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EU Accession Handbook : a short background

In many EU Member States Ministries have developed an EU Handbook to familiarize officials and stakeholders with the EU work inside their Ministry. Swedish EPA therefore proposed to include such a project in ENVAP2. It was so agreed.

As EU policies, not least during accession phase, will involve a large part of the Ministry staff it is important that there is available up dated information of an accession negotiation looks like. Not least for new comers to the Ministry it is helpful with such a tool.

Based on the experience of existing Member States we have now developed a Serbian Handbook for chapter 27. On the Swedish side the main participant in this project has been Ulf Svidén, former chairman of the Swedish Negotiation Group 27. EUD has of course taken an active part during the whole process and has the ownership of the Handbook.

EUD has sent the draft Handbook to other Departments in order to have their input. No objections to the content have been received.

The Handbook contains several parts:

1. A first substantive chapter describes in some detail the process of an accession negotiation.
2. Next chapter gives an overview of the Serbian administrative structure ranging from The Coordinating Body for EU accession to sub groups under the various NGs. Roles of other Ministries of Parliament and stakeholders are also covered.
3. Then comes a chapter on the internal structure in MAEP. This is a crucial chapter laying out the role of different Departments in EU matters. Evidently recent decisions on the structure of the Ministry has been taken into account.
4. Working methods is the title of the next chapter laying down how in particular the work of the NG27, its sub groups and ad hoc groups is structured from planning the agendas, sending out documents and reporting from meetings.
5. In the final substantial chapter an overview of the EU institutions in the field of environment is presented. Emphasis is given to the role of the Commission, the Council and the European Parliament in particular.

We hope that the Handbook will be a good reference and guiding book for the Ministry.

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1 Introduction

The Republic of Serbia has started its accession negotiations for membership to the European Union. The European Council decided in January 2014 that the negotiations for accession of the Republic of Serbia to EU should be opened.

The experience from recent EU enlargement negotiations clearly shows that out of 36 chapters environment, chapter 27, is one of the 3-5 most difficult. This is because the number of EU legal acts (acquis) are closed to 300 and that some acquis are very financially demanding. At the same time the EU accession negotiations will give us a unique opportunity to strengthen Serbia's environmental policy. The upcoming accession negotiation is now a clear priority for the Ministry and for the Government as a whole.

Our forthcoming EU membership will lead to major changes in the working methods of our Ministry. Sometimes we have to make new priorities in order to give the EU accession process sufficient resources. Our Ministry has already been working to align our national legislation to EU's. I am proud that our Ministry has been in a leading position in the Serbian Government in this respect.

The coming EU membership means several things such as: adjustment of our legislation with the European acquis and an active participation regarding numerous EU environment programs. It also means that we will have a seat in the European institutions and will have an influence when creating future legislation and other EU policies.

The purpose of the Handbook is to familiarize the staff of the Ministry and agencies dealing with EU matters with how the accession negotiations will look like and how we have to organize ourselves in the light of the coming EU negotiations. This Handbook is a guiding document that describes the accession process as well as the Serbian structure and institutional set up of the accession negotiations. It will be continuously updated in the light of gained experience. I expect every staff member of this Ministry and other public bodies to read it carefully. We will also organize a number of seminars around this Handbook, on which we will try in a practical way to acquaint our staff with the content and the practical aspects of this handbook.

This Handbook was developed under the running ENVAP project together with the Swedish Environment Protection Agency. I express my gratitude to the Swedish authorities for sharing their experience with us.

State Secretary

Stana Bozovic

2 List of Abbreviations

CFCU - Department for Contracting and Financing of EU Funded Projects
COM – European Commission
COREPER – Comité des Représentants Permanents (Ambassador Level)
CSO – Civil Society Organization
DG - Directorate General at the EU Commission
ECA - European Chemical Agency
ECPG European Climate Policy Group
EEA - European Environmental Agency
EESC - European Economic and Social Committee
ENVI Committee - Committee on Environment, Public Health and Food Safety
EP - European Parliament
EPRG - Environment Policy Review Group
EU – European Union
EU CONS – European Union Consultations
EUD – Department for European Integration in the Ministry
GMO – Genetic Modified Organisms
HR – Human Resources
IQ - Implementation Questionnaire
IPA- Instrument for Pre-accession
MAEP– Ministry of Agriculture and Environmental Protection
MEP- Member of Parliament
MFA – Ministry of Foreign Affairs
MS- Member State
NG- Negotiation Group
NGO – Nongovernmental organization
NPAA – National Program for the Adoption of the Acquis
PMD – Project Management Department
QMV - Qualified Majority Voting
RGA - Republic Geodetic Authority
RHMB - Republic Hydro-Meteorological Bureau of Serbia
RTSA - Road Safety Agency
SEIO - Serbian European Integration Office
SSA – Stabilisation Agreement
SWG- Sectorial Working Group
TEU – Treaty on European Union
TFEU - Treaty on the Functioning of the European Union
TOC – Table of Concordance
WP- Working Party
WPE - Working Party on the Environment
WPIEI - Working Party on International Environmental Issues

3 CHAPTER I - EU accession process

3.1 The legal framework

The legal framework for the EU's enlargement policy is provided by Articles 21 and 492 of the Treaty on European Union. Accession conditions have been defined by the Copenhagen European Council in 1993 (political, economic and "acquis" 3 criteria). The most recent comprehensive framework for the EU's enlargement policy was set by the European Council in December 2006.

The duration of the accession process can vary and the pace of proceedings is determined first and foremost by reform progress in the country concerned. In addition, the absorption capacity of the EU is another key element in any new enlargement. The absorption capacity of the EU also requires enlargement to be supported by public opinion both in the Member States and the candidate countries.

Formal negotiations are conducted individually with the candidate country, at the level of ministers and ambassadors. As it is an intergovernmental conference, all decisions in the accession negotiations (opening, closing of chapters etc.) require unanimity on the EU side, based on a recommendation by the European Commission.

Negotiations focus on the conditions and timing of the candidate's adoption, implementation and enforcement of all EU law, the *acquis communautaire*. Candidate countries have to commit and demonstrate that they will apply all EU law upon accession. The only exceptions from this are transitional periods, limited in time and scope that can be negotiated individually. Both EU Member States and candidate countries may obtain such temporary deferrals of applying EU law. During recent accession negotiations around ten such transitional periods have been granted in the field of environment.

EU expects that a candidate country adjusts unilaterally to current EU law, the *acquis*. The *acquis* includes all adopted legal acts as well as the so called case laws adopted by the Court of Justice. It also includes statements and resolutions adopted by EU, joint actions and not least international agreements concluded by the Union.

In addition EU expects that the candidate country that it has a strong management capacity of its administration and judicial system.

In the field of nature a special Annex will be attached to the final Accession Treaty, describing the particular conditions of the applicant country.

For the purpose of the accession negotiations, the EU legislation is divided into 36 chapters. Environment is chapter 27. From previous rounds of accessions, the chapters are informally divided into easy, difficult and very difficult ones. Environment is considered to belong to the very difficult group.

¹ The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail

² Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.

³ Technically, a country's "ability to meet the obligations of EU membership", meaning in principle that the country concerned effectively applies EU law upon accession to the EU

3.2 The process

3.2.1 Application and Opinion

Any European State which respects the values referred to in Article 2 of the Treaty of the European Union and is committed to promoting them may apply to become a member of the Union. Membership applications are submitted to the Presidency of the Council⁴. The Council then asks the Commission for an Opinion. In its Opinion the Commission examines the applicants' preparedness with regard to the Copenhagen criteria and also provides an initial assessment of the potential impact of the accession on key policy areas. One of the tools for preparing the Opinion is the Questionnaire that the Commission sends to the applicant country – list of questions the applicant country must answer⁵. In practice, the main issue the Commission's Opinion addresses is whether the applicant country is sufficiently prepared for the opening of accession negotiations. This is the case as soon as the Copenhagen political criteria have been fulfilled.

Any such recommendation by the Commission needs to be endorsed by the European Council. Applicant countries are granted candidate country status from the day their application is officially accepted by the European Council⁶. The European Council is expected to formally declare the accession negotiations opened early 2014.

The launching of accession negotiations occurs through an intergovernmental conference. Negotiations take place on the basis of a negotiating framework adopted by the Council following a Commission proposal.

3.2.2 Accession negotiation

The accession negotiation includes a preparatory phase before the formal negotiation starts. It is the so called **screening process**. This phase has become more important during the last rounds of accession. During the screening the EU Commission and the candidate country undertake a thorough examination of the *acquis*, including the country's institutional structure. A screening list is established and that corresponds entirely to the Progress Monitoring list and the screening list is the basis of the screening meetings.

The Commission experts explain the *acquis* under the different chapters in the so called **Explanatory Meeting**. The emphasis is put on the main legal acts which will be seen from the proposed agenda sent out by the Commission.

The Explanatory Meeting for Serbia for chapter 27 took place in September 2014.

The Serbian side will be led by the Chief negotiator for chapter 27. The Commission delegations is led by a high level representative and accompanied by a number of experts from different services mainly from DG Environment and DG Clima. The Serbian Chief negotiator is also accompanied by a large number of Serbian experts in various fields. In recent accession

⁴ Serbia applied for EU membership on 22nd of December 2009.

⁵ Serbia replied to COM's questionnaire on 31st of January 2011.

⁶ Serbia was granted EU candidate status on 1st of March 2012.

negotiations more than 100 national experts participated, mainly from Ministries and institutions but also from private sector and NGOs.

During the weeklong meeting the Commission presented in detail different aspects of the environmental acquis. Not least will the Commission explain in some detail the complexities of transposing and implementing the acquis into national legislation and policies.

During the explanatory meeting the experts from the candidate country can ask questions to or clarifications from Commission experts. It is recommended that the experts of the candidate country identify the issues that need clarification and prepare in advance the questions to be addressed to COM's experts.

After the Explanatory meeting Serbia will enter into an intense phase of analysing how close Serbia is to the EU acquis and to prepare for the next stage.

After the Explanatory meeting, COM will send a screening questionnaire which must be answer by the candidate country. The questionnaire is based on the same legislative acts that were discussed during the explanatory meeting. It contains three types of questions (A, B and C). A and B questions are the same for every piece of legislations⁷ and they refer to the transposition. C questions are specific for each legislative act and they refer to the main issues/matters contained in that particular directive/regulation. They are similar with the questions provided for in the Implementation Questionnaire, but have a more aggregated form.

The answers to the screening questionnaire should be clear, concise, professional and to the point. They should explain the current situation and the envisaged plans (including dates) to either transpose and implement the EU provisions or the address the identified problems. The information presented should allow COM' experts to get a clear picture not only on the current real situation, but also on Serbians plans to fully transpose, implement and enforce the EU legislation.

Next step is a so called **Bilateral Meeting** (also called Country Screening sometimes) where the candidate country presents the status of its alignment with the acquis. For chapter 27 it is foreseen to take place in November 2014.

The agenda of this meeting is proposed by the candidate country. However, this should mirror the agenda for the Explanatory meeting.

During the Bilateral Meeting, which is expected to take a full working week, the Serbian delegation will present an overall picture of its preparedness to align to the EU acquis. Special attention will be given to explain the Serbian plans to secure a sufficient administrative capacity in order to manage the implementation of EU legislation and policies.

A number of experts will attend the meetings that week. Close to 100 persons is expected in the Serbian delegation based on previous enlargement screenings. The composition of the delegation should reflect the scope of the meeting. In other words, the delegation should include the experts that are responsible for each piece of legislation which will be screened.

⁷ Regulations do not have A and B questions because they do not require transposition into national legislation.

The agenda is very tight. The time allowed for each piece of legislation can be between 20 – 40 min., depending of the difficulty of the legislative act. This time should be divided in 2 parts: (a) presentation by the Serbian delegation; (b) possible questions from COM' experts. Consequently, the presentations should be very clear, short, oriented to the main important issues/steps to be undertaken. It is very important to allow sufficient time for questions from COM's experts⁸.

The presentation should be done by the expert for that particular piece of legislation who knows best the Serbian situation and the EU requirements. It is not important if that person is not an employee of MAEP⁹.

The experts have the possibility to use their mother tongue, i.e. they can speak Serbian, even if the presentations are in English.

It must be underlined that all presentations should arrive to COM two weeks before the meeting starts. This is necessary to allow COM's service to translate the presentations so the interpreters prepare for the meeting.

The screening objective is to identify the differences between candidate state legislation and the *acquis*. The screening serves both the EU and the candidate country as the basis to determine the time period necessary to harmonize national legislation with the *acquis*. At the same time, it will pinpoint the issues that require special attention in terms of implementation and enforcement. The screening is also a good basis for the candidate country's negotiations positions.

It is possible that additional questions are sent by COM after the bilateral meeting, if the information received is not considered enough or clear. The answers to these questions should be clear and to the point.

It must be underlined that the answers to the screening questionnaire, the presentations and the answers to additional questions should reflect the Serbian position, i.e. they represent the agreed position between all authorities relevant for a particular piece of legislation. They should be written in English, using as much as possible the terminology used in the EU legislation.

The results of the bilateral meeting are presented in the **screening report** prepared by the Commission (it contains all chapters). The screening report normally consists of four parts. The two first are factual describing Serbia's actual position. The third part is an analytical part assessing where Serbia is at present and the last part contains recommendations.

Normally the screening report contains progress made. It also stresses the large work yet to come. Special emphasis is given to those *acquis* that might require transitional periods.

The report is presented to the Council. First, it is discussed in the Working Group dealing with enlargement issues. Member States have the possibility to ask questions or clarifications or to express concerns. Because Serbia is not present in the Council COM "acts" as Serbia's "lawyer". This is why COM should have all information needed to defend Serbian's position.

⁸ For ex. a presentation can be 5 min. and 15 min. are for questions.

⁹ For ex. it can come from the local/regional level.

Secondly, the report is either endorsed or discussed in COREPER 2 where any potential open issues are addressed. Then the report is presented to EU CONS.

In this context it must be point out that it is very important for Serbia to strengthen its relations with EU Member States, especially with neighbouring countries.

The recommendations of the screening report are addressed to the Council, either to open a chapter or to set opening benchmarks i.e. conditions that need to be fulfilled before the chapter can be opened. These recommendations need to be endorsed by the Council¹⁰. The EU Council adopts unanimously a document called Outcome of the screening where EU evaluates whether the candidate country has reached sufficient level of harmonization with the acquis. Normally the report contains a number of opening benchmarks. The benchmarks aim at drawing the candidate country's attention to the most important reforms that has to be undertaken in order to align to EU acquis. A recent benchmark was to ask the government to come forward with a comprehensive plan for putting in place necessary administrative capacity, including required financial resources.

The candidate country has to submit a major document presenting how it aims to overcome the obstacles identified in the benchmarks. This goes not only for the central administration but also for regional and municipal administration. How to organize required inspections is a common issue.

3.2.3 The negotiations

Once the Council confirms, on the basis of a Commission recommendation, that a candidate country fulfils the opening benchmarks, the candidate country is invited to send its opening position for the chapter (draft prepared by the Commission). Therein it describes in detail how it implements or will implement the acquis. It may also ask for transitional periods, limited in time and scope. In recent enlargement transitional periods have been granted for heavy investment acquis, The EU reacts with a common (opening) position that defines its position regarding the requests for transitional periods as well as conditions that need to be met for the chapter to be closed ("closing benchmarks").

Once the closing benchmarks have been met and agreements on possible transitional measures found, the EU reacts with a closing common position (draft prepared by the Commission). Member States decide this on the basis of the Commission's technical analysis on whether the relevant benchmarks have been met. Then a chapter is temporarily closed.

Given the extensive interdependence between different chapters, the accession negotiations are conducted on the principle that "nothing is agreed until everything is agreed". Individual chapters are only closed provisionally. Once all chapters have been closed provisionally, negotiations may be concluded.

¹⁰COM's report is firstly discussed within the CONS WG on Enlargement and then presented to COREPER 2 before the EU Council meeting.

The final stage of the negotiations is dedicated to substantive discussions between the Member States of EU represented by the Presidency of the Council and the candidate country.

It should be pointed out that in some cases, due to political reasons, the negotiations can be either postponed¹¹ or suspended¹².

3.2.4 Accession Treaty

The result of the accession negotiations is transformed into an accession treaty containing all necessary adjustments to EU law, as well as the negotiated measures that have been agreed during negotiations. Further technical adaptations are listed in a separate act. After negotiations are concluded, the Commission delivers a final formal and brief Opinion on the country's readiness to join the EU. The Council then signs the Accession Treaty and the European Parliament gives its assent. The signed Accession Treaty requires ratification by all Member States as well as the acceding country which usually requires 12-18 months. In most cases, the acceding country ratifies its accession treaty by referendum. The entry into force of the Accession Treaty marks the accession of the new Member State.

3.2.5 Monitoring/safeguards

Throughout the negotiations and all the way until accession, the fulfilment of commitments taken by the candidate country is systematically monitored by the Commission through different instruments such as: regular reports to the Council, peer assessment missions, subcommittees under signed bilateral agreements (such as SSA in the case of Western Balkan countries), accession partnerships, national programs for adoption of the *acquis* (NPAA) etc. A country's preparations for EU membership are assisted financially and technically by the European Commission.

3.2.6 Specific issues under chapter 27

Close to 300 major pieces of EU environmental legislation have to be transposed into national legislation in a short space of time. Environment is thus a key sector in any accession negotiation. It is also one of the sectors that require substantial new investments in order for the candidate country to comply with EU *acquis*.

Transitional measures can be granted for heavy - investment directives, provided that the measures are limited in time and scope. For Chapter 27, these are mainly in the field of waste, water, industrial pollution and air quality. No transitional periods were granted up to now to horizontal legislation (Environmental impact assessment, Access to information etc.), nature legislation or framework legislation (Waste framework legislation, Water framework legislation etc.). Transition periods are only granted on the basis of detailed justification of the

¹¹ See Croatia's case where the negotiations were postponed due to some issues with Slovenia.

¹² See Iceland's case where the negotiations are suspended due to the change of Government position regarding EU accession.

needs and on the basis of realistic implementation plans specifying the steps of financial commitments that will be taken to ensure full compliance with the target legislation by the end of the transition period.

4 CHAPTER Accession structure in Serbia

4.1 Governmental bodies involved in EU accession negotiation

The Serbian Government has established, (Official Gazette RS, No. 95/07), the official coordination mechanism for the EU accession process.

4.1.1 Coordination Body for EU accession process

The Coordination Body for the Process of Accession of the Republic of Serbia to the European Union has been established as the highest decision-making body. It consists of the Prime Minister (the chairman of the Coordination Body), Deputy Prime Minister for European Integration, Minister of Foreign Affairs, Minister of Internal Affairs, Minister of Finance, Minister of Economy and Regional Development, Minister of Justice, Minister of Agriculture and Environmental Protection, Minister of Trade and Services and Director of the Office for European Integration. The Coordination Body submits a report on its activities to the Government every 90 days.

4.1.2 Coordination Body Council

The Serbian Government Council for European Integration is set up in order to perform operational issues under the Coordination Body. It is led by the Vice Prime Minister and is composed of European Integration Office Director; Negotiating Team Head; Negotiating Groups chairs; Representative of the National Bank of Serbia; Deputy Director and Coordinator for the European Union funds at the European Integration Office; Representative of the Republic Secretariat for Legislation. Guidelines for the work of the Coordination Body Council shall be provided by the Coordination Body.

The Chair and members of the Coordination Body Council are appointed by the Government decision.

The Coordination Body Council meets as appropriate and representatives of Civil Society Cooperation Office shall participate.

Upon invitation of the Chair, in the work of the Coordination Body Council can be also involved members of the Negotiating Team.

In the event it is necessary to include other authorities and organizations in the activity of the Coordination Body Council, the Chair may invite the representatives of such authorities and organizations to take part in the session of the Coordination Body Council.

4.1.3 Negotiating Team

The Negotiating Team for Accession of the Republic of Serbia to the European Union is established by the Government for the period until the signing of the Treaty of Accession of the Republic of Serbia to the European Union.

Negotiating Team is highest level in screening and negotiation process. This team supports and participate in the negotiations groups, not least during the screening phase. The Negotiating Team reports to the Government for its activity and also inform the diplomatic mission of the Republic of Serbia in Member States of European Union and the European Union on positions of the Government on issues concerning accession negotiations.

The Negotiating Team is formed of: Head of the Negotiating Team, State secretary at the ministry in charge of finance, State secretary at the ministry in charge of foreign affairs, Head of Permanent Diplomatic Mission of the Republic of Serbia to the European Union – Ambassador and other members of the Negotiating Team. Experts can be called to participate.

4.1.4 Negotiating Groups

There are 35 negotiation groups (NG) divided according to the negotiation chapters of EU. They are the main bodies in charge of the preparations, planning and implementation of the accession negotiation. More particularly NGs perform activities such as participation in the screening, drafting negotiation position proposals, preparation and monitoring of the implementation of the National Program for the Adoption of the Acquis (NPAA) and drafting communication activities for appropriate chapters of the negotiations on the European Union accession. NG 27 is led by the State Secretary from the Ministry of Agriculture and Environmental Protection (For more information of NG27 see chapters 5 and 6)

Negotiation groups can set up Sectoral working groups and if needed Directive Specific Working Groups.

4.2 Institutions and bodies within the Government of the Republic of Serbia

Within the Government of the Republic of Serbia, several authorities and bodies are directly involved in negotiation and pre accession process.

4.2.1 The Serbian European Integration Office

Serbian European Integration Office, SEIO, is responsible for the overall coordination of the EU Accession Process, monitoring the process of transposition and implementation of the EU Acquis and implementation of activities of EU relevance.

The Serbian Integration Office, SEIO, reports directly to the Government and to the Deputy Prime Minister for European Integration, who has been entrusted to assume the overall responsibility for EU accession.

Ministries and other relevant institutions are obliged to plan and implement EU accession activities. In the process of developing materials, Line Ministries are responsible to work based on the SEIO's methodology, working plan and instructions. All Line Ministries are responsible

for drafting contributions within their competence (e.g. environmental part will be completed by Ministry of Agriculture and Environmental Protection). Chief Negotiator approves final documents based on the contributions of responsible Ministries. SEIO maintains close contacts primarily with the Focal points for coordination of the EU related issues inside line Ministries (e.g. EUD in MAEP). These units are responsible for the internal coordination and final quality check of contributions/documents requested by the Serbian Integration Office.

SEIO is also responsible for coordination of the Negotiation process in accordance with the established Negotiation structure. SEIO provides policy, administrative and technical support to Line Ministries. SEIO has primarily the main contacts with European and Project Departments in the Ministries. SEIO is also Secretariat to the Coordination body, Coordination Council and the Negotiation team.

4.2.2 Ministry of Foreign Affairs

The Ministry of Foreign Affairs, MFA, is responsible for the coordination of foreign-policy and other international activities carried out by government bodies. Within MFA Department for EU is in charge for coordination and negotiation with EU for Serbian membership, maintains diplomatic relations with the EU and all member countries on behalf of the Republic of Serbia. The Ministry of Foreign Affairs has to inform the Negotiating Team of relevant information from the European Union, EU Member States and the Candidate States

Permanent Mission of Republic of Serbia to EU

The Permanent Mission of Republic of Serbia to EU in Brussels is the government's main channel into the EU system. The Mission follows and analyse work of EU institutions and regularly informs on right and obligation of Republic of Serbia in relation to harmonization of legislation with EU acquis.

Besides regular political dialogue between EU and Serbia, the Mission participates in the meetings of Sub Committee on Energy, Transport and Environment, an – institutional forum between responsible institutions of Serbian Government and European Commission in charge for analysing process of harmonization of legislation of Serbia with EU acquis. Also, one of the main tasks of Permanent Mission is regular follow up of activities in European Parliament and maintain contact with members of European Parliament.

Environmental attaché

Environmental issues are at present handled by one of the permanent staff of the Missions. The attaché is part of the Mission. It receives instructions from the Government. The main duties of the attaché are to report on major development of EU environment and climate policy and the accession negotiations. An important function is to familiarize him/her with the work of the Commission, especially in DG Environment and DG Climate. The attaché also

actively participates in negotiation and process, prepares information documentation for NG 27.

The attaché will in the future normally be recruited from the Ministry of Environment with good knowledge of EU negotiation process and requirements in relation to harmonization of environmental legislation of the country with EU acquis.

4.2.3 Ministry of Finance

Ministry of Finance is ministry in charge for public finance, republic budget, tax policy, financing social insurance and for other public finance control and public funds management affairs.

4.2.3.1 *Department for Contracting and Financing of EU Funded Projects (CFCU)*

This department has responsibilities in relation to EU funds tendering, contract and project management, financial management and IPA (Instrument for Pre - accession) financing and control.

4.2.4 European Integration Departments inside Ministries

European Integration Units in line ministries and state administration bodies have a role of coordinators and contact persons in their bodies in relation to the Office. The European Integration Units should coordinate all relevant activities and foster efficient operation of their respective departments with view of successful implementation of reforms in the Republic of Serbia towards the EU.

4.3 National Assembly of the Republic of Serbia

The Plenary of the National Assembly has the overall responsibility for EU related questions. it approves laws and organizes general EU debates. A special twinning project has been established, called "The role of National Parliament in the accession negotiation process.

4.3.1 European Integration Committee

The European Integration Committee of the National Assembly, formed in May 2003, has a major overall role in the decisions to transpose the EU acquis into the national legislation. In accordance with its responsibilities, the European Integration Committee reviews and finally adopts draft laws and other regulations and general acts in terms of their adaptation to the EU regulations and standards; review the plans, programmes, reports and information on the EU stabilization and association process, monitor the accession process and propose measures to accelerate the implementation.

The Serbian Office for European Integration provides professional assistance to the members of the European Integration Committee and other national assembly members on issues concerning European integration process, primarily the monitoring of harmonization of draft laws and submitted amendments with the EU acquis.¹³ The NG chairpersons regularly attend meetings with the Committee. The Committee also receives at three months interval reports on the on-going negotiations

4.3.2 Environment Committee

The Plenary has decided that the various Committees should be involved in the EU accession process within their respective sphere of responsibility. The Environmental Committee, SEIO can provide information, expertise and support to the Environment Committee, if needed and/or required. Further to that, Negotiation group 27 will inform and invite members of Parliament Environmental Committee to the meeting and provide direct contact and information, when needed. The modalities for coordination with the Environment Committee has still to be decided.

4.4 Regional and local authorities

Formal procedures to work with regional and local authorities has not yet been set up. However, Standing Conference of Towns and Municipalities takes active part in the negotiation process, representing all its members, local authorities in Serbia. Through specific bodies of SCTM, local authorities are organized to represent their voice towards national authorities. Having recognized the importance of negotiation process and possible consequences to local authorities, SCTM implements in cooperation with Swedish Association of Local Authorities and Regions the Programme “Support to Local Governments in Serbia in the EU integration process” supported by SIDA. This program realized thorough research of barriers and needs at the local level for successful implementation of present and future environmental related competences. In process of EU accession and alignment with EU standards, Serbian local authorities will experience many benefits of harmonized legislation in the field of environment versus present situation at the local level that include legal and financial obstacles as well as lack of capacity, environmental awareness and political will. SCTM will be important partner for the Central Government in EU integration process, under assumption of continuous support to local authorities in regards to financial resources and capacity development.

At national and regional level, SEIO cooperates with the European Affairs Fund of Autonomous Province of Vojvodina. This office provides a significant contribution in strengthening the capacity of provincial administrative bodies, creation of joint projects with regional and other

¹³ Also Stabilization and Association Agreement provides for establishment of a joint parliamentary council for stabilization and association, thus strengthening the role of the Assembly

European partners on the issue of obtaining the EU pre-accession funds, as well as cooperation with key European and international institutions.

Regional and local communities play a particular important role in the field of environment, considering that most of the implementation of *acquis* takes place at that level. Representatives from regional and local communities participate in the work of the extended NGs. (see chapter 5 and 6) as well as, at least in special cases, in the work of Sectoral Working Groups, SWGs.

Within the National Parliament, Regional Secretariat for parliamentary cooperation, the members of the European Integration Committee and other working bodies of the National Parliament of the RS are involved in the regional activities, strengthening the regional cooperation at all levels, as one of the countries' foreign policy priorities in the accession process.

4.5 Other stakeholders

The Negotiating Team has a mandate to consult stakeholders in the accession negotiations. Stakeholders will have the possibility of being involved in the accession negotiations. In the case of environment stakeholders will participate in NG 27 in its extended format. Other consultations forms can also be considered.

4.5.1 Civil society

The Coordination Body Council invites a representative of Civil Society Cooperation Office to participate in its meetings. Civil Society Cooperation Office is the governmental body established in 2011 to support institutional dialog between CSO's and public administration in order to involve civil society into decision making processes.

CSCO provides regular trainings for different chapters for CSOs and supports their participation in the preparatory process.

NGOs are an important stakeholder and will be invited in NG work, including SWGs when appropriate.

Ongoing ECRAN project is strengthening regional cooperation between the EU candidate countries and potential candidates in the fields of environment and climate action providing among others NGO support and public participation. ECRAN includes an environment component, a climate action component as well as the NGOs Environment Forum.

4.5.2 Business sector

The business sector is heavily affected by EU membership. The Chairperson of the Coordination Body Council may invite the representatives of such authorities and organisations to take part in the session of the Coordination Body Council. Business sector can

be involved in the NGs and through sectoral working groups as well, invited by the Heads of the Groups.

Serbian Chamber of Commerce (SCC) as association of industry and commerce has an active role in EU accession process. Main body within SCC is *Bureau for the cooperation with the EU* that directly coordinate with SEIO all activities in relation to EU integration. For environmental sector, SCC nominated main coordinators for contact with SCC members, Serbian Chamber of Commerce has already delegated representatives of industry in 10 sectoral working groups that are actively involved in providing opinions of business sector to MAEP sectoral working groups.

4.5.3 Media

The role of media is crucial in order to increase the awareness of public for the complicated and important negotiations ahead. Ministries are asked to have an active communication policy and use opportunities to provide information to media of the on-going negotiations.

5 CHAPTER MAEP organization

EU accession means a major undertaking for the whole Ministry. The basic methods of governmental decision-making is valid also for EU matters. As has been described in chapter II some important new institutions have been established however.

5.1 Role of Political/Management level

The **Minister** of MAEP is a permanent member of the Coordinating Body, the highest level Serbian decision making institution, which reflects the importance of the chapter 27. In the Coordinating Body, which is headed by the Prime Minister, the most important strategic decisions on EU accession process will be taken.

The **State Secretary** has a specific important role. S/He is the chairman of NG 27. S/He participates in a few other NGs as well. S/He is also a member of the Negotiation Team and the Coordination Body Council. As chairperson for NG27 the State Secretary convenes and leads the work of NG27 both in its formal and extended formats.

The most important forum for MAEP's EU work is the establishment of Negotiation Group 27 (NG27). The **permanent members** of the group are: MAEP (chair of NG27), Ministry of Finance, Ministry of Economy, Ministry of Energy and Mining, Ministry of Traffic, Ministry of Construction, Ministry of Health, Ministry of Interior, Minister of Justice and State Administration, Ministry of Education, Science and Technological Development, Institute for Standardisation, Republic Hydro-Meteorological Bureau of Serbia (RHMB), Republic Geodetic Authority (RGA), Road Safety Agency (RTSA), Civil Aviation Directorate, Institute for Nature Protection, European Integration Office (SEIO), Office for Cooperation with Civil Society and Secretariat for Legislation.

Every institution represented in the NG27 will nominate one member and one deputy member to the group.

Members attend NG27 meetings are supposed to express the official position from their respective Ministry/institution. Representatives from Line Departments in charge of issues under discussion in NG 27 will also participate. EUD holds the role of Secretariat to NG27.

The NG27 in its formal format is a coordination and decision making body. NG27 also meets in so called **extended format**. In addition to the permanent members, representatives from the following institutions will participate: Provincial Secretariat for Urban Development, Construction and Environment Protection; Provincial Secretariat for Agriculture, Water Management and Forestry; Standing Conference of Towns and Municipalities; Serbian Chamber of Commerce and other business organizations; NGO communities. Also other representatives can be invited by the chairperson of NG27.

Representatives that are not permanent members of NG27 are also supposed to/should also express the official views of their respective institution. The NG27 in its extended format is a consultative and information sharing forum.

5.2 Sectoral Working Groups

Much of the preparatory and operation work will be made in 9 Sectoral Working Groups (SWG). The following have been established:

- 27.1 Horizontal Legislation
- 27.2 Climate Change
- 27.3 Air Quality
- 27.4 Waste management
- 27.5 Water Quality
- 27.6 Nature conservation, including forestry
- 27.7 Industrial pollution control
- 27.8 Chemicals
- 27.9 Protection against noise
- 27.10 Civil protection

The structure of the SWGs follows the corresponding EU accession subchapters. The SWG is normally headed by the Head of Department from a Line Department. EUD is represented in all SWGs.

The mandates for the SWGs are decided by the NG27. The main task is to prepare and possibly come to agreement on documents needed for the accession screening and negotiations which then have to be formally adopted by NG27. In urgent cases SWGs can take decisions and forward documents to higher bodies with the express consent of the chairpersons, but through the EUD and SEIO. Members of SWGs are officially nominated and speak on behalf of their institution as in NG27 itself. Ministries and Institutions mostly involved in the subject matter will participate in the SWGs.

5.3 Directive Specific Working Groups

Both NG27 and its SWGs have many members. When needs arise the SWGs through its chairperson can decide to set up special ***Directive Specific Working Groups***. The mandate for these groups are specific and their duration is limited in time. Mainly they have to perform a specific task requested by the SWG. The Directive Specific Working Groups are small and have no decision-making power and shall report to the SWG continuously.

5.4 Role of EUD

EUD has a central role in the accession process and functions under the direction of the State Secretary. Its main responsibility is to guide, support, inform and supervise the EU process. More specifically the responsibilities are:

1. EUD regularly informs the management level on the main development of the accession negotiations and in particular of the development of negotiations under chapter 27
2. EUD assists the State Secretary in the his/her participation in governmental EU decision making structure
3. EUD assumes the function of main contact point with the European Integration Office, SEIO. The function is double: both receive information from SEIO and forward them as appropriate to MAEP and inform SEIO about development under chapter 27
4. Based on directives from SEIO and management level EUD gives instructions to other MAEP Departments on how to perform the EU work.
5. EUD is under the instruction to support to other MAEP Departments in fulfilling their EU work
6. EUD has the role of "quality controller", that means assuring that major outgoing EU papers from MAEP meet the standard that is expected.
7. EUD is responsible for securing that every acquis falling under chapter 27 has a responsible Unit and a responsible person, rapporteur (in the EU jargon called "chef de fil"). A list of responsible persons/Units should published on the web site
8. EUD serves as Secretariat for Negotiating Group 27.
9. EUD assist the Line Departments responsible for a Sectoral Working Group in setting up appropriate working methods in the Sectoral Working Groups
10. EUD participates in the work of the Sectoral Working Groups as well as, as far as time permits, in established directive specific working groups. EUD also keeps an updated list of participants in both NG27 as well as SWGs and established directive specific working groups
11. EUD together with the Communication Department and with the support of the Line Departments has the responsibility to continuously inform interested public, incl. media, of progress made under chapter 27
12. EUD support State Secretary in his task of informing National Parliament of progress under chapter 27 based on general guidelines from SEIO
13. EUD has the responsibility to arrange information activities to staff members of MAEP, incl. Environment Agency and relevant State Agencies
14. In a limited number of cases, EUD is "chef de fil" for some horizontal acquis, which not naturally fall under Line Departments responsibilities
15. EUD will participate in meetings related to environment with EU and provide secretariat for preparing, running and reporting of these meetings
16. Together with HR Secretariat assure that staff is properly trained in EU matters.

5.5 Role of Line Departments

1. Line Departments have full knowledge of the acquis falling under its competence. Responsible Units and responsible persons, rapporteur, should be nominated for each acquis, and communicated to EUD
2. With instructions and the support from EUD Line Departments assume chairmanship and Secretariat of Sectoral Working Groups
3. Line Departments are responsible for setting up directive specific working groups under SWGs and give them clear mandate and timetable
4. Line Departments have the responsibility, after instructions and guidance from State Secretary and/or EUD, to prepare EU related documents within their mandate
5. Line Departments should regularly inform Minister/State Secretary of development EU documents. EUD should have possibility to attend these sessions
6. Line Departments provide State Secretary and EUD with requested documentation to be forwarded to other parts of government
7. Line Departments provide documentation to NG27 sessions.
8. SWG chairpersons participate in NG sessions whenever invited
9. Line Departments participate in negotiation meetings in Brussels whenever requested
10. Line Departments secure that staff has good EU knowledge and let staff participate in EU training seminars
11. Line Departments participate in MAEP information activities
12. Line Departments should regularly cooperate with MAEPs legal advisors
13. Line Departments also have the responsibility to follow development, including provide input to other NGs, especially those where MAEP have a representation.

5.6 Serbian Environmental Protection Agency

Serbian Environmental Protection Agency is an integral body within the authority of Ministry of Agriculture and Environmental Protection with special responsibilities for dealing with national environmental information system, monitoring of environmental status and collection of environmental data.

The agency is member of NG 27 involved in sectoral working groups, obliged to participate in the meetings to present the status on specific issues and can be invited in directive specific working groups when deemed necessary.

5.7 Project Management Department (PMD)

PMD responsibilities are divided in programming role (to identify, prepare and select mature project, procurement planning and budgeting for national co-financing) and implementation role (to support Central Contracting and Finance Unit (CFCU) within Ministry of Finance in procurement and tendering process). The EISP Project currently supports the development of PMD capacity to overcome the communication and cooperation gap between local and national level in the environmental infrastructure sector. PMD is involved in sectoral working group and contribute to the screening process.

5.8 Department for Harmonization of Legislation

The responsibility of the Legal Department is to secure that MAEPs EU work is in conformity with adopted national as well as EU requirements. In particular its role is to:

- to run the process of harmonization of legislation with the EU Acquis, in close collaboration with Line Departments and EUD;
- give advice to EUD on general legal issues;
- support Line Departments on EU legal issues;
- provide the function of legality check for outgoing EU documents from MAEP.

5.9 Secretariat of the Ministry

The responsibility of the Secretariat is to secure that the staff of MAEP gets the necessary training and competence on EU matters. In particular its role is to:

- secure that Departments have capacity to fulfill their assigned tasks;
- arrange training courses on EU matters together with EUD;
- secure that EU matters are included in the introductory programs for new staff.

6 CHAPTER Working methods inside MAEP

On 3rd April 2014, the Ministerial Order is adopted.

6.1 Responsibilities of members of Negotiation Group 27, its Sub Groups and Sector Specific Working groups

Members of the NGs and SWGs officially represent their institutions. They must have instructions/mandates for decisions to be taken. They should report back to their institutions on discussions and decisions that have taken place. Members should also inform the chairperson as well as the Secretariat of any changes of members or deputy members in the NG27 and SWGs.

Participation in NG27 and SWGs is mandatory. Members should notify the Secretariat if neither the member nor the deputy member can participate in a meeting. In that case that institution should forward its views in written form in advance of the meeting to the chairperson.

6.2 Work in Negotiation group 27 and its Sub Working Groups

NG 27 sessions

NG 27 sessions, both in its formal format and in its extended format, are chaired by the State Secretary of MAEP.

The Chairperson sends out invitation to meetings of the NG27. The chairperson, through the Secretariat, notifies all participants of the NG27 at the latest ten working days before the meeting. An annotated agenda should be sent out through the Secretariat at least five working days before the meeting. It should be accompanied by documents, especially those on which decisions should be taken at the meeting. Governmental decisions are taken by NG27 sessions in its formal format only.

EUD has the role of Secretariat. EUD should have an updated list participants of NG27 as well as of second instance institutions and main stakeholders for every acquis under chapter 27. Rapporteurs are under instruction to immediately inform the chairperson and EUD of any changes in this respect.

The chairperson leads the discussion of the NG27 and make summaries and conclusions. The chair has a special responsibility to find compromises on issues where there are diverging views. The chair informs higher lever decisions making bodies if issues cannot be solved at NG27 level.

The agenda for the NG27 should generally include some standard items:

- Overall information of EU accession negotiations (reports from the Serbian EU Mission, SEIO etc.)
- Development under chapter 27 in general
- Administrative issues
- Development in other EU accession chapters of special relevance for chapter 27
- Points for discussion and decisions. If decisions are expected to be taken that should be clearly stated in the annotated agenda
- forthcoming meetings

For meetings in extended format basically the same points will be used. Those sessions will also be more of an information and consultative character.

Documentations to NG 27 meetings are generally prepared by the SWGs or by EUD. Documentation to NG 27 meetings coming from SWG should be approved by the chairpersons of that SWG in advance. Documents from the SWGs should clearly state the status of the document (approved, open issues etc.)

The Secretariat is responsible for writing a report from all sessions of NG 27 and from the SWGs. The report should be sent out, after approval of the Chairperson, to all members at least two working days after the meetings. If no objections have been received within five working days the report is deemed to be approved. In case of disagreements on the meeting reports the Chairperson together with the secretariat will hold consultations with the dissident member. If agreement is reached between the chairperson and the member, the new version of the report will be sent out to all members for approval.

SWG meetings

SWG meetings follow basically the same pattern as NG27 in working procedures. Each SWG covers the acquis corresponding to the sub chapters of chapter 27. SWG sessions have basically the same basic general agenda points as NG27. However the substantive discussions are focused on the issues for their special mandate.

Chairpersons will be officially nominated senior officials from a Line Department. The Secretariat function will be provided by staff member from the same Line Department. EUD participates in the work of the SWGs.

Documents to SWG meetings are generally prepared by rapporteur or in some cases by a focal working group. Reports from meetings and solving divergent views follow the same procedure as in WG27.

SWGs are responsible for preparations of screening material and any other material relevant for the coming EU negotiations. The chairperson is responsible to ensure that outgoing documents to NG27 are in consistence with established instructions.

SWG can establish Directive Specific Working Groups. These groups should be given clear mandate and time frame from SWG for their work .

Directive Specific Working Groups

Meetings of Directive Specific Working Groups, DSWG, will be led by a chairperson appointed by the SWG that has decided to set the group. The secretariat function should generally be the rapporteur for that acquis. Agendas and reports are more informal than the SWG's. Participants in the Group comes from Ministries and institutions concerned. No formal decisions can be taken by the Focal Groups. They will prepare documents that normally goes to the Sectorial Working Group.

6.3 Role of rapporteur/expert

Each acquis has been assigned to a rapporteur (first instant institution) in either MAEP or in another Ministry.

The responsibility of the rapporteur is to monitor and closely follow the development of the preparations, screening and negotiations of the acquis. The rapporteur is responsible to develop documents meetings for SWGs and NG27. In particular materials related to development of Table of Concordance (ToC) and Implementation Questionnaire and Position papers, activity plans for transpositions and implementation of acquis are important.

The rapporteur has also a special responsibility to produce material such as answers to EU Screening Questionnaire and general material for presentations.

In order to prepare material for the screening and other EU purposes the rapporteur will make a list of so called second instance institutions that means the most involved institutions. This information should be forwarded to EUD for information. EUD is responsible for keeping a list of all second hand institutions.

The rapporteur shall follow the instructions from EUD on the format and structure of asked contributions.

When the rapporteur sends a document to a SWG it should be clearly stated which consultations have taken place and if there are any point of disagreement between institutions.

The rapporteur shall also for each acquis make a list of stakeholders whom will be consulted in preparing documents.

The rapporteur will propose to the chairman of the SWG if a focus working group should be set up.

6.4 Decision making in NG27 and SWGs

During the discussions in NG27 (formal format) and in the SWGs consensus should always be sought. Members should be reminded that EU will always ask for the **government position**, not the position of one or a few Ministries.

In case of disagreements at NG27 level the Chairperson shall try to reach agreements during the meeting. If that is not possible, the Chairperson should initiate a procedure making compromise outside NG 27, at the State Secretary level generally. If this is neither possible, the issue will be brought to the Coordinating Body for decision. If even this fails, the issue will be brought to the Government for final decision. The NG27 will be continuously informed on the negotiations by the Secretariat.

If there is a disagreement within a SWG, the chairperson shall try to reach a decision after informal consultations. If a paper, without unanimity will be forwarded to NG27 for decision it should clearly stated that no agreement has been reached being accompanied by the basic positions presented so far.

In the case of disagreement on the ownership of a piece of legislation, EUD should propose a solution to the State Secretary. If there is an internal MAEP issue, the State Secretary makes a decision after having heard various points of view. If there is disagreement between Ministries/institutions a solution will be made at the State Secretary level.

6.5 Decisions between meetings

Sometimes in urgent cases decisions have to be taken between meetings within the NG structure. The chairperson should in such cases send out material to the permanent member of the Groups with clear proposals for decisions. Members of the group should be given sufficient time to consult "at home." In case of disagreements the same procedure should apply as described above.

6.6 Quality control of documentation

It is the responsibility of the rapporteur that the requested documents are in the form asked for by EUD. The rapporteur has an obligation to have informal contact with EUD in an early stage of a document preparation in order to avoid undue difficulties at a later stage.

If EUD finds that an incoming document to SWG does not live up to requested standard and format a bilateral contact between EUD and the rapporteur is established to try to solve the problem at earliest possible date.

The chairman of an SWG should make sure that documents sent to NG27 are according to standard. In case of uncertainty dialogue with EUD and the rapporteur should be established.

7 CHAPTER V EU institutions/bodies in the field of environment¹⁴

In this chapter a short overview is given of how EU works, with special emphasis on how environmental issues are treated.

7.1 The European Commission

The European Commission is the executive body of the European Union, responsible for proposing legislation, implementing decisions, upholding the Union's treaties and the general day-to-day running of the Union. The European Commission has been given a major role in the European Union Treaty. It has mainly three functions:

1. Preparing legislative proposals for the decisions by the Council and the European Parliament
2. Safeguarding that Member States fulfil their obligations and
3. Facilitating decisions by the Council and the Parliament in the decision-making procedure.

With few exceptions it is only the European Commission that can put forward new proposals for legislation.

It is useful to be mentioned that in the narrow sense the term "European Commission" means the "College of Commissioners" and in the broader sense – the administrative body of about 25,000 European civil servants, split into Directorates-General and Services. The internal working languages of the European Commission are English, French and German.

The European Commission operates as a cabinet government composed of 27 Commissioners, one per Member State. Commissioners are bound to represent the interests of the EU as a whole rather than their home state. The Commissioners jointly form "the College of Commissioners" which is the highest decision-making body in the Commission, where all major decisions are taken by majority voting. Under the President of the Commission there is a powerful General Secretariat that coordinates the Commission's work. The Commissioners and their immediate teams are based in the Berlaymont building of Brussels.

Commissioner for Environment for the period 2010-2014 is Mr. Potocnik from Slovenia. He is a member of the "College of Commissioners" and he is heading a small cabinet composed of about 20 persons. Environmental policy is also considered under the Commissioner for Climate Action. Commissioner for Climate Action for the period 2010-2014 is Ms. Connie Hedegaard from Denmark.

Under the Commissioners, there are a number of Directorate-Generals. The Directorate General (DG) for Environment (normally abbreviated as "DG Env") is lead by a Director and at present that is Mr. Carl Falkenberg. It has around 500 staff members. The structure of DG Environment can be seen in the organizational chart which is annexed to this Handbook. (Annex 5). The DG Environment has a similar structure as most Ministries of Environment in Member States.

¹⁴This is the organization in summer 2014, some changes will be made in the new Commissions starting 1st November.

DG Climate Action is headed by Mr. Jos Delbeke. A chart of DG Climate Action is also enclosed (Annex 6). DG Environment and DG Climate Change are located in the Beaulieu building complex, six Metro stations from Berlaymont, the main building of the Commission at Rond Point Robert Schuman.

An increasing number of environment issues are handled by other DGs. For example motor emission standards are handled by DG Enterprise or some chemicals issues by DG Sanco in charge of health and consumption matters. With the new restructuring of the COM, the issue of GMO, which was handled previously by DG Env, now is put under the competence of DG Sanco.

DG Environment and DG Climate Action have a number of tools to conduct consultations with Member States governments as well as with stakeholders. The most important of those is a network of **expert groups** (see chapter 7.1 below). When a legal act is adopted, very often a **Comitology Committee** is established in order to follow the implementation of legal acts and adopt technical changes whenever needed (see chapter 7.3 under).

The European Commission (COM) often uses a step-by step approach for more complicated new legislation before a concrete proposal is presented and it is composed of preparing following documents:

- Working papers, where general principles are presented;
- Green papers, which can be described as documents published and consulted broadly by the European Commission to stimulate discussion on given topics at European level;
- White papers, which include concrete proposals for action;
- Communications, where the Commission formally presents its views of which measures need to be taken, often accompanied by a legislative proposal;
- The proposal, proposal for a new or revised EU legislation, *acquis*.

In order to have informal discussions between the COM and the MS, DG Environment invites the different national environmental authorities (Ministries and/or central agencies) to meetings of the Environment Policy Review Group (EPRG). The EPRG normally meets twice a year on State Secretary level of the national ministries of environment. A similar body, European Climate Policy Group (ECPG) is established for Climate Change.

Before COM proposes new initiatives it assesses the potential **economic, social and environmental** consequences that they might have. It does this by preparing 'Impact assessments' which set out the advantages and disadvantages of possible policy options. The European Parliament and the Council have agreed to assess the impacts of their own

'substantive' amendments to the Commission's proposals and in doing so they will use the Commission's impact assessment as the starting point for their further work.

The requirement for impact assessment was one of the impetuses for the COM to increase its communication with representatives from industry and civil society during recent years. Before a formal proposal is presented, the COM invites to hearings on forthcoming legislation proposals. Other forms of consultations are web-consultations where public at large is invited to send in its comments. Comments are sent in from individuals, companies, organizations and governments. Reading the Impact Assessment often gives the reader a good view of the reasons and background of the Commission proposal.

The COM proposes a legal basis for each proposal for a new legal act, either it is a Regulation or a Directive (see page 12). The legal basis for environmental legislation is usually Article 192 of the Treaty on the Functioning of the European Union (TFEU)¹⁵. For example, internal market related regulations are usually based on article 26 TFEU.

The Commission's power has increased with the Lisbon Treaty. That goes for both internal legislation work (delegated acts in particular) as well as when it comes to represent the EU as an international negotiating body. The Commission now, more often than before, speaks on behalf of the whole EU in international negotiations, such as when negotiating Multilateral Environmental Agreements.

The COM has a central role in accession negotiations (see chapter 3). It proposes opening of accession negotiations when a Candidate country is eligible. It proposes the EU negotiation mandates, which the Council then approves. The COM is responsible for most of the negotiations on the EU side during accession negotiations as well as international negotiations.

7.2 The Council of the European Union

The Council of the European Union (or the Council) is an EU institution where national ministers from each EU MS meet to adopt legal acts and coordinate policies.

The Council is working on three different levels: working parties, COREPER and the Council.

The Presidency of the Council i.e. the country holding the rotating EU presidency, is chairing all the meetings in the Council at all three levels (WP, COREPER and Council) with the exception for the Foreign Affairs Council, which has a permanent chairman – the EU's High Representative for foreign and security policy. To its help there is a Council General Secretariat, which always participates and facilitates meetings at all three levels. Also the COM, represented by relevant DG or Commissioner, is participating in the Council meetings at all three levels.

¹⁵ The Treaty establishing the European Community was amended and renamed into TFEU by the Treaty of Lisbon. The Treaty of Lisbon entered into force on 1 December 2009 and amended the current EU and EC treaties, without replacing them.

7.3 The Working parties

The first level of the Council is composed of working parties where staff members at civil servant level represent the MSs. Under the Environment Council there are 2 **working parties** (WP) ¹⁶ at the moment:

- Working Party on the Environment (WPE), J.1 and
- Working Party on International Environmental Issues (WPIEI), J.2.

WPE is responsible for internal environmental issues i.e. within the EU, while WPIEI's main responsibility is to negotiate and coordinate environmental issues within the framework of international negotiations and processes conducted in the area of the environment. Climate change issues are dealt with in the WPE when it comes to internal EU matters and in WPIEI regarding international negotiations.

In general there are 3-5 WP meetings a week. Normally it is the Environment attachés from the Permanent Representations in Brussels who negotiate for their countries. Environment attachés are often supported by national experts from the capital.

A new proposal for a legal act is first presented to the working group by the COM (during Council meetings it is usually the Commissioner who makes this presentation). Normally, after the presentation, there is a discussion on the Regulatory Impact Assessment which accompanies a legislative proposal. After the first round of discussion it is the rotating Presidency that presents new draft texts. The WPs are sometimes establishing sub-groups for technical discussions. When the Presidency considers that the act is sufficiently advanced it is referred to COREPER.

7.3.1 The COREPER

A Committee of Permanent Representatives of the Governments of the Member States (**Comité des représentants permanents**) known as **COREPER**, is responsible for preparing the work of the Council. COREPER is made up of the permanent representatives (ambassadors) of the Member States in Brussels and their assistants, i.e. the Heads or Deputy Heads of the Permanent Representations (Missions) of MSs in Brussels.

There are two COREPER formations:

- COREPER 1 is consisted of Deputy Permanent Representatives of MSs in Brussels and deals largely with social and economic issues i.e. issues mainly concerning the internal market

¹⁶ These Working Parties meet in different configurations depending on the subject under consideration, such as climate change, biodiversity, chemicals, etc.

- COREPER 2 is consisted of Permanent Representatives (Ambassador Extraordinary and Plenipotentiary) of MSs in Brussels and deals largely with political, financial and foreign policy issues.

The main task of COREPER is to prepare the coming Council meeting and it represents the Council's second level. In general, a dossier of the legislative proposal is dealt with during several meetings in the WP meetings before it goes to the COREPER. After COREPER receives a document from the WP, it discusses it and tries to solve some of the outstanding issues. COREPER also has the obligation to secure that new decisions are in conformity with the Treaties as well as other relevant EU legislation.

7.3.2 The Council

It is only the Council that formally takes the decisions for adopting, amending or rejecting a proposal. As an exemption, COREPER enters early in the negotiations in sensitive, highly politically files.

The **Council** is a single body, but for reasons relating to the organisation of its work, it meets – according to the subject being discussed – in different "configurations", which are attended by the Ministers from the Member States and the European Commissioners responsible for the areas concerned. Since the entry into force of the Treaty of Lisbon, there are 10 different configurations of the Council. Environment Council is one of them.

Environment Council is dealing both with traditional environment matters as well as climate change. It is chaired by the rotating Presidency. The Environment Council normally meets twice during each 6 month Presidency. Environment related issues in policy areas like agriculture, energy and transport are dealt with in their respective Councils.

Formally decisions are taken by Qualified Majority Voting (QMV), but every Presidency is striving for unanimous decisions. Council resolutions (which are not legally binding) must be taken by unanimity.

In addition, there is one Informal Council meeting on the level of Ministers of MS each half year organized by the rotating Presidency. Most decisions are taken by the **ordinary legislative procedure** (Article 294 TFEU) known as "normal procedure" (formerly: "co-decision"), which means by joint decisions of the Council and the European Parliament.

The normal procedure is the main legislative procedure by which directives and regulations are adopted in the field of the Environment. The Council and the European Parliament must agree on a text for it to be adopted. Up to three readings are possible.

Also, EU member states' Ministers often participate in EU consultations in conjunction with international conferences.

7.4 European Parliament

The European Parliament (EP) today is made up of 736 Members (MEPs)¹⁷. MEPs are elected in the 27 EU Member States, directly by the EU voters, for a five-year period. MEPs in EP sit in **political groups** since they are not organized by nationality, but by political affiliation. Currently there are 7 political groups in the EP. However, small percentages of MEPs are non-attached members.

The work of EP is very much organized like in national Parliaments. The main body is Plenary. EP sessions normally take place Tuesdays to Thursdays. One out of four sessions takes place in Strasbourg, the other in Brussels.

A number of Committees are established, one of which is the Committee on Environment, Public Health and Food Safety (ENVI Committee). The ENVI Committee is composed of 64 MEPs.

Every proposal for new legislation from the COM is sent to EP at the same time as it is sent to the Council. The proposal is first dealt with in the ENVI Committee. MEPs put forward amendments to the Commission proposal. Then the ENVI Committee votes on the amendments. After that the dossier of the legislative proposal goes to the Plenary for discussion and final voting.

A key person in EP on dossiers under negotiation is the rapporteur. On important dossiers he/she is supported by so called shadow rapporteurs from other political groups. All committees are supported by a Secretariat. Commission is invited to participate during the legislative procedure in the EP and has an important role during the decision making process within the EP in regard to explaining the proposal, arguing for it and conveying back the EP position to the Council or the COM relevant working groups.

EP has a very influential role in the EU environment decision-making as almost all legislation takes place under the normal procedure where the EP and Council have an equal weight.

¹⁷ The number of MEPs will eventually raise to 751 with each Member State having at least 6 and at most 96 MEPs.

7.5 The Court of Justice of the European Union

The Court of Justice of the European Union (EU court) is entrusted to interpret EU treaties and adopted legal acts. Although it may attempt to reconcile differences between national and EU laws, ultimately its decisions overrule those of national courts.

The Commission, Member States as well as groups of citizens, under certain conditions, may refer issues to the Court for verdict.

The EU Court, located in Luxembourg, has three sub-courts: the Court of Justice, General Court and the Civil Service Tribunal.

7.6 Other EU bodies

Representatives of Europe's employers, workers and other interest groups can express their views on EU issues through the European Economic and Social Committee (EESC). EESC has a consultative role and it issues opinions to the larger institutions – in particular the Council, the COM and the EP. The Committee of the Regions is an advisory body representing local and regional authorities in the EU.

Financial bodies of the EU are: the European Central Bank (manages the euro and safeguards price stability in the EU), the European Investment Bank (owned by the 27 EU countries with responsibility to borrow money on the capital markets and lends it at a low interest rate to projects that improve infrastructure, energy supply or environmental standards both inside the EU and in neighbouring or developing countries) and the European Investment Fund (helps small businesses and its majority shareholder is the European Investment Bank, with which it forms the 'EIB Group').

There are other bodies in the EU such as the European Ombudsman, which investigates complaints against EU institutions, bodies, offices and agencies and the European Data Protection Supervisor, the responsibility of which is to make sure that all EU institutions and bodies respect people's right to privacy when processing their personal data. In addition, there are 3 inter-institutional bodies: the Publications Office, European Personnel Selection Office and European Administrative School for Administration, as well as other agencies and decentralized bodies.

7.7 EU Agencies regarding environment

EU has established a number of agencies that have their own legal personality and are governed by European public law. The most important **agencies** in the field of environment are the European Environmental Agency (EEA) ¹⁸ located in Copenhagen and the European Chemicals Agency (ECHA) ¹⁹ located in Helsinki.

EEA's mandate is:

- To help the EU and member countries make informed decisions about improving the environment, integrating environmental considerations into economic policies and moving towards sustainability
- To coordinate the European environment information and observation network (Eionet)

The main clients of the EEA are the EU institutions — the COM, the EP, the Council, as well as the EEA's MS. Currently, the EEA has 32 member countries

ECHA is responsible for managing the registration, evaluation, authorisation and restriction processes for chemical substances (REACH processes) to ensure consistency across the EU. These REACH processes are designed to provide additional information on chemicals, to ensure their safe use and to ensure competitiveness of the European industry.

¹⁸ <http://www.eea.europa.eu/>

¹⁹ <http://www.echa.europa.eu/>

8 Annex 1

The National Program for Integration of the Republic of Serbia into the EU - NPI is a document drafted by each EU candidate country under the title **National Program for the Adoption of the Acquis - NPAA**. Republic of Serbia has been granted the status of the EU candidate country.

In August 2014., the Government of Serbia adopted the revised National Programme for the Adoption of the acquis (NPAA), which is a detailed, multiannual plan for the harmonization of Serbian regulations with the EU acquis communautaire, as well as a plan to build the institutions necessary for the implementation of such a harmonized legal order. This programme will be realized by 2018, which is the deadline that has been established for making Serbia fully prepared for the accession to the European Union. NPAA has been designed to connect the European legislation and Serbian legal order, in order to monitor the pace, scope and quality of the harmonization of legislation at every time. The European Union law has been divided into 35 chapters in accordance with the competences of state authorities, which allows regular planning and monitoring of their legislative activities.

The plans stated in NPAA will be used as a basis for defining the measures and activities in the continuation of the negotiations on the accession of the Republic of Serbia to the European Union. After a new stage in the process of Serbia's accession to the EU, the entering into force of the Stabilisation and Association Agreement on 1st September 2013, as well as the start of the negotiations on EU membership with the Intergovernmental Conference in Brussels on 21st January 2014, it was necessary to prepare the First Revision of NPAA, which was adopted in February 2013. This has enabled this document to reflect, in the new situation, specific plans relating to all the obligations and reforms that Serbia shall realize in order to fulfil the criteria for EU membership.

The National Programme for the Adoption of the acquis represents a continuation of the National Programme for Integration (NPI), which was realized in the period from 2008 to 2012, and it ensures the continuity of the process of the harmonization of Serbian legislation with the acquis

8.1.1 National Environmental Approximation Strategy - NEAS

NEAS is adopted in 2011. by Government of Serbia, with the assumption that the RS will be a member of the EU by 2019, provides for the achievement of full transposition of most of the acquis by the end of 2014. Given the institutional complexity and multidisciplinary nature of the field of environment, full transposition of the acquis may require a longer time frame, especially in the case of directives that require large financial investments (heavy investment directives). Given the state of the infrastructure, as well as the experience of the new EU member states in this process, the Strategy estimates that full implementation of EU regulations will be completed by 2030, and that the total cost of full implementation of EU legislation in the field of environment will be around 10.6 billion euros.

The existing administrative capacity, especially at the local level are assessed as insufficient for adequate implementation.

Given the complexity of the environmental acquis, and the fact that the jurisdiction of the EU is divided between a numbers of institutions in this area, one of main conclusion is strong need to further strengthen inter-agency cooperation and coordination.

8.1.2 Sectoral strategies

As part of NEAS sectoral strategies focus on the specific environmental sectors and provide details strengths and constraints, requirements for change, proposed actions, the implementation programs, cost estimates and an investment program, the next steps in transposition and where further technical assistance would be appropriate. Strategies for following sectors have been developed: Horizontal, Air Quality and Climate Change, Industrial Pollution and Noise, Nature Protection, Chemicals and Genetically Modifies Organisms (GMOs), Water, Waste

8.1.3 Progress Monitoring Reports.

These documents are contributions relevant for the Commission (COM) Progress Reports and Enhanced Permanent Dialog / Subcommittee Meetings. They are used by COM when preparing the country Progress Report which presents the achievements and the areas where more work needs to be done.