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Interim Report on Reforms in Croatia in the field of Judiciary and Fundamental Rights (Negotiation Chapter 23)

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

Committee on Foreign Affairs (AFET), European Parliament

Brussels, 2 March 2011

I am glad to have this opportunity to debrief you on the latest developments as regards the accession negotiations with Croatia. I will focus in particular on Chapter 23 - Judiciary and Fundamental Rights, on which the Commission has just adopted an Interim Report.

In our last Strategy Paper of November 2010, the Commission stated that it will closely monitor Croatia's progress in the field of chapter 23, and that it will take stock of the situation in the first quarter of 2011. This is the purpose of this Interim Report on reforms in Croatia.

The Commission made the commitment to present such an interim report to the Member States by 11 March at the latest, but we have been able to present this report already today.

To be clear, it is not our final assessment of progress made by Croatia in this field. It rather seeks to assess the progress made and to identify those issues requiring further attention in order to close the established benchmarks. The final assessment will be only presented once the Commission has ascertained that all the established closing benchmarks are met.

We know the concerns which exist in our Member States about the process. The area of judiciary and fundamental rights is perhaps the area of greatest concern of all and intrinsically linked to the credibility of the enlargement process.

But let me underline that success in this area is of paramount importance also to the citizens of Croatia. It will ensure that they see and feel a tangible difference in their daily life.

Beyond this, we are setting the standard for the rest of the candidate and potential candidate countries. In terms of the fight against corruption, minority rights war crimes and refugees, indeed across the board, we are setting the reference levels for the standards which all candidate countries will have to achieve before negotiations can be closed.

We must be fair, but we must also be demanding and rigorous. To be even clearer, the Interim Report is directly about the progress made in Croatia in this crucial area. It is de facto a test of our own credibility and that of the enlargement process as a whole.

In assessing the situation in Croatia, we have drawn on several targeted peer assessment missions where senior judges, prosecutors and police officers from Member States have reviewed the situation in Croatia. We received considerable input from the Croatian authorities in early February, as well as from various international and non-governmental organisations like OSCE, UNCHR, Amnesty International and local NGOs.

In the opening draft Common Position on Chapter 23, adopted by the Member States in June 2010, we have set ten closing benchmarks which need to be fulfilled to provisionally close this negotiation chapter.

They are covering four main areas:

- 1) judiciary
- 2) fight against corruption and organised crime
- 3) fundamental rights, and
- 4) co-operation with ICTY.

Most of the ten benchmarks were divided into sub-benchmarks which focus on the implementation of measures and the establishment of track records.

It is against these benchmarks that we are assessing the progress made in Croatia. In addition to the considerable steps taken so far, the report also identifies the shortcomings, and highlights precisely what Croatia still needs to do to fulfil the closing benchmarks. We have tried to be as concrete as possible to help Croatia continue to move in the right direction. Let me highlight some main issues that are addressed in the report:

1) In the area of judiciary there are improvements. However, there are two broad areas where benchmarks are not met.

First, we need to see the new State Judicial Council and State Prosecutorial Council demonstrate proper self-regulation and establishment of convincing track records of recruiting and appointing judges and prosecutors.

Second, in the field of efficiency of the judiciary, we need to see further reductions in case backlogs especially as regards enforcement decisions and old civil cases. The backlog of old civil cases pending for 3 years or more has for instance increased by 3.8%.

We also remain concerned with the handling of war crimes. More needs to be done to properly investigate and prosecute war criminals in Croatia. This is important not only in the interests of justice, but also for reconciliation in the region.

2) The Croatian government is committed to fighting corruption and organised crime. Institutions have been strengthened. However, Croatia needs to establish a convincing track record at the relevant stages of the legal process: from investigation, through prosecution to court rulings.

3) Under fundamental rights, there has been progress, for example on minority rights and access to justice. However, more needs to be done on issues such as protection of minorities and refugees, which is of particular importance in the Western Balkans given its recent history. Here we are asking for a longer term strategy on how to implement Croatian legislation dealing with minority rights, and concrete actions to facilitate further refugee return.

4) As regards co-operation with ICTY, as requested by Mr Brammertz, a task force has begun exploring new avenues to locate the missing artillery documents. The next report from Brammertz to the UN is scheduled for May 2011.

I am pleased to note that many of these issues addressed in the interim report have also been addressed by the European Parliament in its resolution of 16 February 2011 on the 2010 progress report on Croatia.

Let me summarise the current situation: we have a mixed picture in front of us. Overall, Croatia and its government have made considerable progress in the field of the judiciary and fundamental rights. However, much remains to be done. Croatia has not met all closing benchmarks so far, and we are not therefore proposing closure of this chapter.

I expect that this report will focus minds in Croatia and efforts on these areas so as to ensure the timely and complete fulfilment of all the closing benchmarks.

The interim report does not include a position on the time needed for Croatia to meet the remaining benchmarks. Substance rather than timing is what matters and we will present our closing benchmark report and draft common position when the tasks identified in this report are completed.

I know however that the Croatian Government has set as its own target the month of June and is backed by the Hungarian Presidency who has made this one of the key priorities of its Presidency. I consider this to be highly ambitious, but I am encouraged by the priority Croatia attaches to completing the remaining work.

Beyond chapter 23, the accession negotiations with Croatia are well underway and we have provisionally closed 28 out of 35 negotiation chapters. Croatia has made good progress in the other remaining chapters recently, such as regional policy, agriculture and competition. This should lead to the provisional closure of further chapters in the coming months, some of them already at the next Intergovernmental Conference which is scheduled for mid-April by the Hungarian Presidency.

When negotiations can finally be closed depends on Croatia meeting all the requirements in the remaining chapters. The Commission continues to support Croatia on the last stretch of its path towards EU membership, but it is up to Croatia to maintain and accelerate this momentum.