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Newsletter on Serbia's EU Accession Negotiation

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HIGHLIGHTS

1st July

Slovakia took over the presidency of the EU

Slovakia took over the six-month presidency of the European Union. It will be the first presidency of Slovakia, and 116th rotating presidency of the EU. Slovakia joined the Union 12 years ago along with nine mostly ex-communist countries in Central and Eastern Europe. This country has been a member of the Eurozone since 2009.

[Read more...](#)

4th July

Western Balkans Summit in Paris – focus on the connecting and Youth

Leaders of the six countries of the Western Balkans as well as the leaders of Germany, Austria, France, Italy, Slovenia and Croatia met in Paris in the framework of the Berlin Process launched in 2014. The aim of the summit was to strengthen co-operation in the region through infrastructure projects, creating a regional electricity market and co-operation in youth policy. During the summit they analysed the progress made in the implementation of the supporting reform measures in the areas of transport and energy, which were agreed upon by the prime ministers last year in Vienna. [Read more...](#)

12th July

Realisation of IPA 2015

Representatives of the Serbian Government and the European Commission signed a financial agreement which granted the first 39.7 million out of a total of 196.6 million Euros allocated for Serbia in the Instrument for Pre-Accession Assistance (IPA II) for 2015. The funds are intended for the implementation of projects in the areas of judicial reform and the Interior, as well as projects that contribute to the process of negotiations and harmonisation with EU regulations. [Read more...](#)

18th July

Opening of negotiating chapters 23 and 24

The decision on the opening of negotiating chapters 23 and 24 was made at the Third Intergovernmental Conference in Brussels in alignment with the acquis presented in the common positions of the EU (EU Common Position on Chapter 23 and the EU Common Position on Chapter 24). The conference was presented with Serbia's negotiating position for Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, Freedom and Security). [Read more...](#)

IMPRESUM

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CIVIL SOCIETY IS A PARTNER, NOT AN ADVERSARY

Srđan Cvijić, Open Society European Policy Institute in Brussels



Srđan Cvijić, Open Society European Policy Institute in Brussels

Srđan Cvijić, a senior policy analyst on EU external relations for the Open Society European Policy Institute in Brussels speaks for the newsletter “Let’s Talk about the Negotiations” – about the process of European integration in the Western Balkans, the future of the EU enlargement policy and the Berlin Process

Is the EU accession process the last window of opportunity for conducting through reforms of state and society in the Western Balkans? Comparing the situation today and situation when the EU integration process has started, could you give estimation on how that window of opportunity has been used by domestic actors?

There is no other option but EU accession for the countries of the Western Balkans when it comes to conducting thorough reforms of state and society. Full democratisation of the countries of the Western Balkans, establishment of the rule of law, creating open society, are intrinsically linked with the EU membership perspective of these countries. It is difficult to compare different stages of the EU accession negotiations process for they are highly dependent on the developments in the EU in general and they greatly differ from country to country in the Western Balkans. Having said that, one should not only scrutinise the domestic actors in this process, but also look into the EU and EU member states’ management of the process. In this sense we are experiencing a double contradiction. When it comes to the candidate and potential candidate countries and their leadership we often hear the phrase “we are not conducting the reforms because of the EU but for our own sake” yet sometimes reforms occur only as a result of the EU pressure and after a long tug of war with the European Commission and the EU member states. As far as the EU is concerned, I will repeat this once again, it is never enough, there is a clear inconsistency between the lack of political commitment to further enlargement and a business as usual approach when it comes to EU accession negotiations.

Is there a threat that accession process will be more “political” than “substantial” in the end, i.e. captured by the ruling elite for the purpose of achieving political goals rather than substantially transforming the society?

EU membership of the countries of the Western Balkans is not a goal in itself. It is enough to look at the state of human rights and democracy in some EU member states to realise that the struggle

for open society remains very much an issue even after the entry of a particular state to the EU. It is also important to keep in mind that the EU integration process was and will to a great extent remain a political process. This was true for the EU membership of Greece, Portugal and Spain, it was true for the ‘big bang’ enlargement and it will remain the case with the Western Balkans states. Ruling elite of these countries will undoubtedly continue with attempts to instrumentalise the EU accession process for their own political purposes. It is up to the civil society and the citizens of the candidate and potential candidate countries to continue trying to set the rules of the game, i.e. to ask for a positive change within the framework of the EU enlargement negotiations and beyond.

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

I am certainly amongst those who applauded the European Commission for the new approach to the EU enlargement negotiations, both when it comes to the new methodology and the inclusion of the civil society in the process both in Brussels at the headquarters level and through consultations with the EU delegations in the region. Yet, more needs to be done to make the governments of the candidate and potential candidate countries consider civil society organisations more as a partner who can help them in reaching the benchmarks within the EU enlargement negotiations, than as a necessary evil in the process. More than concrete new instruments, an espousal of an entirely new philosophy is needed. We often confuse institutionalisation of a certain practice with the end result. Consultations with civil society in the EU accession negotiations process is a perfect example of this. Both the European Commission and the governments in the region should go beyond the existing mechanisms and seek the critical expertise of civil society even when it is not offered.

The goal of the Berlin Process is to keep enlargement high on the EU agenda. As two years have passed since it began, we believe that an evaluation of the process and estimation of its future results are possible. Could you tell us whether this process can achieve its goals? Having in mind experiences and results of the Vienna and Paris Western Balkans Summit, what else should be done in order to have the process further improved?

I agree with your assessment of the situation. Berlin Process was sought to in a way fill the political void created by the 2014 announcement by the President of the European Commission that there will be no further enlargement during the mandate of this European Commission (i.e. before 2019-2020). If we measure the success of the Berlin process by this relatively modest goal I

would say it was until now only moderately successful. Despite the shock caused by the UK referendum results, the EU membership perspective for the countries of the Western Balkans was reconfirmed by all EU heads of state and government present at the 4th July Paris Conference. This is positive. Yet, when it comes to the attempts to include civil society in the entire process through the Civil Society Forum, despite the great efforts of the European Fund for the Balkans, Erste Foundation and their local partners (latest European Alternatives in Paris) much more needs to be done. In Vienna and Paris, the Conference of the head of state and government and ministerial meetings within the framework of the Berlin process are held in parallel with the Civil Society Forum with very little, symbolical, interconnection between the two. In order to further improve the process looking towards Rome 2017, having also in mind your previous question on the inclusion of civil society in the wider EU accession process, civil society organisations should be given access to other meetings of the Berlin process and the Civil Society Forum should provide a public framework for a meaningful policy discussion involving WB and EU decision makers and civil society representatives.

Looking beyond the enlargement, to which extent the new EU approach towards the civil society can become an effective and sustainable domestic policy in these countries?

Coming back to what was said earlier. A spill-over of the approach where civil society is actively included in the policy making debates at the national level in the candidate and potential candidate countries, is only possible if we have a radical change of approach where civil society organisations are considered as an asset and a partner rather than the adversary by the governments in the region.

In your opinion can the civil society cooperation at the regional level lead the EU integration process towards more regional approach and towards stronger and better articulation of concerns and demands in front of state and EU actors?

EU accession is and will remain a bilateral process involving on the one hand the EU and on the other hand individual candidate countries. This has been underscored recently in Paris by Chancellor Merkel who stated that EU accession process will have “different speeds”, which should mean that they will integrate into the EU at different stages without a Western Balkans “enlargement Big Bang”. Having said this cooperation and exchange of best practices between civil society organisations from different candidate and potential candidate countries is crucial if we want to see a more efficient and transparent EU accession process. Recently in Brussels I had the opportunity to discuss the challenges when it comes to rule of law and political criteria for EU accession with several CSOs from the Western Balkans and selected EU officials. The extent to which the problems different Western Balkans countries are facing are same, particularly when it comes to democratic backsliding, is striking, yet we often remain to a great extent unaware of the work done by our neighbours to countenance these negative trends.

You have written in your recent article published on „EurActiv“ web portal that “the EU needs to connect directly with the citizens of the Western Balkans”. In your opinion, do we have the EU developing this kind of linkage in today's Serbia? Does the EU take into account civil society criticism on situation in Serbia, particularly in the negotiating chapters that have been recently opened?

When I wrote this I was looking at a broader picture than the EU's relationship with the civil society in the region, including Serbia. The EU accession process, notwithstanding the attempts to adopt a more inclusive approach of the civil society organisations, remains to a large extent an exclusive relationship between the EU and the governments in the region. Citizens in the Western Balkans remain almost totally estranged from the process, unable to directly feel its benefits. What we need is a new pact between the EU and the citizens of the Western Balkans. This is to be achieved through front-loading of the EU policies normally reserved to the member states to the candidate and potential candidate countries. This would have to include more sectoral integration with the EU policies following the example of the Energy Union, Horizon 2020 etc., but also making the structural funds available to the candidate countries and opening the EU labour market for Western Balkans workers. Temporary employment schemes for citizens of the Western Balkans offered by some EU member states present a step in the right direction. Sectoral integration should in no way be understood as a substitute for full EU membership, rather it is seen as an incentive to reform while awaiting EU accession. So, to reply to your questions, no we are still missing this linkage both in Serbia and in the rest of the region.

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?

Civil society organisations are to a greater or lesser extent included in the EU accession negotiations process. In Serbia they are consulted, in Montenegro they are taking part in the negotiating working groups directly. However, many documents relevant to the enlargement negotiations are not shared with them. Per Preview Mission Reports, expert opinions on draft legislation, Reports of TAIEX experts, Reports prepared with twinning projects remain largely inaccessible to stakeholders in the region outside of the executive branch. Even the parliaments in the region don't have insight into these documents. Despite attempts of CSOs (in Montenegro) to get access to the above mentioned documents, until this moment European Commission refused to do so claiming ownership of the documents and thus a right to decide who receives them. I am hoping to see a change of this policy of the European Commission in the near future.

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

We are currently facing the situation where on the technical side the countries are more or less progressing in the EU accession process they are stagnating or backsliding in the political criteria for EU accession. We have a lack of media freedom, absence of a level playing field for free and fair elections, corrupt oligarchies in power, state capture by political parties. There are certain differences between the countries but this is a common trend and it applies to a great extent to Serbia. Civil society should find ways in which the monitoring of compliance with the political (Copenhagen) criteria for EU accession can be more effectively dealt with within the framework with the EU enlargement negotiations. We should all be asking this from the EU.

The interview prepared by Danijela Božović

WHERE IS THE CIVIL SOCIETY AT THE PARIS SUMMIT?

On July 4, 2016, France hosted a summit of the Western Balkans and the European Union. French President, Francois Hollande, hosted at the Elysee Palace the heads of governments of Western Balkan countries to discuss the continuation of the European integration process. The summit in Paris, which is a continuation of the Berlin Process launched in 2014, took place at a special moment – shortly after the referendum in the UK, as well as at the time of the awaited green light for the opening of Chapters 23 and 24 in Serbia’s EU accession negotiations. The political agenda of the Summit focused on several important issues: the connectivity of transport and energy, co-operation in youth policy, the economy and border security.

Analysing media reports from the region after the event, it is not difficult to notice that four of the six countries are considered “regional leaders” in some area. Media attention was focused on the lack of specificity about the conclusion of the Paris Summit, as well as on the Summit-related events, such as the Civil Society Forum. Meeting of Chambers of Commerce in the region, as well as the Youth Conference were sporadically reported. The greatest attention of the media was devoted to bilateral meetings of heads of their governments, and to repeated statements about the readiness of the European Union for further enlargement, and even to congratulations for success in the current course of accession to the EU.

The Western Balkans Summit was initiated by German Chancellor, Angela Merkel, in 2014, when there was the first meeting held in Berlin in order to strengthen the support to the European perspective, economic development and improved infrastructural connectivity within the region, as well as the region with the EU countries. After Berlin (2014) and Vienna (2015), this year’s meeting was held in Paris. Heads of states and governments of Serbia, Albania, Macedonia, Bosnia and Herzegovina, Montenegro and Kosovo met with the most important politicians of the European Union, Germany, France, Austria and other countries of the Union. Next of a series of events from the series of the so-called Berlin process will be organised in Rome in 2017.

Establishment of the Youth Cooperation Office

Establishment of the Regional Office for Youth Cooperation (hereinafter referred to as RYCO) is the most important result of the Paris Summit and at the same time is the only concrete thing stemming from the Berlin process. This office was inspired by the French-German co-operation through similar youth office, established in 1963, in order to connect young

R·Y·C·O
Regional Youth Cooperation
Office of the Western Balkans



Photo: Regional Youth Cooperation Office – RYCO

people from the two countries, among which there was a deep gap after the war. The signing ceremony of the agreement on the establishment of the Regional Youth Office was attended by French President, Francois Hollande, German Chancellor, Angela Merkel, Croatian and Slovenian prime ministers, Tihomir Oreskovic and Miro Cerar, Austrian Chancellor Christian Kern, and Vice President of the European Commission and the High Representative of the European Union for Foreign and Security Policy, Federica Mogherini. As it is usual for the Balkan

At the Western Balkan Summit held in Paris, an agreement providing for the establishment of the Regional Youth Cooperation Office – RYCO was signed.

Regional Youth Cooperation Office shall represent an institutional mechanism that ensures sustainable regional co-operation among young people, and promote: reconciliation, mobility, active citizenship and intercultural learning. Joint operation of the region and connecting young people is very important in the context of further European integration, promotion and dissemination of positive European values, strengthening the European spirit, the understanding of the concept of the European Union and its importance for citizens.

Working Group for the establishment of the Regional Youth Cooperation Office composed of the representatives of institutions responsible for youth issues and representatives of the youth sector, in the period from October 2015 to March 2016, actively worked on the preparation of all draft documents necessary for the establishment and functioning of the Office.

The RYCO headquarters will be placed in Tirana (Albania), and five local offices in other countries. It is structurally envisaged that RYCO should have Board of Directors (6 Ministers responsible for youth issues and 6 youth representatives), the Advisory Committee (representatives of the donor community, civil society, international community etc.), and the Secretariat as the operational body.

media reports, they all failed to mention the members of the Working Group for the establishment of RYCO, who did most of the work in founding of this institution. The working group was mostly made up of representatives of civil society, i.e. various youth organisations or those dealing with young people. From the reports and reactions of Balkan politicians, readers, viewers and listeners of the media were not able to learn what this office would be really dealing with, what its responsibilities would be and when it would start working. Instead, the main issue was who proposed the establishment of the Office, as well as who would be its financier.

Civil Society Forum

At the Western Balkans Summit in Vienna last year, representatives of civil society organisations (CSOs) in the Balkans, for the first time were given the opportunity to participate in the Berlin Process. At the Summit meeting in Paris there was raised a legitimate question of how civil society organisations from the region could contribute to the continuation and improvement of this important initiative. In the meantime, a number of meetings, forums and conferences were held, whose objective was to strengthen the capacity of civil society actors, in order to formulate a common position regarding the continuation of the path set at summits in Berlin and Vienna, as well as to establish a permanent forum that will allow CSOs to co-operate and develop dialogue with political leaders and governments.

The two-day Civil Society Forum in Paris was jointly organised by the European Alternative, ERSTE Foundation; European Fund for the Balkans; Friedrich Ebert Foundation; the Citizens for Europe; and the Charles Léopold Mayer Foundation. The Forum brought together some 100 activists and civil society representatives from all over Europe to formulate recommendations for the future of the European project and integration of the Western Balkans. The aim of the forum was to establish a continuous process of civil society dialogue and co-operation across the Western Balkans and Europe. The forum dealt with issues of policy areas which were perceived as priorities: migration, climate change, bilateral disputes and youth co-operation, as well as issues of democratic governance.

In the framework of the Forum numerous workshops and dialogues were also organised with European parliamentarians from different countries and with different political beliefs. Media in the region did not report that there was not a single representative of the government of any country of the Western Balkans at the Civil Society Forum. In the end of the Forum, the recommendations were presented to Harlem Desir, Secretary of State for European Affairs of the French Republic and Sebastian Kurz, Minister of Foreign and European Affairs of the Republic of Austria. These recommendations were a response to the challenges that stood in the way of further development and European integration, not only of the countries in the region but also a little wider area encompassing some member states of the European Union, regardless of whether they were included in the Berlin process.

For the achievement of both objectives of Berlin process, the accession of the Western Balkan countries and good neighborly relations, importance and role of civil society must not be brought into question. For the benefit of the citizens of the entire region, a key is co-operation of all three pillars - the governments of the Western Balkans, the economy, civil society and the media, where the first ones will make decisions, the second ones will implement, and the third one will control, report, raise awareness of the citizens about the importance of the process. I hope that the event in Rome in 2017 will be much more inclusive for all three pillars of the process.

Nemanja Todorović Štiplija, Editor-in-Chief of the European Western Balkans Portal and participant of the Civil Society Forum in Paris

CHAPTERS 23 AND 24 ON SERBIA'S EU ACCESSION NEGOTIATIONS OPENED

The decision on the opening of negotiating chapters 23 and 24 was made on 18 July 2016, at the Third Intergovernmental Conference in Brussels. This decision was taken in accordance with the presented common positions of the European Union for the Chapters 23 and 24, as well as on the negotiating positions of Serbia presented for these two chapters.

Negotiating positions contain a description of the institutional and legal framework of Serbia in the field of judiciary and fundamental rights (Chapter 23) and Justice, freedom and security (Chapter 24), as well as activities that the country needs to take in order to align these areas with the acquis. Legislation of the Republic of Serbia, which regulates the area covered by Chapter 23 and Chapter 24, is partially aligned with the acquis, while there is a need for further improvement of the institutional framework. Strategic framework for action in this area includes action plans for negotiations on Chapter 23 and Chapter 24, as well as relevant national strategies and action plans.

Benchmarks which are necessary to fulfill prior to the opening and/or closing a specific chapter of the negotiations may have different forms, such as the requirement to adopt strategies and action plans, requests for fulfillment of contractual obligations with the EU - primarily implementation of the Stabilisation and Association Agreement, and requests for the adoption of laws and by-laws. The benchmarks may be revised or amended, especially in cases when the state is negotiating a long time and in the meantime the EU has adopted new legislation in that area. Opening Benchmarks and Closing Benchmarks were first introduced for Croatia. Interim Benchmarks for particularly sensitive Chapters 23 and 24 were first introduced for Montenegro in order to more clearly monitor progress in the implementation of reforms and the process of harmonisation of legislation in these important areas, and only after their fulfillment are Closing Benchmarks defined. Time to meet the benchmarks: 1-2 year for simpler and 3-4 year for more complex chapters. Basic functions of benchmarks: setting clear standards; increasing the efficiency of the negotiations; ensuring the implementation of adopted laws, guidelines in the conduct of negotiations, the proof of readiness - a willingness to face the challenges of membership, assistance in the final stages - ratification of the Accession Treaty and confirmation of a tailor made approach.

EU Common Position on Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, Freedom and Security)

In EU Common negotiating position for Chapter 23 and Chapter 24, the EU states that Serbia should continue to make progress in terms of alignment with the acquis in Chapter 23 (Judiciary and fundamental rights) and Chapter 24 (Justice, Freedom and Security), but it is necessary to fulfill certain Interim benchmarks before taking the next steps in the negotiation process in relation to Chapter 23 and Chapter 24. In Chapter 23, Serbia has 50 interim benchmarks, and 43 of them in Chapter 24. Those benchmarks include legislative alignment, strong monitoring mechanisms, institutional arrangements, and the actual results in the implementation of reforms and adequate administrative capacity and resources to implement the EU acquis in these chapters. To remind, Montenegro had 45 interim benchmarks in Chapter 23, and 38 of them in Chapter 24.

Interim Benchmarks fo Chapter 23 (Judiciary and Fundamental Rights):

21 benchmarks for Judiciary
15 benchmarks for fundamental rights
14 benchmarks for fight against corruption

Interim Benchmarks fo Chapter 24 (Justice, Freedom and Security):

13 benchmarks for fight against organised crime and police co-operation (including 12 sub-benchmarks)
9 benchmarks for legal and irregular migrations
5 benchmarks for external borders and Schengen
5 benchmarks for fight against drugs
5 benchmarks for judicial co-operation in civil, commercial and criminal matters (including 3 sub-benchmarks)
3 benchmarks for asylum (including 12 sub-benchmarks)
2 benchmarks for visa policy
1 benchmark for fight against terrorism

STRONG SUPPORT OF SLOVAK EU PRESIDENCY TO THE CONTINUATION OF THE ENLARGEMENT PROCESS

Informal meeting of ministers and state secretaries in charge of European affairs within the framework of the Slovak EU Presidency was held on 24th and 25th July 2016 in Bratislava. Continuation of the enlargement of the Union, migrant crisis and communications strategy were key topics of the informal meeting, where in addition to representatives of the candidate countries, the European Commissioner for Enlargement and Neighbourhood Policy, Johannes Hahn also participated, as well as the representatives of Slovakia, which took over the six-month presidency of the EU at the beginning of July.

The focus of discussion was the EU's enlargement policy and the current challenges faced by countries in the process of accession. In this context, the current presidency reiterated the strong support to continuation of the enlargement process and conveyed the expectation that the reforms started should intensify and accelerate progress towards membership. Talking about the strategy of communication in the field of European integration, the meeting participants agreed that it was important that people should be introduced with the benefits of the process and that despite all the challenges facing, the EU remained the best place to live and work.

Representatives of Montenegro, Albania, Macedonia, Serbia and Turkey conveyed a strong commitment of their



Photo: eu.me

countries to continue high-quality implementation of the reform process that would bring them closer to European quality of life and ensure future membership in the EU. In this regard, they agreed that the priorities of the current EU presidency, as well as messages from the recently held Summit in Paris, represented an additional impulse for strengthening regional co-operation and the implementation of very complex and demanding reforms of the accession process.

RECOMMENDING

Eurobarometer 2016 Survey – The European Commission published a Eurobarometer survey in spring 2016. From this it is evident that the Europeans believe that immigration and terrorism are the biggest challenges the EU is currently facing and that they support the political priorities of the European Commission.

New measures of the European commission to boost tax transparency in order to fight tax evasion and avoidance in the EU.

THE NEW SCHEDULE OF EU PRESIDENCY

On 26th July 2016, the Council adopted a decision establishing a revised order in which the member states will hold the presidency of the Council of the EU until 2030.

Instead of the UK, Estonia will take over the EU presidency in the second half of 2017. Namely, the United Kingdom has officially abandoned the presidency in order to focus on preparations for withdrawal from the EU, which is the first concrete result of the referendum in which the people voted for withdrawal from the EU. Croatia is included in the presidency calendar, and shall for the first time take over the duty in 2020.

EU member states have officially confirmed that the order of presidency will not change, and will stick to pre-determined order. As Estonia will move its planned presidency for six months ahead to fill the British term, so will do the other countries on the list for the presidency, which is a duty on which they rotate every six months.

The rotating six-month presidency was taken over by Slovakia in July, and from January 2017, the Union shall be chaired by Malta.



Photo: The Slovak presidency website

The revised order of EU presidencies until 2030.

EU member	Months	Yaar
Malta	January-June	2017
Estonia	July-December	2017
Bulgaria	January-June	2018
Austria	July-December	2018
Romania	January-June	2019
Finland	July-December	2019
Croatia	January-June	2020
Germany	July-December	2020
Portugal	January-June	2021
Slovenia	July-December	2021
France	January-June	2022
Czech Republic	July-December	2022
Sweden	January-June	2023
Spain	July-December	2023
Belgium	January-June	2024
Hungary	July-December	2024
Poland	January-June	2025
Denmark	July-December	2025
Cyprus	January-June	2026
Ireland	July-December	2026
Lithuania	January-June	2027
Grčka	jul – decembar	2027
Italija	januar – jun	2028
Letonija	jul – decembar	2028
Luksemburg	januar – jun	2029
Holandija	jul – decembar	2029
Slovačka	januar – jun	2030
Malta	jul – decembar	2030

CHAPTER 7 - INTELLECTUAL PROPERTY LAW

The *acquis* in the field of intellectual property rights is a contribution to creating a favourable environment for business in the internal market. Holders of intellectual property rights in the internal market achieve a more favorable position compared to the competition in such a way that they allow them to protect their products and services from unauthorised use, copying and abuse, that is, to manage those rights as their property. Intellectual property includes copyright and related rights, and industrial property right.

Copyright and related rights are acquired by the mere act of creating a copyright or related work (artistic, scientific or technical work) and their presenting or performing so that for their protection it is not necessary to implement a formal procedure, nor require prior publication of the work. The aim of harmonisation of certain aspects of copyright and related rights is to transpose legislation in accordance with technological development as well as to adopt main international obligations on copyright and related rights in EU law arising from the contract on copyright and related rights, adopted in the framework of the World Intellectual Property Organization (WIPO).

Industrial property rights refer to the protection of invention with patent; protection of products and services with trademark; protection of the external appearance of the product with design; protection of differentiation of specific products and services of specific quality that are conditioned by the area of origin and by the mark of geographical origin. One of the important elements of the EU patent system is the accession to the European Patent Convention and the European Patent Organization (EPO). Specific provisions apply to biotechnological inventions. The *acquis* also establishes the rules at EU level for the protection of industrial designs and the European system of protection of trademarks and industrial designs.

Directive concerning the enforcement of intellectual and industrial property rights requires all EU Member States to implement effective and proportionate remedies against those engaged in counterfeiting and piracy of products, thus creating equal conditions for the right holders in the EU. Customs Administration plays an important role in preventing the marketing of products that infringe copyrights and industrial property rights. Furthermore, the EU is a member of the World Trade Organisation, which implements the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Compliance with the *acquis* in the field of intellectual property rights requires adequate capacity and implementation. The need for appropriate administrative structures is particularly emphasised, including the national body in charge of receiving requests for protection in all areas pertaining to intellectual property rights (IRP). Competent institutions should receive appropriate training in relation to intellectual property rights.

WHAT IS THE BENEFIT FOR SERBIA?

- Greater legal certainty
- Stimulation of creativity
- Acceleration of technological development
- Combating piracy

The result of harmonisation with European legislation in the field of intellectual property for the Republic of Serbia will be greater legal certainty and more effective enforcement of intellectual property rights, which will enable the improvement of trading goods and services, as well as the acceleration of technological development and the stimulation of creativity. Intellectual property protection is just as important for small and medium-sized enterprises, but also for individual authors, who will thus be better protected, and intellectual property will be treated as any other type of property. (Brochure "The negotiation chapters - 35 steps towards EU", the EU Information Centre and Negotiating Team for Accession of the Republic of Serbia to the EU)

Find more:

[The Intellectual Property Office](#)

[The European Union Intellectual Property Office](#)

[The World Intellectual Property Organization](#)



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