

Brussels, 29/07/2021

A(2021)2998312-3470864

To all MEPs signatory to the letter on format and content of EU facilitated negotiations in Bosnia and Herzegovina

Dear Honourable Members of the European Parliament,

Thank you for your letter of 4 May 2021 on the EU engagement for reforms in Bosnia and Herzegovina (BiH).

As High Representative Borrell recalled to the members of the BiH Presidency on 27 April, and as Commissioner Várhelyi reiterated on 4 May in Sarajevo to the Chair of the Council of Ministers, we expect Bosnia and Herzegovina to take decisive steps in 2021 to move from Dayton to Brussels. The role of the EU is to support Bosnia and Herzegovina to advance towards fulfilling the 14 key priorities listed in the Commission's Opinion on its EU membership application, as endorsed by the EU Member States.

The Commission Opinion calls on Bosnia and Herzegovina to address the *Sejdić-Finci* case law of the European Court for Human Rights (ECtHR) and to ensure that elections are conducted in line with European standards by implementing OSCE/ODIHR and relevant Venice Commission recommendations and by ensuring transparency of political party financing. The aim is to ensure equality and non-discrimination of all citizens, and integrity and trust in the electoral process.

As other EU candidate countries before it, Bosnia and Herzegovina will need to amend its Constitution to comply with the requirements of EU membership. This means full compliance with the rulings of the ECtHR and ensuring equal representation to all in the country. It also means ensuring the functionality of state institutions, so that they are able to participate effectively in EU decision-making and to fully implement and enforce the EU acquis.

Concrete talks on reforms have not started yet, as the parties are yet to bring forward proposals on constitutional and electoral reforms to implement ECtHR rulings and improve electoral standards. A number of Constitutional Court rulings must also be considered by the BiH authorities, again with the objective of ensuring compliance with European standards. Reform proposals must come from within Bosnia and Herzegovina, in full ownership. Constitutional amendments will indeed require gathering wide support across the political spectrum to ensure parliamentary adoption. These reforms are difficult and sensitive and will need the constructive engagement of all parties to succeed, as well as the support of EU Member States and all institutions.

In March and April 2021, the EU and US Ambassadors engaged with all political leaders, in the ruling coalition and opposition, in a first round of consultations to advocate for progress on the 14 key priorities. Together with the US and other international partners (OSCE, OHR), the EU stands ready to provide further support, thereby ensuring that the reform fulfils the Opinion key priorities.

We remain available to come back in person to Bosnia and Herzegovina, when the moment will be appropriate, to engage directly in this endeavour.

Talking with institutions and all political actors is a regular part of the mandate of the EU Special Representative (EUSR) and the EU institutions in Brussels also provide full support to these efforts, including on the occasions of high-level contacts. While direct negotiations between political parties are necessary, the political debate will take place in the institutional setting of the Inter Agency Working Group (IAWG), gathering members of parliament and government from the ruling coalition and the opposition. Its members will closely consult with civil society and expert bodies, including the Central Electoral Commission.

The European Commission will also provide expert advice, in close cooperation with the Council of Europe's Venice Commission and the US, to help devise solutions in line with EU values and standards. Any solution must not be discriminatory nor lead to further division.

The EU is also committed to facilitate the meaningful inclusion of civil society and citizens throughout the reform process: we wish to see an open and transparent discussion. The EU Delegation in Sarajevo is already working to this aim, in partnership with civil society organisations.

Finally, we may only reiterate that Bosnia and Herzegovina's future is within the EU as a single, united and sovereign country. This has been repeated many times and this is our firm and unchanged position. The EU and its Member States fully and firmly support Bosnia and Herzegovina's territorial integrity and EU perspective. Now it is time to focus on deep reforms in Bosnia and Herzegovina, including electoral and constitutional reform.

We would like to thank you again for your unwavering support to Bosnia and Herzegovina on its EU path, as reflected in the European Parliament resolution on the 2019 and 2020 Commission reports on Bosnia and Herzegovina, adopted on 24 June 2021, and we look forward to your continued engagement on these important issues.

As Bosnia and Herzegovina and the world continue to confront the common challenge of the pandemic, it is vital that we do not lose sight of the opportunity of this year to deliver meaningful change, in line with the aspirations of its citizens for a modern, democratic and European Bosnia and Herzegovina.

Yours faithfully,



Josep Borrell Fontelles



Oliver Várhelyi