democratic League of Kosovo\* LDK (33 seats) are in a governing coalition with the Serb Citizen's Initiative 'Srpska' (11 seats) and the non-Serb minority group '6+' (6 seats). With 85 out of 120 seats, the ruling coalition has a comfortable majority. The 'Vetëvendosje' self-determination movement and political party (16 seats) is the core of a small, but vocal, opposition.

Parliamentary work was effectively suspended from June until December 2014. However, following the agreement on the new government, the Speaker was appointed and the Assembly began its work. It confirmed the new government and passed the 2015 budget in December. It adopted its annual work plan in February. Several important laws, including on the judiciary and human rights, were enacted, all of which was adopted under fast-track procedure. This limited the possibility for parliamentary debate, which is a matter of concern.

Many of the Assembly's deliberations were marked by a polarised atmosphere between the ruling coalition and the opposition, in particular on politically sensitive issues such as the Specialist Chambers and dialogue with Serbia. Recent disruptions of plenary sessions by the opposition, including by violent means, have adversely affected the functioning of the Assembly and have undermined confidence in the willingness of the opposition to partake in democratic debate. The Assembly is a key democratic institution and all parliamentary members must allow it to fulfil its duties.

Parliamentary debate was further affected by the lack of regular plenary sessions and frequent exceeding of time limits set under the rules of procedure. This was to the detriment of the quality of parliamentary review. There were also violations of the rules of procedure by the government arbitrarily withdrawing draft laws submitted to the Assembly. The regulatory framework for the Assembly should be improved. The new Assembly should strengthen its oversight of the executive and the legislative process and implement standards for consultations with civil society. Parliamentary checks and balances over budgetary control needs to improve. The Assembly should ensure follow-up on reports by the Office of the Auditor General and the Ombudsperson. A mechanism should be put in place to ensure that recommendations by the public finance oversight committee are implemented.

The Assembly should supervise independent institutions, regulatory authorities and agencies more closely, based on a clear mandate and with suitable reporting and accountability mechanisms. It should urgently address delays in the selection of board members for these institutions and authorities, and determine mechanisms for their accountability. Appointments need to be made on the basis of professional qualifications and merit, not political patronage.

The EU integration committee should be further strengthened to reflect its key role in Kosovo's\* efforts to advance on its European reform agenda. Better screening of draft legislation is needed to ensure alignment with the *acquis*. The Assembly administration needs to strengthen its technical capacity to support effective policy-making and improve scrutiny of draft legislation.

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\* 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 delay in establishing a new Assembly following the 2014 elections slowed down Kosovo's\* reform process. Violent obstructions of recent plenary sessions by members of the opposition have adversely affected the functioning of the Assembly. Such actions go against European values. The Assembly needs to become more efficient and to comply with its own rules of procedure. It should urgently appoint competent members to regulatory and supervisory bodies to ensure the proper functioning of the state administration, on the basis of merit based, transparent and non-political selection processes.**