EUROPEAN PARLIAMENT PARLIAMENT OF THE REPUBLIC OF CROATIA

EUROPEAN UNION- CROATIA JOINT PARLIAMENTARY COMMITTEE

2nd Meeting Tuesday, 4 October 2005, and Wednesday, 5 October 2005, BRUSSELS

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The 2nd EU-Croatia Joint Parliamentary Committee meeting opened on 4th October 2005 at 15h20 under the co-chairmanship of **Mr. SCHMITT**, Chairman of the EP delegation to the EU-Croatia JPC and **Mr. JANDROKOVIC**, Chairman of the Croatian delegation.

Mr. SCHMITT welcomed all the participants and congratulated the Chief Negotiator of Croatia and the Croatian Parliamentarians for the opening of accession negotiations. He referred to the first meeting of the Joint Parliamentary Committee of March 2005 in Zagreb, and to the tasks of this Committee, under the Stabilisation and Association Agreement, to closely monitor Croatia's accession preparations and negotiations. Mr. SCHMITT mentioned that the European Parliament had been continuously following the progress of Croatia in all aspects and remarked on the general move of sympathy from all EU institutions at the start of negotiations, and their hope that Croatia would be an example for the other Western Balkans countries.

He recalled the decision of the Council, in spring 2005, not to open accession negotiations; this however had been followed by the positive decision of the Council one day before, on 3 October, to open negotiations with Croatia, after they had received a favourable report on full cooperation with the ICTY from the Chief Prosecutor in The Hague. He expressly mentioned the wide support of MEPs, from all political backgrounds, for the start of the process and welcomed the new frame in which political dialogue between the two Parliaments would continue.

He introduced and welcomed the guests who would take the floor during the meeting: Mr Angus LAPSLEY, Deputy-Co-ordinator for the Balkans at the British Foreign Office, on behalf of the Presidency-in-Office of the Council of the European Union; Mr Vladimir DROBNJAK, Chief Negotiator for the Republic of Croatia, on behalf of the Government of Croatia (accompanied by Ambassador Branko BARICEVIC, Head of the Mission of Croatia to the EU) and Mr. Fabrizio BARBASO, Director General f.f. in DG Enlargement, on behalf of the European Commission. He once again greeted the members of the Croatian Parliament present at the meeting, as well as the co-chair, Mr. Gordan JANDROKOVIC.

Mr. JANDROKOVIC greeted everybody present, mentioning the historical importance of the moment, the opening of negotiations being a clear acknowledgement of the continuous efforts of the Croatian institutions and of the political consensus in Croatia on pursuing the goal of EU membership. He stressed that the cooperation between the EP and the Croatian Sabor had brought an important contribution to the decision of the EU Council of 3 October, and thanked the MEPs for their constant support to Croatia towards opening accession negotiations. He finally introduced the members of the Croatian delegation.

1. Adoption of the draft agenda

The agenda was adopted with one change: point 6 would be the last point to be discussed during the afternoon meeting of October 4th, at the special request of Mr. GOTTARDO, rapporteur of the Committee of Regions, who had to intervene on that issue. It was agreed to move point 5 to the session of October 5th, in the morning.

Mr. SCHMITT announced that the deadline for submitting amendments to the draft recommendations was set at 6.00 p.m., October 4th; the submission should be in writing, preferably into English, to the secretariats of the delegations.

Mr. POSSELT suggested to have the discussion on the final declaration and recommendations right at the beginning of the October 5th morning session.

2. Approval of minutes of the 1st meeting, held on 3-4 March 2005 in Zagreb

Mr. HORACEK asked to include the following sentence under point 4, second part of the minutes (page 9 of the English version): "Mr. HORACEK highlighted also the importance of the protection of the environment. Therefore he pointed out in particular the example of the hatchery of the unique bird species griffon, which could be found on the island of Krk".

- 3. Exchange of views with the representatives of the EU Council Presidency, the Croatian Government and the Commission on:
 - political and economic situation in Croatia
 - perspectives for the opening of accession negotiations and developments in EU-Croatia relations

Mr. LAPSLEY, on behalf of the Presidency in Office of the Council, thanked the two delegations for the opportunity offered to him to present the Council's views at the meeting and offered congratulations to Croatia on opening accession negotiations, apologising for the absence of the British Minister. Mr. LAPSLEY underlined the Council and Presidency's confidence, after the previous evening's decision, that Croatia belonged to the heart of Europe and was on the right path, and should be considered thus a precedent and an example for the other countries of the region. He stressed that cooperation with the ICTY, which had been given so much attention lately, was, in the view of the Council, vital to regional stability and to demonstrate that Croatia respected the main values of the EU, and particularly human rights. Looking ahead to the effective start of negotiations, the message from the Presidency of the EU Council was that negotiations would be tough and should be approached with realism, as a lot would be asked from Croatia. Mr. LAPSLEY drew the attention to a few important things for the Council, notwithstanding the priorities of the Commission: cooperation with ICTY should continue, enhanced focus should be put on refugee return and good treatment of minorities, efforts to reform judiciary and tackle corruption - the toughest points, based on the experience of previous accession negotiations - should be stepped up. Nevertheless, the Presidency was delighted that Croatia was moving ahead and looked forward to continued progress.

Mr. DROBNJAK thanked the members of the European Parliament for their continuous support for Croatia's application for EU membership, acknowledging that the parliamentary meetings had always been an essential part of the cooperation between EU and Croatia and would continue to be so. He considered the decision of the Council of the day before as a crucial one, starting a new era: by becoming a full player in the game, Croatia would have the opportunity to demonstrate its true capabilities.

Mr. DROBNJAK reported on the preparations of Croatia while waiting for the start of negotiations. The structure for negotiations had been already put in place, with the state delegation, headed by the Minister of Foreign Affairs and European Integration, and assisted by the negotiating team: the Chief Negotiator and other 13 negotiators, together with 35 working groups (about 1000 people at the peak moment of negotiations, with a nucleus of experienced people, both old and young). He reaffirmed that accession to the EU

was the main strategic goal now for Croatia, on which there was political consensus. A National Committee on Integration had been set up in the Parliament, to monitor and advise during the negotiations' process, as well as to respond to any questions of parliamentarians. Civil society, trade unions, chambers of commerce, academics would also be involved and transparency should be essential in the whole process. A procedure for the adoption of the negotiating positions of Croatia had also been established, involving both Parliament and Government, the negotiating team and Ministries.

Mr. DROBNJAK then referred to the administrative structure and the intense work on alignment to the EU acquis that had been initiated as part of the implementation of the Stabilisation and Association Agreement (SAA), which he considered as a crucial precondition for opening and closing of negotiation chapters. He also mentioned the financial assistance from the EU, very important to Croatia as a concrete support for reforms but also as an important element of a learning process. He recognized that negotiations would not be easy, and acknowledged the need for accompanying reforms, which would put a special burden on the state administrative capacity, but should not be feared. He finally mentioned the special challenge of dealing with the public opinion, expressing his hope that the support among the Croatian people would grow after the decision of the evening before; he stressed that transparency should be ensured in the negotiation process, a task for both Croatia and the EU. Mr. DROBNJAK concluded that Croatia was ready for negotiations and that membership of the EU was the strategic goal of the country for which they would spare no efforts.

Mr. BARBASO started by reminding everybody of the importance of the day for both the EU and Croatia; he pointed out that the Commission, confident in Croatia, was looking forward to really see how good and quick they would be in implementing the necessary internal reforms and all the other commitments, which would set the pace of negotiations. Mr. BARBASO recalled the forthcoming annual progress report of the Commission - due to come out on the 9th November, to be then presented to the EP - on the achievements of Croatia with regard to the Copenhagen criteria during the past 20 months; he presented, in advance, a few of the main findings of the Commission's services.

He reported first on the political criteria:

- 1. the judiciary and public administration: this was a sensitive area, where procedural and organisational improvements and a certain reduction of the backlog on land registration cases were visible. Serious attention was recommended to set the basis of a modern, independent, strong public administration as well as of an impartial judiciary system, essential conditions for full membership of the EU. Mr. BARBASO urged for the quick implementation of the recently adopted Comprehensive Judiciary Reform Strategy and Action Plan and further efforts to improve the staff policies in the field.
- 2. corruption: this was the second area of major concern, where some progress on legislation and the institutional framework had been registered, but efforts needed to be stepped up. He reiterated that the institutional and legislative framework was not enough, but also implementation, effective prosecution and ruling were crucial. Cooperation with the ICTY was also mentioned.
- 3. human rights and minorities protection: in these sectors, an appropriate legal frame was already in place and the situation of minorities was improving; however, the implementation of the Constitutional Law on National Minorities was too slow, and discrimination against the Roma and the Serbs still existed; a more receptive climate and more equality in the access to jobs, as well as prosecution of war crimes without bias against the Serbs, were urgent priorities. Good progress was registered on refugee return programmes, but some deadlines had not been met and better conditions for the economic and social sustainability of the return of the refugees needed to be ensured.

4. regional cooperation: this was a field to be praised, as bilateral relations with the neighbours and participation in regional programmes had significantly improved, even though progress had to continue for the resolution of pending issues (e.g. border issues). Concerning the economic situation, Mr. BARBASO commented mainly on the reduced budget and current account deficits, the improved macroeconomic climate, the stable exchange rate, the proposed increase for expenditures in the health care and pension systems, and the good achievements in infrastructure. However, more progress on structural reforms and on privatisation of different sectors were necessary; the business facilities (one of the general problems in the whole Balkan area) were considered insufficiently developed, and problems might rise because of external fiscal imbalances. Finally, in the view of the Commission, the state presence in the economy was still excessive.

Mr. SCHMITT opened the floor for debates.

Mr. JANDROKOVIC observed that the EU Council's decision of the night before would strengthen the rapprochement of Croatia to the EU, for which he mentioned the main parameters, emphasising first the economic ones, followed later by the political ones (cooperation with ICTY, protection of minorities, return of refugees etc). After the first months of implementation of the SAA, the Stabilisation and Association Committee had met to assess what had been done (harmonisation of legislation with the acquis, as well as the implementation situation) which should make the Commission's forthcoming screening easier. Fifty laws, adapted to the EU laws, had been passed in the previous two years; their implementation was however also important. The National Programme for Rapprochement to the EU, a list of political and economic criteria and a list of the reforms undertaken were mentioned as the central elements for legislative harmonisation. Croatia also had an EU Accession Programme, drafted in 2004.

Mr. JANDROKOVIC then talked about the major macroeconomic indicators for Croatia and their positive evolution in the last period: fast growing industrial production, the significant increase in the number of tourists visiting Croatia, the increase of the average salary's level, the decrease of unemployment levels etc.; he mentioned the importance of investments in various sectors as a precondition for future economic growth; in infrastructure, for example, the level would reach 7.5% of Croatia's GDP, showing the commitment of the government to supporting economic development. He also remarked on the need to improve the business climate, for which the reform of the judiciary was essential, to advance the reform of the agriculture and the restructuring of inefficient public enterprises, to reduce subsidies, to finish the transfer of the land registry proceedings to notaries, to reform bankruptcy proceedings etc. He also stressed the importance of continuing with the privatisation process, with institutional strengthening and the reform of public administration for better sustaining economic growth, and added that knowledge played an important role too.

In his quality as Rapporteur of the EP on Croatia's accession to the EU, Mr. SWOBODA declared himself happy with the start of negotiations. While in Croatia the week before, he had been impressed by the strong will of all personalities and institutions to work together towards the goal of EU accession, but stressed that implementation was essential and would be monitored closely. He especially mentioned cooperation with the ICTY and privatisation, important for attracting investors. He considered it difficult to set a date for the country's accession, as it all depended on the work done in Croatia, as well as on EU's readiness and there was no need to create false hopes. He looked forward, however, to working together with the delegation of Croatian Parliamentarians, and underlined that the Sabor would play an important role in the country's preparation.

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- **Mr. POSSELT** congratulated the Croatian government and parliamentarians, the Council and the Commission, for the opening of negotiations, stressing that the MEPs had been aware of Croatia's readiness even at the previous JPC, in March 2005. He addressed specific questions to the representatives of:
- the Council: whether the negotiations would be based on the same frame adopted on 16th March 2005, or else other auxiliary agreements or clauses would be taken into account, such as, for example, unilateral declarations;
- the Commission and the Council: whether Croatia would be assessed according to the standard procedure, on the basis of its own performances only, which would then determine the timetable, or whether there would be other conditions attaching Croatia to other countries and their progress.
- Mr. POSSELT drew the attention of the Commission on the need to start immediate and broadly based dialogue with the civil society in Croatia, which was essential for preventing the spreading of Euro-scepticism. With regard to the date of accession, he underlined that the EU should not make promises, and thus give rise to false hopes, but tentatively mentioned 2009 as a desirable date, in time for the Croatian citizens to vote in the next European elections.
- **Ms. MALMSTRÖM** asked, particularly Mr. LAPSLEY, for comments on the two apparently contradicting statements of Ms. Carla Del Ponte, one on Friday 30 September and the other one on Monday 3 October, with regard to the status of Croatia's cooperation with ICTY. She announced that she would come back later with other questions.
- Mr. LAPSLEY replied to the question about the conditions for negotiations by stressing that the adopted framework for negotiations would not change, the terms having been set by the Council Conclusions of the night before, and that the progress of Croatia would not be linked to other countries, but judged on its own merits. As regarded the cooperation with ICTY, he could not comment on the statements of Ms. Del Ponte, but he referred to the written report that she had submitted to the Council, which stated that "full cooperation" had been achieved, designing therefore a situation different from that registered in March 2005; this was the reason why the Council's decision, based on that report, had changed.
- Mr. MIMICA reminded that successful negotiations should be accompanied by reforms and clear communication of Europe to the citizens. The Sabor would work on three directions: political, legislative and economic reforms, to reach the goal of transforming the country, by 2007, even if negotiations would probably take longer. In his view, the role of the government and parliament was to engage in a dialogue with the citizens, a task in which the EP could help too. He finally stressed the three main advantages of membership in the EU: long-term political stability, economic stability and competitiveness and widespread rule of law and legal security, all in the interest of the citizens, of which they should be aware. Also, the JPC should be a forum to spread these messages to the Croatians.
- **Mr. HORACEK** reminded that everybody present had contributed to the Council's decision to open the negotiations. He talked about the danger of setting deadlines, by recalling the deadlines initially set for the now 10 new EU Member States, that had not been respected after all; therefore he recommended to his Croatian homologues not to be in a hurry.
- Mr. MEIJER, declaring himself convinced about Croatia's preparation even in spring 2005, considered that, if the three Baltic countries had been allowed to enter the EU together, then it would have been also wise to make Croatia enter the EU together with Slovenia. It was shameful to realise that actually Croatia had been waiting until the opening of negotiations with Turkey. He then added two comments. On the process of privatisation and reduction of the state's presence in the economy, he pointed to the fact that the EU Member States had no

obligation to reduce public services, as these were matters of national competence. The second comment concerned border issues, for example with Slovenia, the problem of double citizenship with Bosnia-Herzegovina, the issue of harbour access with Montenegro, and, finally, the treatment of minorities in general, and of the Serbs in particular.

Ms. PUSIC commented on the remarks of Mr. BARBASO, leaving the economic aspects aside, since in that field it was always considered that things were going relatively well. She put the emphasis on the two exclusively political points mentioned: human rights and minorities and regional cooperation, the most difficult areas probably, where, she stressed, most progress had been done recently. These issues had always been taken into consideration, and consensus had always existed on the fact that they where essential for the country's stability and progress.

She recalled that the conclusions of the Council on full cooperation with ICTY were now part of the negotiations framework, which she considered a positive thing. She also mentioned the full public consensus in Croatia on the country's accession to the EU. Ms. PUSIC finally commented on Carla Del Ponte's remarks, mentioning that she did not see any real contradiction in them, and that probably the way the media reported the statements had made them seem contradictory. She reiterated that the official criterion, that is full cooperation with the ICTY, had been fulfilled by Croatia, even if general Gotovina had not been captured yet.

Ms. MAMLSTRÖM stressed that it was very important to increase the support of the public opinion. She asked whether an analysis had been done on the recent drop in public support, whether the postponement of the negotiations' opening had caused it, and whether the public was aware of the sacrifices that would come with accession preparations.

Mr. DROBNJAK divided the opposition to the EU into three categories: a few europhobes, a second, small, category of euro-sceptics and the rest, the majority, were people who expressed in this way their disappointment and resignation at the Union's attitude towards Croatia. However, he underlined his optimism that the number of supporters would increase, after the previous day's decision.

Mr. MATUSIC first stressed that Ms. Del Ponte was probably disappointed that General Gotovina had not been caught, but happy with the full cooperation of Croatia with the ICTY. He was confident that Croatia would be judged according to its own merits, as Mr. LAPSLEY had mentioned. He then expressed his conviction that the public support for EU membership would increase after the decision of the Council, recalling that in the '90s, some 90% of the Croats were supporting that goal. He disagreed with Mr. BARBASO's assessment that the Serbs were discriminated against, stating that Croatia had a legislation consistent with the most advanced European standards in that regard, and that individual incidents were dealt with in the best possible way.

Mr. ZUZUL first referred to Croatia's own responsibility, towards its citizens, to fully cooperate with the ICTY, in the name of the rule of law and the respect of human rights, regardless of the decisions of the EU Council. Secondly, he pointed out that the opening of Croatia's accession talks was good news for the countries of the whole region, for which Croatia had always been a model. Mr. ZUZUL then expressed his conviction that setting up a date for EU accession was not as important as the substance of EU membership, but he also mentioned 2009 as a good moment. Finally, he reminded that there was a clear support from all political parties in Croatia for EU membership, which might be a better expression of the people's will than opinion polls.

Mr. BENDIXEN, on behalf of the Commission, first stressed that the negotiation framework was the only basis for negotiations; however, the comment on the necessity of continuing full cooperation with the ICTY that appeared in the Council's Conclusions would be taken into consideration for future monitoring, and those Conclusions would become part of the negotiations frame. He emphasised that each candidate country would be assessed according to its own merits, as a fundamental principle. He considered it too early to talk about a date for accession, as it would be better to focus on the work ahead: incorporation and implementation of the EU acquis, which constituted the real hard ground work, expected to take several years. He also addressed the issue of public opinion, pointing out to the need to strengthen the open dialogue, even if the Commission reports often emphasised the drawbacks, but only in order to step up efforts in those fields.

He finally referred to the Commission's assessment on the discrimination of the ethnic minorities, emphasising that the report was based on the best possible sources. There was indeed discrimination, he said, especially regarding the Roma and Serbian population; however, part of the PHARE funds would be dedicated to implement programmes for Roma integration particularly. He also drew the attention to the issue of the war crime domestic trials against Serbs, generally more efficiently dealt with than the ones against Croatians indictees.

Mr. POSSELT reminded the Commission's representative of the forthcoming discussion on minorities under point 4.

Mr. SCHMITT closed the discussion on point 3 of the agenda.

4. Political criteria

- reforms of the judiciary and the police
- co-operation with the ICTY, with a particular view to the implementation of the Government's Action Plan
- return of refugees and situation of the minorities living in Croatia, with a particular view to the Serb minority

Ms. ANTICEVIC-MARINOVIC reported on the reform of the judiciary and of the police, an essential priority for the Croatian government, in view of the EU accession requirements, but also because of the need to ensure liberty and security to the Croatian citizens, only possible through an independent judiciary. She explained the slowness of the procedures and backlog of cases in the system, due also to the shortage of personnel from early '90s onwards, a problem not completely solved yet; after the change of regime, many judges had left their posts for political reasons, and those who had continued to work had been paid very poorly. Afterwards, and especially in recent times, good progress had been achieved in tackling infrastructural problems, and in ensuring the independence of the judiciary from political bias, as well as sound ethical and professional standards. The first judicial reform started in 2000 and now approximately 90% completed, would be followed by measures. including an Action Plan, to implement the adopted laws, and would be accompanied by the reform of the public administration. Ms. ANTICEVIC-MARINOVIC talked about the structure of the backlog of cases, more than 55% of which were extra-judicial proceedings. and about a desirable increased involvement of the public notaries in some procedures (land registry cases) and finally referred to the need to have good monitoring devices for the implementation of laws, to train the judiciary staff and to rationalise the courts network.

Mr. MATUSIC reported on the successful cooperation of Croatia with the ICTY, referring to the new Action Plan adopted in April 2005 in order to solve the last case pending in The Hague, and to some recent measures - wide media campaign on the need to cooperate with

ICTY, dismantling the network of General Gotovina's supporters and freezing of his assets, strengthening the police force and appointing a new Minister of Internal Affairs etc. He reiterated Croatia's full commitment, also acknowledged by the ICTY and the decision of the Council the day before, to find and arrest Ante Gotovina, independently from the start of negotiations.

Mr. POSSELT asked for clearer reports to be forwarded to the European Parliament, and in particular to the EU-Croatia Joint Parliamentary Committee, on the evidence behind the decisions taken by the Council and the Commission on the progress of Croatia in the field of cooperation with the ICTY, which had not been the case until then. He also inquired whether the Commission would monitor the situation itself or would base itself on reports from the ICTY and whether the EU Task Force, still existing, could provide the EP, after the negotiations started effectively, with some regular information. He considered it very important that a rapid alert system for the EP be put in place.

Mr. BENDIXEN responded to defend the objectivity, comprehensiveness and coherence of the Commission's reports, by giving the example of the past reports for the 10 EU new Member States and the ongoing ones for Romania and Bulgaria. These reports, based on all available sources of information, including the ICTY, would be first presented to the EP in order to keep it fully informed. As regarded the EU Task Force, it was not needed anymore as the problem of inconsistency between different reports had been solved, but the question would have been better asked to the Presidency of the Council.

Mr. SCHMITT recommended that in the future the term "full cooperation" (with the ICTY) be better defined.

Mr. PAHOR commented on the two statements of Carla Del Ponte and the Council decision of the day before, stating that giving the green light to Croatia by Ms. Del Ponte (and the Council) had been most probably linked to the outcome on opening or not negotiations with Turkey. In his view, Croatia should have received a positive decision much earlier. Since nothing had changed with regard to General Gotovina's capture since March 2005, he believed everything was a political pronouncement, and declared that the ICTY should be excluded from strategic EU political decisions, such as the one on opening negotiations with Turkey and/or Croatia.

At 18.00, point 4 was suspended until next morning, to allow for discussions on point 6.

6. Regional co-operation and cross border activities, with a particular view to the initiatives of Croatian and neighbouring countries, local authorities and communities (with the participation of members of the Committee of Regions)

Mr. GOTTARDO, as Rapporteur on Croatia from the Committee of the Regions, talked about the partnership between the Committee and Croatia, highlighting the latter's commitment in cross-border cooperation and its general efforts on preparation for EU accession, but also the growing disappointment of the local population. In this respect, he suggested to try out the experience of "twinning" between EU and Croatian local administrations, which had proven useful with the 10 accession countries of Central, Eastern and South Europe. He stated that the EU should support enlargement to and stability in the Balkan area, and that European local communities had always been in favour of Croatia's accession, and were ready now to contribute to the positive outcome of the process. He referred to the principle of subsidiarity, and to the need for national and local administration to cooperate during the accession preparations in many issues, as acknowledged also by the

reports of the Committee of the Regions. He saw as central the role of regional and municipal authorities in communicating to the people the main advantages and disadvantages of membership in the EU, and in contributing to better cross-border cooperation, protection of minorities etc. In the field of human rights and protection of minorities, in his view, the Croatian government, as well as the local authorities, should do more.

Mr. GOTTARDO mentioned the decentralisation process as crucial in the preparation for EU accession, and not only with regard to the absorption of funds coming from the EU. He concluded by proposing to associate, in a structured manner, to the EU-Croatia JPC some representatives of the EU Committee of the Regions and some from the Croatian institutions of local government.

Mr. COSIC approached the main topics for regional cooperation, stating that Croatia was fully aware of its responsibility to promote it. Among the main subjects, he reminded the initiatives of regional cooperation in the sectors of renewable sources of energy, environment protection, electricity networks, transport corridors (especially charter air transport), border security and police, reform of defence, education etc, concluding that Croatia had done considerable progress on this wide issue.

Mr. BECSEY recalled the Commission's approach in the 1990s, which he had never shared, that Croatia had always been "forced" into regional cooperation with the other ex-Yugoslavian countries, disregarding its historical heritage and relations with other neighbouring countries; he would take into account cooperation with non-ex-Yugoslavian neighbours as well, Hungary for example. He stressed that Croatia should be judged on its own individual performance alone, and proposed an amendment to the draft recommendations on this aspect.

Mr. BECSEY then dealt with the aspect of multilateral cooperation, mentioning the free trade agreement between Hungary and Croatia, concluded even before the agreement with the EU, and the cooperation on transport corridors in the region. He drew the attention to a few topics: Slovenia's and Hungary's future entry into Schengen, which entailed the need for Croatia to prepare for that; the important issue of the return of refugees, process which he believed could finish by 2006; bilateral cooperation with the neighbouring countries, where relations seemed to have generally returned to normality.

Ms. PUSIC pointed at the different categories of regions, as mentioned by Mr. GOTTARDO - there were regions composed of parts of more countries, "Euro-regions", and regions comprising parts of one country only, for example Istria; this categorisation was considered important in order to identify what kind of issues should be addressed for each of these categories also in the light of the principle of subsidiarity, but she proposed that these topics be dealt with at a different meeting.

Mr. MIMICA brought into discussion the parliamentary dimension of regional cooperation, through the newly established regular conferences of the Parliamentary Committees on European Integration from the Western Balkan countries (the "Sarajevo process") which were meant to exchange knowledge and experience: Croatia was feeling even more responsible than ever and was dedicated to pursue good collaboration in that field.

On the issue of the Schengen borders with Hungary and Slovenia, he mentioned the need for some concrete cross-border arrangements. He finally declared the Croatian parliamentarians' readiness to bring the European values and projects closer to the people; therefore Croatia should be more active in the Committee of the Regions and develop subsidiarity further.

Mr. BENDIXEN stressed that regional cooperation was very important for the Commission too. He declared that pre-accession financial assistance would be available to create the structures necessary for Croatia to benefit fully from the programmes for cross-border cooperation. All these projects, with Italy, Hungary and Slovenia should pull the country even closer to the EU, besides contributing to regional stability in the Balkans.

Mr. SCHMITT declared point 6 of the agenda closed.

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The meeting was suspended at 18h43 and resumed on October 5th at 09.15.

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Mr. JANDROKOVIC, in opening the second session of the EU-Croatia JPC, declared points 1, 2, 3, and 6 from the agenda closed and invited the participants to continue with point 4, second indent (cooperation with the ICTY) while Mr. POSSELT and Mr. MIMICA would work on a common proposal for a final declaration and recommendations, which would be discussed afterwards with all members.

Mr. BECSEY drew the attention of members on the fact that, after Ms. Carla Del Ponte's declaration about Croatia's full cooperation with the ICTY, the pre-accession environment should be stable and progress should be judged objectively. He agreed that the term "full cooperation" needed more precision, and that a definite procedure should be established, by which the Commission and Council would evaluate Croatia on this criteria in the future. He wanted to exclude in this way any subjective elements in the decision-making process, and to avoid politically driven decisions.

Ms. MALMSTRÖM stressed that everybody welcomed the conclusions of Ms. Carla Del Ponte, and that she considered the International Criminal Tribunal in The Hague as a truly independent institution, whose objective opinions the EU respected a lot and on which the European institutions based their own evaluations. She did not agree with Mr. BECSEY, and underlined that it was important for Croatia to continue to fully cooperate with the Tribunal.

With regard to point 4, third indent on the agenda (situation of refugees and minorities in Croatia), Mr. PUPOVAC underlined the important role played by the minority policy initiated by Prime Minister Ivo Sanader and the representatives of the various ethnic communities, a pro-minority policy that should help to overcome the difficult heritage of the past. Even though some representatives of minority communities had lost their position in the Croatian society during the war, progress had been registered with regard to the reconstruction of houses and the restitution of properties, with some pending cases to be dealt with soon; on the issue of former holders of tenancy rights, he also expected good results by the end of the year. He referred to the domestic war crime trials being influenced by political considerations, stressing that the relevant authorities were insisting on the need to hold fair and unbiased trials, as a precondition for the safe return of refugees. The cooperation between government institutions and minorities' communities, as well as transborder cooperation between Serbs and Croats, on searching and apprehending persons indicted for war crimes were considered satisfactory.

Mr. PUPOVAC talked about the functioning of local government institutions, essential for ensuring the sustainable return of refugees; he considered that a better political participation and assumption of responsibilities by minorities' representatives would strengthen the local administration. The minorities' communities should therefore be assisted to advance towards sustainable self-government; development programmes in agriculture, SMEs and local

tourism should be encouraged for the construction of a true multi-ethnic and multicultural society.

He explained the special path chosen by Croatia for its minority policy, especially with regard to the new minorities (Serbs, Bosnians, Macedonians etc), from the political dimension towards other aspects and from political representation towards the establishment of institutions and the consolidation of institutional representation. He considered the political representation of minorities in Croatia as generally satisfactory, and welcomed their expected co-participation in the judiciary, the police force and other government bodies. He admitted that there were some open issues on minority policy and the return of refugees, but he believed that the tools, the environment and the right preconditions existed for the resolution of any problems.

Mr. POSSELT pointed out that the EU was actually missing a reasonable yardstick to evaluate the situation of minorities, stressing that a true law on minorities' rights was necessary. The pre-accession process could indeed be used to protect minority rights; however, this was a sensitive issue, on which a positive solution should be found, but not in an arbitrary way. He advised for a thorough approach in the evaluation of the situation in the candidate countries, and warned against the danger of using double standards, pointing to some current EU Member States where the situation was sometimes worse than in candidate countries. He added that the adoption of legislation was not enough, and that dealing with the practical implementation and the people's mentality was the real problem.

He did not agree with an earlier remark by the Commission's representative that the Serbs and the Roma were discriminated against - by the state - in Croatia; he admitted that there was indeed room for improvement, but discrimination was mainly caused by the psychological consequences of the war, the mentality of people and the expulsions which had followed the war. He insisted on the reconciliation process, which would take a long time, as well as on a right approach towards the refugee return and minority rights, especially in the light of the Constitutional law which had already been adopted in Croatia. He also referred to the issue of returnees, whose treatment should also be judged on the basis of objective standards.

Mr. MEIJER endorsed Mr. POSSELT's view on the danger of using double standards on minorities and drew attention to the fact that Croatia was facing a specific situation, with regard especially to refugees, different from that of other European countries. He asked how the decision on granting the Croatian citizenship was taken for refugees settling in Croatia from other parts of ex-Yugoslavia, as well as for non-refugee newcomers, stressing how important that procedure was for building a multiethnic and multicultural society in Croatia.

Mr. VUJIC pointed to the rights of minorities, which were to be realised not only through political representation, which he considered already quite high, but also to be achieved through participation in the civil society. He referred to the national interests and rights of the minorities which could be well promoted through non-national political parties - where the ethnic background of the members did not count. He considered that Croatia had high standards with regard to both minority political representation and membership of the civil society.

Mr. ZUZUL referred to the issue of reconciliation mentioned by Mr. POSSELT, a concept which was also related to the beginning of the European integration process and to the Schumann Declaration; the Declaration spoke about reconciliation between France and Germany, as the foundation of the EU. He believed that without reconciliation, no integration was possible; however, no international institution, unfortunately, mentioned this aspect anymore. He then commented on the second part of the Schumann Declaration dealing with concrete aspects and how to improve life conditions, the best combination, in

his opinion, for developing reconciliation programmes and which would work best for convincing the population. He emphasised however that, on the issue of reconciliation, some minorities' policies in Croatia went actually against this process, because their focus was too much on one group of people, whereas the process would have to encompass both sides; he gave the example of Vojvodina, concluding that the last 15 years' approach towards minorities had failed there, whilst in the past the inter-ethnic relations had worked well, probably because a broader concept of reconciliation was needed. The results, however, could not be measured over a few years only.

Ms. MALMSTRÖM agreed on the existence of double standards in the EU with regard to protection of minorities and on the lack of clear criteria for its evaluation. She asked about how the Roma question was dealt with in Croatia, especially as reliable information was hard to obtain.

Mr. EBNER spoke in his quality as member of a minority who, in his country, had finally obtained the recognized status after long disputes and was considered now a model in this respect, stressing that minorities' policies should be a two-sided process, involving responsibility and participation in the decision making processes, but also loyalty and coresponsibility leading to peace and building bridges. He believed that Croatia's minority policy was quite exemplary, such a policy should be a constant, on-going process, and he pointed out that it was shameful that in the EU there were no minimum standards for minorities' rights, even though the Charter of Human Rights, included in the Constitution for Europe, did have some provisions on the issue, but the Constitution had not, unfortunately, been ratified so far.

In agreement with Mr. POSSELT and Ms. MALMSTRÖM, Mr. BECSEY admitted that there was no EU legislation on the matter and stated his belief that the situation in Croatia with regard to minorities' rights was not catastrophic and would surely not prevent accession to the EU. He commented on the contradictory practices existing in the EU Member States on minorities' policies, referring to the reaction of the people themselves in response to the policies to which they were subject: this should be the best way to judge, besides the documents and statistics available. On the Roma issue, he pointed out that their potential massive influx in Western Europe was a cause for concern in relation to the accession of the Central and Eastern European countries to the EU; he stressed that special policies and integration programmes were needed with regard to this minority in Croatia and recommended that Croatia should look at the experience and good practices in this field of the 10 new EU Member States.

Ms. PUSIC emphasised that Croatia had learnt its lessons the hard way with regard to minority policies, the respect for minorities' rights being maybe one of the most valid criteria for measuring the respect of human rights. She commented that, on the point of minority rights' protection, Croatia wanted and needed to be above the average EU standards and agreed with Mr. EBNER that minority protection was a continuous process. The situation could improve over time, as a safeguard for the continuous democratic development of a country and a signal of the rising awareness on the importance of human rights, although it was not possible to imagine a definitive solution. Ms. PUSIC concluded that the situation in Croatia had greatly improved compared to 10 years before, and awareness on minorities' rights was higher than in many other European countries; she gave the example of the on-going debate in Croatia to allow dual vote in parliamentary elections for minorities' representatives. The process of European integration would help to keep open the discussion in the fields where improvements were necessary, without forgetting gender equality and sexual minority rights.

Mr. PUPOVAC believed that it was difficult to have a worldwide valid minority policy, as these policies varied from state to state and from solution to solution, even though a common approach would be desirable in Europe in the future. He added that he, as well as other Members, saw minority policies not as a category but as a dynamic process of building, creating, checking and balancing, in which assuming responsibility and care for democratic values and their development was essential for a democratic nation. On the question of the Serbian and Croatian languages, he reminded that it was a delicate issue, as there was a common language tradition and linguistic identity with certain specificities; therefore, different language policies for both majority and minority, and different education curricula, especially for some subjects, were to be recommended. On the issue of citizenship of the people settling in Croatia, he admitted that it was a delicate question, but believed that it was not an aspect immediately related to minority policies. He agreed that the Roma minority was in a delicate position, having been somewhat forgotten, but was now subject of special programmes and with a special representative in the Parliament; he added that public awareness needed to be enhanced on this aspect. With regard to minority policies and policies for civil society, he stated that it was also a question of dynamics; policies dealing exclusively with one side without taking into account the other would not be successful.

7. Adoption of Declaration and Recommendations

Mr. MIMICA presented the results of the preliminary discussion on the amendments tabled by the Members of the two Delegations and intended at making the text of the Joint Declaration more concrete and precise; he added that the representatives of the two delegations had agreed on almost all the points.

Mr. POSSELT stated that even if a broad agreement existed, a one-by-one review of all amendments might be necessary. He reiterated his recommendation that the amendments be discussed and adopted quickly, before continuing with the discussion on point 5, on the privatisation process.

Mr. JANDROKOVIC accepted Mr. POSSELT's proposal and opened the discussion on the amendments tabled to the text of the Recommendations.

Mr. MIMICA reviewed the main amendments. The following members took part in the discussion: Mr. BECSEY, Mr. BENDIXEN on behalf of the Commission, Mr. HORACEK, Ms. MALMSTROM, Mr. MEIJER, Mr. MIMICA, Mr. PAHOR, Mr. POSSELT, Mr. COSIC, Mr. PUPOVAC, Ms. PUSIC, Mr. SCHMITT and Mr. ZUZUL.

After approval of the amended text of the Declaration and Recommendations, Mr. JANDROKOVIC closed the discussion.

5. The privatisation process in Croatia

Mr. ZUBOVIC presented the state of play with regard to the process of privatisation going on in Croatia, from its beginnings in early 1990s to the present moment, with its four phases and the establishment of the Croatian Fund for Privatisation. The four phases were characterised by: radical transformation from the communist economy (first phase - 1991 to 1998); the free transfer of shares to certain categories of the population - war veterans and their families, disabled people etc. (second phase - 1998 to 2000) in order to solve some consequences of the war; the transfer of the state portfolio of assets to the Fund of Privatisation (third phase - 2000 to 2003); the use of other methods, such as the public

private partnership and the restructuring (fourth phase, ongoing since 2004). Mr. ZUBOVIC talked also about the plan for the further privatisation of the remaining majority state owned companies in 2005 and beginning of 2006; the minority portfolio would be reviewed, under Ivo Sanader government's decision to correct all wrongdoings having occurred in previous privatisations. Finally, he presented the privatisation of the Liburnia Riviera company, facing difficult problems with its hotels in the Opatija region.

Mr. SCHMITT took the floor on the ongoing debate in Hungary about the best owner: the state or a private entity; he mentioned the example of his country where only 10% of the assets had been left in the hands of the state, whereas the figure was 30% on average in the EU Member States, a good standard in his opinion. He advised for the establishment of a National Treasury Fund (for energy, air space and traffic, water utilities, hospitals, railways etc.) which should be kept by the state. He finally commented on the international surveys indicating that high corruption existed in Croatia, but considerable efforts were being done to stop it; he drew the attention to the importance of the phenomenon in connection with the process of privatisation.

Mr. EBNER asked two questions on the privatisation of the agricultural land and of the forests, and on the situation with the state-owned houses and apartments. He advised that these areas be included in future reports on the privatisation process.

Mr. ZUBOVIC answered that most of the forests were still owned by the state, and that the state-owned apartments had mostly been bought by their tenants (a process already completed).

Mr. EBNER wanted to know more about the percentages in these domains, as well as on the transfers of ownership, on the situation with the pending registrations in the land registry. He recalled specific problems having occurred in the past in the candidate countries with regard to data on this issue and thought that more information would be welcome to allow comparisons and find quicker solutions.

Mr. ZUBOVIC did not have exact percentages, but mentioned the establishment of the "Croatian Forests Company" to manage them. As regarded the process of buying out flats by tenants, he reiterated that, following the social ownership regime, the process had mostly been completed already in the 1990s, at good prices, and there had been only few problems in this area.

Mr. EBNER confirmed that he was in fact interested to have more statistical information on these issues in future reports on privatisation and de-nationalisation.

Ms. ANTICEVIC-MARINOVIC commented on the process of de-nationalisation going in parallel with the sorting out of the land registries and of the cadastre, on which the Croatian government was working hard in order to make them adequately reflect the true situation of properties. She mentioned the pilot projects that had allowed the organisation of land registries in small towns, the computerisation of land registries in certain areas, but also some problems occurring especially on the islands; additionally, controls had been put in place to correct wrongly done registrations.

Mr. TITLEY asked what the main objective of the privatisation process in Croatia was: to raise money for the state, to ensure that companies be more attractive for investments, or that they be better managed.

Mr. ZUBOVIC replied that the goal was to privatise the companies where the private owner was expected to be a better manager; there were indeed also companies considered of vital interest for the functioning of the state, where the state should maintain a word in their management (energy sector, or related to infrastructure and transport). He mentioned that debts could be a problem in the privatisation process in Croatia, determining big differences in the interest shown to acquire various companies. Another goal was to make those firms ready to receive investments and more operational; anyway some problems had occurred because of insufficient commitment of the new owners to invest adequately in their properties.

Mr. JANDROKOVIC emphasised that some problems did exist with the privatisation process, especially in the early 1990s, because of the law then in force and of the war. However, at present, the government assumed new responsibilities, was more committed to finish the process, and a new law on privatisation was being prepared.

Ms. ANTICEVIC-MARINOVIC added that the Croatian citizens were generally supporting the privatisation process as a principle, but because of bad experiences in the 1990s, they had become more cautious and wanted more transparency from the Government's side. The new law should therefore foresee more transparent procedures, to gain the confidence of the population. She finally stressed the need to complete privatisation of the forests in Croatia, possibly by the end of 2006.

Mr. COSIC commented that there was no clearly defined main objective of the privatisation process, adding that it was also aimed at bringing important income to the state budget, as well as at restructuring and achieving more efficient management of many Croatian companies.

Ms. PUSIC stressed that the main objective was the establishment of the free market; after the complicated concept of social ownership, then transformed into state ownership, the priority goal had become the achievement of free market, where good results had already been achieved.

Mr. PUPOVAC declared himself doubtful that the main aim was raising money, because Croatia would have thus become rich, which was not the case. He thought they had a weak liberal state and, although they wanted the establishment of the free market, some regulation and respect for the rule of law and transparency were necessary. That was the main problem in his opinion, rather than finding ways to get money for the state.

Mr. JANDROKOVIC closed the discussion on point 5.

7. Adoption of Declaration and Recommendations

While waiting for the final printed version of the text, **Mr. JANDROKOVIC** declared the Recommendations adopted.

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8. Any other business

None.

9. Date and place of next meeting

Mr. JANDROKOVIC proposed that the next meeting of the JPC would take place in Dubrovnik around end of March - beginning of April 2006.

Mr. TITLEY intervened briefly on the issue of the opportunity to meet local population, businesses, and social partners while in Croatia for the next meeting, in order to engage in direct dialogue about the Croatian accession process. He said he would prefer, though, that the meeting take place in Zagreb, which would allow to have talks with high officials.

Mr. JANROKOVIC agreed on Mr. TITLEY's proposal, which would be taken into account for one of the following meetings. He thanked everyone for taking part in the debate, which was the proof that the JPC was an opportunity for good cooperation and one of the major links between the European and the Croatian Parliaments. He hoped the JPC would continue its fruitful work also in the future.

The meeting was closed at 12h15.

BILAG/ANLAGE/ΠΑΡΑΡΤΗΜΑ/ANNEX/ ANNEXE/ALLEGATO/BIJLAGE/ANEXO/BILAGA

DELTAGERLISTE/ANWESENHEITSLISTE/KATAΣH ΠΑΡΟΝΤΩΝ/RECORD OF ATTENDANCE/LISTA DE ASISTENCIA/LISTE DE PRESENCE/ELENCO DEI PRESENTI/PRESENTIELIJST/LISTA DE PRESENÇAS/LÄSNÄOLOLISTA/DELTAGARLISTA

Til stede	Formandskabet/Vorstand/Προεδρείο/Bureau/Ufficio di Presidenza/Mesa/Puhemiehistö/J.L. Presidium: (*) Per Stenmarck SCHMITT (P) (1,2), MALSMTROM (VP) (1,2), PAHOR (VP) (1,2)			
Anwesend	$Medlemmer/Mitglieder/M\acute{\epsilon}\lambda\eta/Members/Diputados/D\acute{e}put\acute{e}s/Deputati/Leden/Deputados/j\ddot{a}senet/Ledam\"{o}ter:$			
BACO (1,2), EBNER (1,2), FAZA Παρόντες SIEKIERSKI (2), TITLEY (2)		KAS (1), HORACEK (1,2), MEIJER (1,2), POSSELT (1,2), PRODI (1,2),		
Present	Stedfortrædere/Stellvertreter/Αναπληρωτές/Substitutes/Suplentes/Suppléants/ Membri supplenti/Plaatsvervangers/Membros suplentes/Varajäsenet/Suppleanter:			
Tresent	BECSEY (1,2), GERINGER DE OEDENBERG (1), IBRISAGIC (2)			
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- (1) 4.10.2005
- (2) 5.10.2005
- (3)

 ^{* (}P) =Formand/Vorsitzender/Πρόεδρος/Chairman/Président/Presidente/Voorzitter/Presidente/Puhemies/Ordförande
 (VP) =Næstform./Stellv. Vorsitz./Αντιπρόεδρος/Vice-Chairman/Vice-Président/Vicepresidente/Varapuhemies
 Ondervoorz./Vice-Pres./Vicepres/Vice ordförande.

Efter indbydelse fra formanden/Auf Einladung d. Vorsitzenden/Mε πρόσκληση του Προέδρου/At the invitation of the Chairman/Por invitación del presidente/Sur l'invitation du président/Su invito del presidente/Op uitnodiging van de voorzitter/A convite do presidente/Puhemiehen kutsusta/

På ordförandens inbjudan:

DROBNJAK, Croatian Chief Negotiator, BARICEVIC, Ambassador of Croatia to the EU

 $Radet/Rat/\Sigma \upsilon \mu \beta o \acute{\upsilon} \lambda \iota o/Council/Consejo/Conseil/Consiglio/Raad/Conselho/Neuvosto/Rådet:~(*)$

LAPSLEY, Deputy Balkans Co-ordinator, Foreign Office, on behalf of the Presidency-in-office of the Council, ALIBERTI

 $Kommissionen/Kommission/E\pi\iota\tau\rhoo\pi\acute{\eta}/Commission/Commissione/Commissione/Commissio/Commissionen: (*)$

BARBASO, BACOSO, BENDIXEN, HAGLEITNER, HOSTENS, JONES

Committee of the Regions: GOTTARDO, TERRUSO, KVAPILOVA

C.E.S.:

Andre deltagere/Andere Teilnehmer Επίσης Παρόντες/Also present Otros participantes/Autres participants/Altri pa Andere aanwezigen/Outros participantes Muut osallistujat/Övriga deltagare	nrtecipanti	
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Cab. du Président		
Cab. du Secrétaire Général		
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Assist./Βοηθός		WHITTALL, ESCOFET

- * (P) =Formand/Pres./Πρόεδρος/Chairman/Président/Voorzitter/Puhemies/Ordförande
 - (VP) =Næstform./Vize-Pres./Αντιπρόεδρος/Vice-Chairman/Vice-Président/Ondervoorz./Vice-pres/Varapuhemies/Vice ordförande.
 - (M) =Medlem./Mitglied/Mέλος/Member/Miembro/Membre/Membro/Lid/Membro/Jäsen/Ledamot
 - (F) =Tjenestemand/Beamter/Υπάλληλος/Official/Funcionario/Fonctionnaire/Funzionario/Ambtenaar/Functionário/Virkamies/Tjänsteman

MEMBERS OF THE DELEGATION OF THE CROATIAN PARLIAMENT TO THE EU-CROATIA JOINT PARLIAMENTARY COMMITTEE

who will participate at the 2nd meeting of the JPC, Brussels, 4 – 5 October 2005

Chairman:

1. Mr GORDAN JANDROKOVIC, HDZ (Croatian Democratic Union)

Deputy Chairmen:

- 2. Mr KRESIMIR COSIC, HDZ(Croatian Democratic Union)
- 3. Mr NEVEN MIMICA, SDP (Social Democratic Party)

Members:

- 4. Mr FRANO MATUSIC, HDZ (Croatian Democratic Union)
- 5. Mr MARIO ZUBOVIC, HDZ (Croatian Democratic Union)
- 6. Mrs INGRID ANTICEVIC MARINOVIC, SDP (Social Democratic Party)
- 7. Mr ANTUN VUJIC, SDP (Social Democratic Party)
- 8. Mrs VESNA PUSIC, HNS (Croatian People's Party)
- 9. Mr MILORAD PUPOVAC, SDSS (Independent Democratic Serbian Party)
- 10. Mr MIOMIR ZUZUL, HDZ (Croatian Democratic Union) new member who has replaced Mrs Danira Bilić

Representatives of the Croatian Government participating at the 2nd JPC:

- 1. Mr VLADIMIR DROBNJAK, Chief Negotiator
- 2. Mr BRANKO BARICEVIC, Ambassador of the Republic of Croatia to the EU

Staff from the Croatian Parliament:

- 1. Mrs GORDANA GENC, Secretary of the Delegation
- 2. Mrs VESNA LONCARIC, Secretariat of the Delegation

26 September 2005 GG