



**European
Movement
Serbia**



Kingdom of the Netherlands

International Conference

CHANGING THE CONSTITUTION ON THE WAY TO THE EUROPEAN UNION

Belgrade, October 24th, 2017.

GENERAL CONCLUSIONS

Participants agreed that, regardless of prospects for its future membership in the EU, it is necessary to amend the Constitution of the Republic of Serbia. During the debate, hypothetical proposals for drafting and adopting a new constitution were heard. However, the majority of participants agreed that at this moment it is not necessary.

Proposals for amending the Constitution are grouped in three areas: changes directly concerning the future membership of Serbia in the EU, changes concerning the position and authority of independent regulatory/oversight organs, and changes concerning the procedure for amending the Constitution.

The changes concerning Serbia's accession to the EU relate to the creation of a special clause—the so-called “the integrative clause”—which would provide a constitutional and legal basis for provisionally delegating some of Serbia's sovereign rights to the EU. This change would enable Serbia to participate in the European Union: adopt transnational EU regulations and apply them directly within the Serbian legal system. The second necessary constitutional change related to Serbia's future membership in the EU entails regulating the active and passive voting rights of citizens of Serbia in the European elections, and citizens of other member states in local elections and elections for the European Parliament in Serbia. The third change required by the Serbian Action Plan in order to meet the criteria for opening accession negotiations in Chapters 23 and 24 refers to the manner of election of judges and the elimination of potential political influences on their career.

The participants of this conference agreed that an upcoming constitutional amendment also provides a good opportunity to establish a sound basis for promoting the independence and effective functioning of the judiciary. Participants expressed their

reservations about the effectiveness of the debate organized by the Ministry of Justice regarding the collection of proposals by civil society organizations for amending the Constitution. The participants disagreed about the role and inclusion of the Judicial Academy in the text of the amendments to the Constitution.

During the conference, the importance of contextualizing constitutional amendments in the current social and political situation of Serbia, as well as understanding "the spirit of the time", was emphasized. The importance of respecting procedures and establishing a genuine dialogue among all interested social actors was emphasized. In this context, some participants also mentioned negative examples of regulatory and procedural changes in some EU member states and expressed concern that this practice could be used in Serbia as well.

The participants concluded that at this time there is an evident difference between the normative and the real situation of implementation of regulations in Serbia. The forthcoming revision of the Constitution, it was agreed, offers Serbia a chance to amend the Constitution in a way that establishes more efficient constitutional frameworks for the protection of the rights of citizens of Serbia and ensures efficient rule of law.

European Movement in Serbia