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Newsletter on Serbia's EU Accession Negotiations

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### 1 February Serbia's EU Accession Supported by 48 Percent of Its Population

The result of the public opinion poll "Serbian Citizens' Attitude towards the EU", conducted in late December by the European Integration Office, revealed that if a referendum were to be held tomorrow, posing the question "Do you support Serbia's membership in the EU?", 48 percent of Serbian citizens would vote in favour, 28 percent would vote against, 15 percent would not vote at all, while 9 percent are unsure how they would vote. Out of the total number of respondents, 73 percent were of the opinion that the reforms necessary for the country's EU accession should also be implemented regardless of the EU integration efforts, for the benefit of the citizens and for the purpose of creating a better system in Serbia. Thirty percent of respondents said that the EU membership would be a good thing in their opinion, 29 percent considered it to be a bad thing, while 41 percent were indifferent towards this issue. [Read more...](#)

### 4 February European Parliament Adopts Resolutions on Serbia, Kosovo\*

The European Parliament (EP) passed resolutions on Serbia and Kosovo\*. EU parliamentarians reminded both Belgrade and Priština of the significance of their dialogue for the normalisation of relations and invited the European External Action Service to do an evaluation of how far the two sides progressed in implementing their respective obligations. Serbia was commended for its ambitious reform programme and encouraged to engage in system-wide reforms resolutely. However, concerns remain about the situation in the media arena. Reforms were also requested from Kosovo and the EU parliamentarians argued that Kosovo's recognition by the five EU member states that still had not recognized it would positively influence stability in the region, the normalization of relations with Serbia and the EU's foreign policy credibility. [Read more...](#)

## IMPRESUM

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**Editors:** Danijela Božović, Mirko Popović, Tamara Skrozza i Srđan Đurović

**Authors:** Danijela Božović, Vanja Dolapčević i Tamara Branković

**Copy editor:** Marina Sretenović

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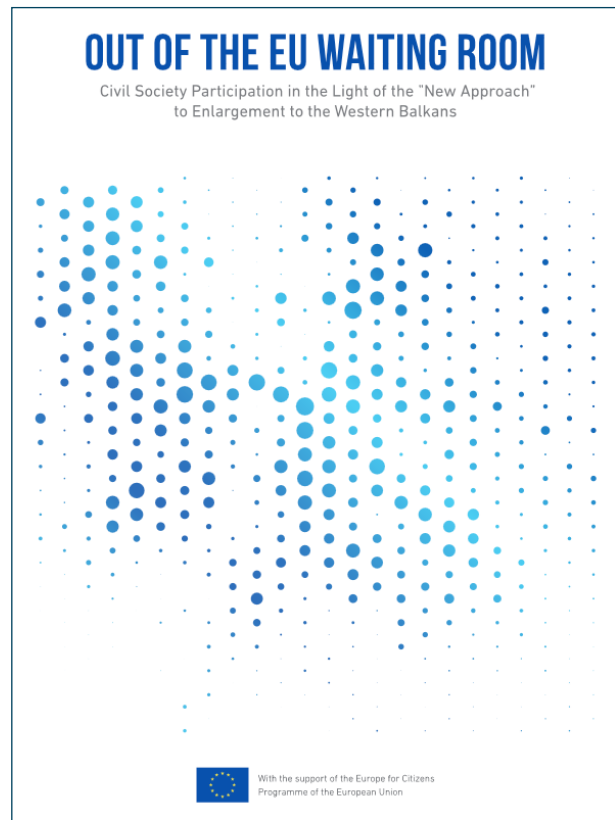


## THE IMPACT OF CIVIL SOCIETY ORGANIZATIONS ON THE EUROPEAN INTEGRATION PROCESS OF THE WESTERN BALKANS

**How and to what extent civil society organizations (CSOs) in the Western Balkans use opportunities – granted through the new approach to the EU enlargement – to improve and reinforce democratic mechanisms and civic participation practices, was the subject of the regional research conducted by the Belgrade Open School in 2015, in partnership with the Centre for Development of Non-Governmental Organizations from Montenegro and a team of researchers from the University of Trento. The output of the research is the regional study “*Out of the EU Waiting Room: Civil Society Participation in the Light of the 'New Approach' to Enlargement to the Western Balkans*”.**

The overall context in which the research was conducted is that, despite certain progress the Western Balkans has made on the path to the EU accession since the initial membership perspective was granted, the situation is still not satisfactory. The reforms are not advancing fast enough and the countries' progress towards the EU accession has been uneven, which could prevent the rest of the region from joining the EU for a long time. More than a decade after the process first began, only one country in the Western Balkans (Croatia) succeeded in joining the EU. The EU accession negotiations are on-going with Serbia and Montenegro, but neither will be able to accede before the end of the decade. Albania is still outside of the formal accession process. The Former Yugoslav Republic of Macedonia, Kosovo and Bosnia and Herzegovina are halted on their respective paths owing to different reasons. The new approach to enlargement is expected to lead to the resolution of present challenges in the Western Balkans.

Thus, this regional policy study explored the utilization of opportunities given through the “new approach” to the civil society to participate in the decision and policy-making process, in the framework of the EU integration process. The key premise was that successful democratic transformation of the Western Balkans requires policies that address real problems, with improved civic participation in the decision-making process. With that regard, various forms and paces of public participation currently taking place in all these countries were examined. The results show that the current situation in the Western Balkans demonstrates that civil society's involvement in national policy and decision-making processes is still far from being an established practice. More intensive communication is needed between CSOs and the state, as well as between CSOs and the EU, accompanied by stronger forms of civil society participation in decision-making (from consultation to dialogue and partner-



Regional study: *Out of the EU Waiting Room: Civil Society Participation in the Light of the 'New Approach' to Enlargement to the Western Balkans*

ship). The Annual Progress Reports published by the European Commission support research findings as they underline a number of shortcomings when it comes to the active role of civil society and recommend further improvement of the cooperation between the government and CSOs.

The key lesson is that the accession negotiation process, which is in the focus of the chapters on Montenegro and Serbia, offers a unique window of opportunity for substantial involvement of civil society in EU-related reforms and improvement of the sustainable positioning of civil society in the overall decision-making process. On the other hand, CSOs from countries that have not been able to start accession negotiations yet (Albania, Bosnia and Herzegovina, Macedonia and Kosovo\*), which have very different starting points and domestic governance features, had few occasions to influence the agenda setting directly and bring regulatory issues to the attention of public authorities. The overview of existing practices in each country is presented below.

### MONTENEGRO

At the beginning of Montenegro's EU accession negotiations, the official government adopted a decision on the negotiation structure, thereby creating legal ground for CSOs' direct participation. This opportunity was a result of domestic CSOs' effort and external "pressure" exerted by the EU. Prior to these, Montenegro had already established institutional, legal and strategic framework on civil society participation in the policy-making process.

However, although the practice of including CSOs in the EU negotiating structure is in place, there are active initiatives operating outside of this structure. For instance, there is an established coalition of 15 CSOs taking part in monitoring of the accession negotiations within Chapter 23. This coalition was formed in order to ensure a high level of transparency of the EU accession negotiation process in Montenegro. A couple of CSOs included in this initiative are also parts of the official EU accession negotiations structure. The coalition's main activities, such as writing of shadow reports, are advocacy-oriented.

Therefore, even though the participation of CSOs within the official negotiation structures in Montenegro exists, dissatisfaction on the side of CSOs is still present.

### ALBANIA

As the principal government body for cooperation with civil society in Albania, the Agency for the Support of Civil Society provides financial assistance to CSOs. In addition, the Ministry of European Integration has established a separate unit for cooperation with civil society. However, the consultations with the civil society in the legislative process have not satisfied the basic standards due to the mutual mistrust between the government and CSOs, as well as owing to the absence of clear rules. Recently, the Law on Public Consultations was adopted in order to define the procedural norms for transparency and public participation in decision-making at the national level.

On the other hand, civil society participation in policy-making remains limited with very little impact, owing to the lack of attention of the public administration and the lack of abilities of the CSOs to engage in meaningful advocacy activities, while the consultations are also sporadic and often ineffective.

The civil society participation in the new territorial and administrative division reform process was rather scarce. Namely, this reform was implemented solely by the Albanian authorities, while the CSOs acted as service providers to the government and the international projects.

### SERBIA

The civil society in Serbia recognised the EU accession process as an opportunity for undertaking serious policy reforms. Prior to this, Serbia had already established the legal ground for civil society participation in policy and decision making. Furthermore, the institutions, such as the Government's Office for Cooperation with Civil Society, were established for bridging the gap between civil society and government. In the new approach to the accession process, the recognition of the role civil society within it was also emphasized. In the beginning of the process, the modality of cooperation was not formalised and CSO representatives were not directly involved as members of negotiating groups in the accession negotiations. However, the government recognized the importance of civil society in the process. The National Convention on the European Union (NCEU) was recognized as an institutionalized channel for communication and consultation with the civil society. Furthermore, the experts coming from the civil society were nominated as members of the Negotiating Team for Accession of the Republic of Serbia to the EU. Therefore, although the Serbian Government drew a clear line by not formally including CSOs in the negotiating structure, it has slightly modified its initial positions. Beside the NCEU, there were other CSOs' platforms for monitoring the EU accession negotiations process, such as the coalition "PrEUgovor", Coalition 27, "Let's Speak about the Negotiations", as well as two regional initiatives – "Eastern Serbia towards the EU" and "Banat Platform".

Although bottom-up initiatives exist, and one of them has even been officially recognized as a representative of civil society, the problem of poor practice in Serbia when it comes to the CSOs' inclusion and their contribution to the EU accession negotiations process still remains.

### BOSNIA AND HERZEGOVINA

The issue affecting various issues in Bosnia and Herzegovina, including CSOs' participation, is actually the division of different levels of governance in the country. There is no explicit provision in the national law that directly regulates the civil society participation in the decision-making process. In comparison with other countries, such as Serbia, there is no specialized body in charge for cooperation with CSOs in Bosnia and Herzegovina. As a consequence, CSOs are today facing unclear norms of their participation, as well as problems regarding their underdeveloped capacities.

One of the examples in this regard is related with the CSO initiative for reforming the Structured Dialogue on Justice, in order to include the civil society as a third Dialogue party, along with the national and European civil servants. Following an intervention by the EU Delegation, CSOs were, indeed, included in the broadened Dialogue on the new agenda items. The formal involvement of CSOs can be described as innovative element of the Dialogue, as they were given the opportunity to give public recommendations. However, this was the case at one session only. Thus, the participation of CSOs in Bosnia and Herzegovina has remained sporadic and scarce.

## MAKEDONIJA

As regards the regulations on public participation in Macedonia, this area has been regulated primarily by the Constitution itself, but also by other documents, such as the Law on Local Self-Government and the adopted Code of Good Practices for the Participation of CSOs in Policy Creation. Furthermore, the official Macedonian Government has undertaken important actions towards enabling civil society participation in the decision making process.

The revision of the National Youth Strategy can be highlighted as a good example of public participation in decision-making in Macedonia. The first National Youth Strategy was developed in cooperation between public authorities in charge of youth policy and youth associations gathered within the Coalition of Youth Organizations. These organizations were even active in the protests against the Law on Youth in 2011, which prevented its adoption. The reform of the National Youth Strategy started in 2015 and the Coalition was included in order to ensure the CSOs participation in this regard. Furthermore, the opportunity for public participation in drafting the new strategy was given in the official website. Despite the fact that the National Youth Strategy revision process was conceived as participatory and youth-led, activists raised concerns that the government might reject this kind of approach, due to the increasing politicization of the debate and governmental hostility towards non-aligned CSOs. Overall, although well-designed, the process seems to have lacked the needed political sustainability.

## KOSOVO<sup>1</sup>

The legal framework in Kosovo is rather advantageous when it comes to CSO participation. Nevertheless, the practice of civic participation in decision-making remains poor and sporadic. For example, since 2011, 90% of the laws have been drafted without civil society participation. However, the civil society's response remains strong when it comes to the laws that are contrary to the EU standards, civil and human rights. Moreover, CSOs loosely take part in the National Council for the European Integration, the central body in charge of coordinating Kosovo's European integration activities.

The research shows that the Western Balkan countries have established different mechanisms and practices for civil society involvement in the policy-making process, and that achievements and results vary from one country to another, and between different policy areas. In the accession negotiation process that Serbia and Montenegro are currently engaged in, the space given by national institutions to the civil society and the extent to which civil society is consulted are formal and mainly serve the purpose of satisfying basic standards. However, it is important not to let the government co-opt civil society through procedures of formal recognition and formal involvement, as has arguably been the case in Montenegro. When it comes to the four countries that have not been able to open accession negotiations yet, experiences from Serbia and Montenegro should be used to improve the mechanisms and practices for civil society involvement in the policy-making process.

The new approach, introduced by the Enlargement Strategy 2012–2013, put “the rule of law” at the heart of the process, and subsequently also “economic governance” (2013-2014) and “public administration reform and strengthening of democratic institutions” (2014-2015). The very fact that the EU decided to put good governance at the core of the process led to the recognition of the greater role of civil society within it – as an actor that articulates the concerns of citizens, engages in the public arena, fosters pluralism and more participatory and deliberative democracy. The engagement of civil society in the overall process should lead to a deeper and substantial transformation and democratization of the society.

Nonetheless, some general conclusions could have been drawn. A fully developed legal framework and procedural rules for public participation in decision-making, harmonized with the EU acquis and international best practices, are the first step towards ensuring that CSOs can act. Whereas a developed legal framework is a precondition, it also runs the risk of remaining a dead letter never implemented in practice. To avoid this, civic participation must be managed in continuity, moving beyond sporadic actions and emergency solutions that fail to deliver on sustainability. The national authorities and institutions should hold regular consultations with relevant stakeholders for decision-making purposes in the various stages of the EU integration process. To ensure a high-quality civil society contribution and enable the citizens to understand the process and identify its main actors, relevant documents within the legislative process should be made public (e.g. by publishing online all draft laws, committee minutes etc.), to allow interested parties to submit their suggestions, comments and recommendations and monitor the process. All stakeholders should be regularly informed about the activities and pace of the EU integration process. The process and its implications should be communicated to the public more effectively, while unhindered flow of information to citizens and CSOs is a key prerequisite. CSOs' capacity building remains necessary in most countries of the region to ensure that civil society can self-organize around common interests. At the same time, the process should remain open and responsive to the needs of those living outside decision-making centres, particularly in local communities with fewer skills or resources, which might not be able to find a channel for organization and representation within the civil society. CSOs should establish themselves based on their specific mobilization expertise and capacities, to provide a further avenue for the expression of the people's common interests and views. Working on issue-specific topics and gathering wide coalitions of actors in favour of a specific policy, even applying advocacy and confrontational strategies when needed, is a more promising way for CSOs to achieve an impact in domestic decision-making.

*Authors: Danijela Božović, Vanja Dolapčev i Tamara Branković*

<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

## CIVIL SOCIETY SHOULD PLACE A STRONGER EMPHASIS NOT JUST ON PROCESS, BUT ON SUBSTANCE

Natasha Wunsch, Associate Fellow at the German Council on Foreign Relations (DGAP)

In this issue of the newsletter “Let’s Speak about the Negotiations”, Natasha Wunsch, Associate Fellow at the German Council on Foreign Relations (DGAP), talks about the influence of civil society organisations on the Western Balkans’ European integration process, the EU’s new approach to the civil society, as well as about the effectiveness of existing models of civic participation in accession negotiations.

**BOS: The role of the civil society in the EU accession process is getting more and more attention by the European Union and the “new approach” towards enlargement confirms this. Could you give us an evaluation of the steps undertaken by the EU so far in the field of enhancing the role of the civil society and in what aspects are more efforts needed?**

**Natasha Wunsch:** The EU has significantly stepped up its financial and, of late, also its political support to civil society involvement in the EU accession process. Still, the political commitment to inclusiveness of the membership negotiations often remains rhetorical, with little follow-up as to the effective ability of civil society actors to take part in policy-making processes related to the integration process, and also a lack of feedback on the input civil society provides directly to the European Commission. The significant expansion of the section on civil society in the annual progress reports is a step in the right direction, as is the emphasis on improved state – civil society relations (as opposed to mere formal association).

**BOS: From your experience of working in academia and in practice in the area of civil society empowerment and its role in the EU integration process of the Western Balkans, to what extent can the new EU approach towards the civil society become an effective and sustainable domestic policy in these countries, looking beyond the enlargement as such?**

**Natasha Wunsch:** There is a risk that an overemphasis of civil society’s inclusion into the EU accession framework leads to this dimension being developed to the detriment of more routine, everyday involvement of civil society actors in policy-making processes. Moreover, if civil society actors rely only on the EU leverage to have their voices heard, there is little chance of their involvement remaining sustainable once an accession date has been set. Civil society actors in the enlargement countries should, therefore, try to look beyond the membership negotiations and push for improved procedures of consultation at the domestic level that would remain in place even once their countries have entered the EU.



Photo: UCL School of Slavonic and East European Studies  
Natasha Wunsch, Associate Fellow at the German Council on Foreign Relations (DGAP)

**BOS: Apart from the top-down approach, how would you evaluate the effectiveness of the existing models of civil society participation, for example, in the accession negotiations in Serbia and in Montenegro, at the level of their organization and expertise? What are the biggest challenges in this regard?**

**Natasha Wunsch:** There is a variety of different models of civil society participation across the region and, while collective formats tend to receive most attention, the parallel existence of both formal channels for involvement and extra-institutional formats, such as monitoring coalitions, is promising in that it maintains several types of involvement that can complement each other. However, what is crucial regardless of the form of mobilisation is that involvement should be backed up with substantial expertise that civil society actors can feed into the policy process. Sitting at the table just for the sake of it cannot be enough, and runs the risk that state actors will rightfully point to the lack of meaningful contributions brought to the process by civil society.

**BOS: The EU accession process is a tool for changing and improving the work of institutions and overall policy-making culture in accession countries. Do you think that the current setting will lead to such state as the final outcome of the process?**

**Natasha Wunsch:** The sustainability of changes, both at the policy level and in terms of the inclusiveness of the policy-making procedures, will very much depend on what is achieved during the accession process. The risk of backsliding post-accession is all the more important considering that policy changes were ad hoc, occurred under strong EU pressure, or happened too late in the process to be effectively implemented prior to accession. It is therefore up to civil society to define its substantial priorities early, ensure adequate channels of influence and make maximum use of the accession process itself to push its societies towards positive changes. Given the increasing length of the accession process, this at least extends the window of opportunity during which EU leverage can be used to effect domestic change – but always with an eye to its sustainability post-accession, and its penetration into the society and everyday practices.

**BOS: What should civil society do in order to overcome difficulties in making impact within the policy-making process and qualitatively feeding into the process?**

**Natasha Wunsch:** Civil society should place a stronger emphasis not just on process, but on substance. Inclusion is important, but it needs to be observed, and policy-makers will be all the less

able to ignore civil society input when it effectively contributes to addressing some of the challenges the EU accession process brings with it. Flatly criticizing government incompetence and lack of willingness to cooperate is unhelpful – instead, civil society actors should strive by themselves, both collectively and at the individual organisation level, to build credible expertise and advocate it towards both the EU and domestic actors.

*Interviewers: Vanja Dolapčev and Tamara Branković*

## INTERNATIONAL CONFERENCE “CIVIL SOCIETY AND BEYOND: A JOINT DIALOGUE ON THE EUROPEAN PATH”

The international conference “Civil Society and Beyond: A Joint Dialogue on the European Path” was held on 25–26 February 2016 in Belgrade. It was organized by the European Movement International and the European Movement in Serbia, in partnership with TACSO and the Serbian European Integration Office, bringing together more than 150 representatives of the civil society, European institutions and national authorities from the region.

The focus of the conference was on the dialogue between civil society and the state in the EU accession process, most notably on cooperation and the mechanisms for civic participation in the negotiations, such as the National Convention on the EU (NCEU) and the Sectoral Civil Society Organizations (SECO). Furthermore, the discussion was also held about the possibilities of enhancing the cooperation of the civil society in the Western Balkans, Turkey and the EU in the field of the EU enlargement policy, which contributes to mutual understanding and acceleration of the enlargement process.

Several participants stressed that the preparations for accession of the Western Balkan countries and Turkey should run in parallel with the activities of the EU itself, aimed at resolving the crisis in Europe, while the enlargement process provides the opportunity

to create networks and contacts between the EU and its prospective members. It was concluded that the negotiations were an instrument for reform of the state with a view to ensuring a place in the EU, while the intersectoral cooperation is important for the functioning of every democracy, which is why the development of various cooperation instruments, including implementation monitoring, is critically important for all participants in the process.



## SECOND ACTION PLAN FOR OGP INITIATIVE IMPLEMENTATION



The Open Government Partnership (OGP) is a voluntary, multilateral initiative that aims to secure Government commitments towards its citizens, in terms of promoting transparency, empowering citizens, fighting corruption and harnessing new technologies to strengthen governance. Furthermore, the Open Government Partnership is an international platform for dialogue and exchange of experiences between the government, civil society organisations and the private sector. The Partnership was formally launched on 20 September 2011, when the 8 founding governments endorsed the Open Government Declaration. Today, the Partnership has 69 member countries. All participating countries develop their National Action Plans (NAP), as the core component of the country's participation in OGP. The action plan is the product of a process in which government defines ambitious commitments in cooperation with the civil society.

The values promoted by the partnership are derived from the [Open Government Declaration](#) which was endorsed when the Partnership was launched:

1. Civic participation – public engagement in decision making and policy formulation;
2. Government integrity – fight against corruption and strengthening of democratic institutions;
3. Free access to information – guaranteed access to government information;
4. Fiscal transparency – support to the citizens in monitoring the spending of public funds;
5. Public services – provision of efficient services to the citizens;
6. Open data – data digitization and opening;
7. Transparency in extracting mineral and energy resources – ensuring that revenue is spent on public benefit purposes.

**The Ministry of Public Administration and Local Self-Government initiated the drafting of the second Action Plan for implementation of the Open Government Partnership initiative in the Republic of Serbia for 2016-2017. A Special Inter-Ministerial Working Group was established to conduct these activities, consisting of the representatives of the public administration authorities, Government offices, independent public authorities, the National Assembly of the Republic of Serbia, the Chamber of Commerce and Industry of Serbia, as well as the representatives of six civil society organisations.**

In March 2012, at the proposal of the then Ministry of Culture, Media and Information Society, the Republic of Serbia sent to the OGP a letter of intent to join this multilateral initiative, thereby committing itself to develop the Action Plan and endorse the principles of open government laid down in the Partnership's Declaration. However, the process of adoption of the official Action Plan progressed very slowly and with many misconceptions about how the process should be executed. The first action plan was adopted and presented to OGP in 2013, but the Government never actually implemented it.

The Ministry of Public Administration and Local Self-Government, which took over the responsibility to implement the initiative from the Ministry of Culture, Media and Information Society, was of the opinion that the first Action Plan was inadequate and undertook to develop a new document. Owing to the elections and the shift of competence between the two ministries, there was a delay in the adoption and subsequent start of implementation of the second Action Plan. The revised Action Plan was adopted in late December 2014, with the period of implementation from 30 June 2014 to 30 June 2016. However, once again the development process did not comply with the OGP National Action Plan Guidance Note, which envisages a multi-stakeholder consultation process, with active engagement of citizens and civil society. Civil sector representatives were included in the process only when the Draft Action Plan was already created. CSOs made remarks about this when they submitted comments on the Draft Action Plan, and this problem was also acknowledged by the OGP Independent Reporting Mechanism. Another substantial noncompliance with OGP principles was also the failure to include civil society organisations in the implementation of the Action Plan.



## ACTION PLAN DEVELOPMENT PROCESS

The countries participating in the Open Government Partnership commit to “co-create” their country action plans through a multi-stakeholder consultation process, with the active engagement of citizens and civil society.

1. **Availability of timeline:** Countries are to make the details of their public consultation process and timeline available prior to the consultation.
2. **Adequate notice:** Countries are to consult the population with sufficient forewarning. Many countries have chosen to share written drafts two weeks before the official start of consultation to allow stakeholders to organize themselves.
3. **Awareness raising:** Countries are to undertake OGP awareness raising activities to enhance public participation in the consultation.
4. **Multiple channels:** Countries are to consult through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.
5. **Breadth of consultation:** Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views.
6. **Documentation and feedback:** Countries are to make a summary of the public consultation and all individual written comment submissions available online.
7. **Consultation during implementation:** Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation.

## BECOME INVOLVED AND SUBMIT A PROPOSAL FOR THE NEW ACTION PLAN

One of the key prerequisites for the open government concept is the inclusion of the civil sector and other stakeholders in decision-making processes, which is considered as a critical step towards enhancing the dialogue between the citizens and the public administration, the latter being one of the primary goals of the Open Government Partnership. All stakeholder

civil society organisations are invited to submit their written contributions to the development of this action plan by using the electronic template available at the following address <http://ogp.rs/predlog-za-novi-akcioni-plan/>

## RECOMMENDED

Alternative Report on the Implementation of the National Anti-Corruption Strategy, prepared by the Belgrade Centre for Security Policy, Association of Public Prosecutors of Serbia and the Balkan Investigative Reporting Network Serbia, assessing the realization of the Action Plan for the implementation of the 2013 anti-corruption strategy.

The European Commission has published a paper about the major achievements and initiatives launched and successfully implemented by the European Union in 2015 – The EU in 2015.

The Western Balkans and Its EU Integration: 2015 Comparative Overview – the first structured attempt to provide an independent regional analysis and follow-up of the impact of the European Commission’s Progress Reports on Western Balkan countries.

## NEGOTIATION CHAPTER 3 – RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

The freedom to provide services is one of the four freedoms necessary for functioning of the EU Internal Market, and it includes the right of establishment in any EU Member State. The right of establishment entails the right to take up and pursue activities in any Member State. Member States must ensure that the right of establishment of EU national and legal persons in any Member State and the freedom to provide cross-border services is not hampered by national legislation, subject to the exceptions set out in the Treaty. The objective is to achieve a single Internal Market in services by removing legal and administrative barriers to the development of service activities between Member States.

Particular challenge in that respect is the harmonisation of national legislation with the Services Directive. For the purposes of the Services Directive, an activity is considered to be a service if it is provided by a natural or legal person in exchange for remuneration – in other words, it has to be of commercial nature. The Directive regulates all services and stipulates the obligation to simplify administrative procedures in service provision, ensures greater transparency through creation of points of single contact (PSC) and defines the list of requests that may not be applied to establishment of businesses, or to cross-border service provision.

In this chapter, the acquis also stipulates the rules concerning regulated professions, to ensure mutual recognition of qualifications and diplomas between Member States. For certain regulated professions, a common minimum training curriculum must be followed in order to have the qualification automatically recognised in an EU Member State. These include medical doctors, dentists, veterinarians, nurses, pharmacists and architects. Persons with these professions must receive recognition of the qualifications they acquired in their respective countries so as to be able to engage in those activities anywhere in the EU. For the EU accession candidate countries to align their legislation with regard to free movement of services, their vocational education curricula will need to be harmonised with the European ones. One of the measures for harmonisation with the EU common qualification system is the Bologna Process, which refers to higher education, considered under Chapter 26 (Education and Culture). There are, however, exceptions in Chapter 3 – it does not consider services in the field of finance, agriculture and trade.

It is estimated that the entire European Union's postal services process 135 billion parcels each year, generating a turnover of EUR 88 billion, which is almost 1 percent of the EU's GDP. The European Commission's objective is to achieve a single market in postal services and to secure high quality of provided services by gradually opening the sector to competition. It

### WHAT IS THE BENEFIT FOR SERBIA?

- Better business environment
- Cross-border provision of services, establishment of businesses
- Right of establishment
- Recognition of professional qualifications acquired in one's home country

Upon acceding to joining the EU, in the field of cross-border service provision, Serbian businesses (natural and legal persons) will be allowed to freely provide services in all EU Member States, without having to establish their business in those countries. The right of establishment allows business entities to set up and pursue activities of a stable and continuous nature in one or more EU Member States. The recognition of professional qualifications acquired in one's home country is one of the preconditions for establishment in order to pursue a regulated profession in another EU Member State. Professional qualifications of Serbian medical doctors, dentists, pharmacists, veterinarians, architects, general care nurses and midwives will, as a rule, be automatically recognised in other countries. For regulated professions that are not covered by the system for automatic recognition of qualifications, the general system for recognition applies.

(The brochure „Negotiation Chapters – 35 Steps towards the European Union“, jointly published by the EU Info Centre and the Negotiating Team for Accession of the Republic of Serbia to the EU)

is an obligation of all Member States to ensure equal possibilities for provision of postal services by multiple providers, with a view to increasing the quality of postal services for the EU citizens, aiming at full liberalisation of postal services in order to reduce to costs for both clients and companies.

#### Learn more:

European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROWTH)



Belgrade Open School  
Centre for European Integration

Masarikova 5/16,  
11000 Belgrade, Serbia

T: +381 11 30 61 372  
F: +381 11 36 13 112  
E: [eupregovori@bos.rs](mailto:eupregovori@bos.rs) & [cei@bos.rs](mailto:cei@bos.rs)  
W: [eupregovori.bos.rs](http://eupregovori.bos.rs) & [www.bos.rs](http://www.bos.rs)  
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# PROGOVORI O PREGOVORIMA

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