

**Question for written answer E-006694/2011
to the Commission**

Rule 117

Jelko Kacin (ALDE)

Subject: The Serbian Criminal Code and property rights

There are credible indications that parts of Serbia's Criminal Code – namely the application of Article 359 (abuse of office) to the management of private companies, and the rules on pre-trial detention – are not compatible with the principles of the rule of law. The Serbian State Secretary for Justice, Slobodan Homen, has recently stated that there will be changes in this area following recommendations from the EU.

Furthermore, the Serbian authorities have been slow in clarifying certain cases brought against individuals – the Djordjević case being an example. After taking legal action against the Serbian privatisation agency in an attempt to protect his property rights, Mr Djordjević was accused of inciting company management to abuse of office and detained for nine months.

Cases such as these highlight the insecurity of the investment climate in Serbia, particularly with regard to privatisation, and raise concerns about the independence of the justice system.

1. Has the Commission identified certain provisions of the Serbian Criminal Code as problematic and incompatible with the principles of the rule of law? If so, which provisions?
2. How and in what timeframe does the Commission intend to monitor the developments announced by the State Secretary for Justice, in particular in relation to ongoing cases based on Article 359?
3. Will these areas be addressed in the Commission opinion about Serbia expected in October 2011?
4. What steps is the Commission considering to ensure that implementation of the protection of private investors' property rights in Serbia is brought into line with EU standards?