



# OPENING UP OF NEW CHAPTERS IN THE PROCESS OF NEGOTIATION ON SERBIAN ACCESSION TO THE EU – A STEP FORWARDS AND A LOOK BACKWARDS

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- 27th April** **The third plenary session of the National Convention on EU**  
The National Convention on EU (NCEU) marked the two-year anniversary of their work with a plenary session organized in the National Assembly. The latest book of NCEU Recommendations for 2015/2016 was presented during the session, and the representatives of Working Groups monitoring the chapters of the EU negotiation process presented the key recommendations. [See more...](#)
- 12–13 May** **Civil Society Forum held in Belgrade**  
Non-governmental organisations from the Western Balkans and EU gathered in Belgrade for a two-day Civil Society Forum, in order to define a new method of collaboration and deal with the challenges that our region shares with Europe. The Belgrade Civil Society Forum is a joint initiative of the European Fund for the Balkans and the ERSTE Foundation. The initiative is implemented with the support of the Regional Cooperation Council and the EU Delegation in Serbia. The conclusions of this Forum will be considered as a basis for formulating a set of messages that will be communicated at the Western Balkans Paris Summit. [See more...](#)
- 13th May** **A positive opinion on the proposal of the Negotiation Position for Chapter 24**  
The Committee for European Integration assessed and provided a positive opinion on the Proposal of the Negotiation Position of the Republic of Serbia for the Inter-governmental Conference on the Accession of the Republic of Serbia to the European Union regarding the Chapter 24 (Justice, Freedom and Security). The session was closed for the public. [See more...](#)
- 20th May** **The sixth independent report by the Coalition “prEUgovor” presented**  
The Coalition “prEUgovor” presented the latest independent report on the progress of Serbia in the implementation of policies in the area of judiciary and fundamental rights (Chapter 23), as well as justice, freedom and security (Chapter 24). Additionally, it provides an analysis of the Savamala case, how it reflects the state of rule of law and how (non)transparently the election campaign was financed. [See more...](#)
- 23–24 May** **BOS Consultative workshop held**  
The Belgrade Open School organized a two-day consultative workshop “How civil society organisations may contribute to the transparent and participatory EU negotiation process on Chapter 27”. The workshop was held in Fruska Gora. The agenda of the workshop was based on the positive example of how the Coalition 27 functions. Apart from numerous organisations and initiatives active in the area of environmental protection, cooperation was initiated also with the partners from Montenegro – Coalition 27, whose representatives were invited to the conference as guests. [See more...](#)
- 25th May** **The discussion forum before the opening of new chapters in the process of Serbian EU accession negotiations**  
Within its initiative “Let’s Talk about the Negotiations”, the Belgrade Open School organized a discussion forum named “Opening of the New Chapters in the Process of Serbian EU Accession Negotiations – a Step Forwards and a Look Backwards”. The aim of this event was to look at the experiences gathered so far and the practice that has been applied in the negotiation process up to now, with a special focus on the contribution and participation of the civil society organisations, the transparency of the process and providing information to the public. [See more...](#)
- 30–31 May** **Discussion forums held in Niš and Požega**  
The Belgrade Open School organized the discussion forums named “Democracy and the Rule of Law outside of the EU Negotiation Process – a View from the Local Communities”. Special focus was put on the negotiation chapters where the greatest progress has been achieved so far and that are to be open soon: the Chapter 23 and Chapter 24. The forums were also used as an opportunity to promote and present the local teams established in Niš, Leskovac and Požega for support to the EU integration process. [See more...](#)

## IMPRESUM

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# OPENING UP OF NEW CHAPTERS IN THE PROCESS OF NEGOTIATION ON SERBIAN ACCESSION TO THE EU – A STEP FORWARDS AND A LOOK BACKWARDS

Serbia officially started the EU accession negotiation process in January 2014. So far, only two chapters have been opened: Chapter 32 (Financial control) and Chapter 35 (Other issues – in the case of Serbia: the relations between Belgrade and Priština). Two and a half years after the beginning of negotiations and faced with the imminent opening of new chapters in June, we are in the position to assess where we are now, what we have done and how we have done it.

The COELA (Working Party on Enlargement and Countries Negotiating Accession to the EU) has so far adopted 27 Screening Reports prepared by the European Commission. The remaining reports are now under discussion. Based on

the information available to the public, the benchmarks for the opening of 9 chapters have been defined and the action plans for fulfilment of those benchmarks are being developed. Based on the recommendations from the Screening Reports on Chapters 23 and 24, the Republic of Serbia has developed action plans for the two chapters. The European Commission has finally adopted the action plans, after some modifications. While awaiting the opening of negotiations under these chapters in the very imminent future, the Proposal of Negotiation Positions for Chapters 23 and 24 has been developed. Relevant institutions are currently working on preparation of the negotiation positions for the chapters where the opening benchmarks have not been defined.



Photo: EU accession negotiating process – Chapter Overview

The very beginning of the process of EU accession was marked with the lack of a structure for guiding the negotiation process and the lack of clear procedures. Thus, the Negotiating Team was established only in August 2015, two years upon the appointment of the Head of the Negotiating Team, and the first stage of negotiations – related to the analytical review of the level of harmonization of legislation (screening), lasting from September 2013 to March 2015, was finalized without the Negotiating Team being completely formed.

It would have been very useful if the Negotiating Team had been established at the very beginning of the process. The composition of the team was supposed to have been determined already at the start – as a new structure established for the negotiations, its functioning was to be defined, as well as its integration into the administration system and its interaction with the other already established structures within the negotiation process. This would have provided sufficient time for the necessary preparations and training. Additionally, the Serbian European Integration Office, providing professional, administrative and technical support to the work of the Negotiating Team, was operating without the Director for a year and a half.

The decisions guiding the work of the administration bodies in the process of Serbian EU accession negotiations have been amended several times, after and outside of the election cycle. The decisions in question are: *The Decision on the Establishment of the Negotiating Team for the EU Accession Negotiations of the Republic of Serbia*, *The Government's Conclusion on Directing and Harmonising the Work of the Public Administration Bodies in the Process of Development of Negotiation Positions in the Process of Accession of the Republic of Serbia into the European Union and the Government's Conclusion on Directing and Harmonising the Work of the Public Administration Bodies in the Process of Conducting the Analytical Review and the Harmonisation Assessment of the Regulations of the Republic of Serbia with the *acquis communautaire*, as well as their Implementation (screening)*, *The Decision on the Establishment of the Coordination Body for the Process of EU Accession of the Republic of Serbia*.

The amended decisions called for a certain degree of change in the set negotiation structure and in the procedures that had not been clearly and precisely defined at the start of the process. Some of the changes are to do with the recognition and participation of actors that had not been identified at the beginning of the process – the National Convention on the EU has been recognised as a platform for communication and cooperation with the civil society, whereas the Serbian Chamber of Commerce has been recognised as a platform for communication and cooperation with the business sector. Also, the place and the role of the Negotiating Team have been modified in relation to the member of the Government in charge of EU integrations within the negotiations structure – in most of the tasks within its defined scope of work, the Negotiating Team now acts upon the approval or based on a proposal by the member of the Government in charge of EU integration.

As regards the communication and informing the public on activities related to the process of EU accession negotiations, the only official source of information is still the web site of the Serbian European Integration Office, under the section "Negotiations with the EU". Representatives of the Negotiating Team have announced on several occasions that the designated web site would be developed by the end of the year 2014, then by the end of the year 2015, but this has still not happened. Although the mentioned section on the web site of the Serbian European Integration Office represents the only place where the documents and information on the accession negotiation process are systematically published, still the section is incomplete (not all adopted Screening Reports are available) and outdated (the latest news under the category "News" is dated January 2015). After the Screening Reports on the Chapters 23 and 24 have been adopted, the good practice of publishing the screening reports on the web sites of EU institutions (European Commission and the EU Council) immediately after their adoption – is no longer applied.

Upon the amendments of the decisions governing the screening process, the materials of the bilateral screening have been marked as "INTERNAL" (which is a degree of confidentiality of documents) until the moment the specific chapter is open, in accordance with the regulations on the secrecy of data. The interested public will be informed only on the summary of the Negotiation Position, through the National Convention of EU.

The activities of other public administration bodies and organisations of the Government of the Republic of Serbia in relation to the Serbian EU accession negotiations have not been recognised as part of the regular and mandated duties. As an exception to this rule, the Ministry of Agriculture and Environmental Protection of the Government of the Republic of Serbia launched a web site of the Negotiating Group 27 (Environment and Climate Change) in October 2015. The web site offers an insight into the members of the Negotiating Group 27, the main contacts, division under the sub-sector groups, the main documents, calendar of events and the overview of activities.

As a reminder – the Republic of Serbia has set the end of the year 2018 as the date of internal readiness to accept the responsibilities of European Union membership (the Opening Statement of the Republic of Serbia), so that it would be able to become a member of the EU at the beginning of the next EU budgetary period. In its opinion of 2011, the European Commission assessed that Serbia would be in the position to take on the responsibilities stemming from the membership in the mid-term (in 5 years) in almost all segments of the *acquis communautaire*, if the harmonisation process is continued together with further efforts in ensuring the implementation of regulations.

## POLITICS, POLICE, POLITISATION: LOOKING AT CHAPTER 24

**In the light of the expected opening of the EU accession negotiations by the end of June this year, it is worth looking at what Serbia has achieved so far in harmonisation with the European standards in the areas of justice, freedom and security (Chapter 24). Bojan Elek, from the Belgrade Centre for Security Policy (BCSP)/Coalition "prEUgovor"/National Convention on EU – Working Group for Chapter 24 is writing for the Newsletter "Let's Talk about the Negotiations".**



Photo: Belgrade Centre for Security Policy (BCSP)  
Bojan Elek, BCSP researcher

Although Serbia, especially the Ministry of Interior, has already fulfilled the pre-exam responsibilities and developed the Action Plan for the Chapter 24, to the satisfaction of the European Commission and the Member States, the real test and the long reform process still lie ahead of us. However, even one step before the opening of negotiations on this chapter, Serbia has already qualified for its negotiation process to be blocked, in accordance with the so-called new approach to enlargement.

The Chapter 24 contains ten different thematic areas, mostly in the domain of the interior affairs, and these thematic areas are aiming at increasing the security and enabling citizens' protection, as well as access to justice. A precondition of all reforms within this chapter is, first and foremost – the efficient and professional police service. This has also been clearly stated in the Screening Report on Justice, Freedom and Security that the European Commission published mid-2014. Based on the Report, Serbia has very enthusiastically started the development of the Action Plan for this chapter, which is at the

same time a benchmark for opening the negotiations in this area. The Government of Serbia formally adopted the Action Plan last month. However, judging by the recent events, it seems very likely that the Action Plan will remain purely a list of good wishes and intentions.

Namely, the incident that took place in the Savamala district during the election night clearly demonstrates that there are huge problems within the police service. As a reminder – on that April night, a group of masked persons held one part of the city under siege for hours, illegally deprived several citizens of their liberty, tore down private property in an entire street and thus technically suspended the sovereignty of Serbia on this part of the territory. Despite the calls and the reports by the citizens, the police remained unresponsive. Even one month later, it is still unknown who were the persons destroying the property that night and nobody has claimed responsibility for the unresponsiveness of the police. Also as a reminder – the police should and must be a service to the citizens. After this incident, the only two institutions in Serbia that have not failed to perform their duties were the Office of the Ombudsman and the Commissioner for Access to Information of Public Importance and Protection of Personal Data. According to the Report on the Control Process by the Ombudsman Office, it can be concluded without a doubt that this was an organized and coordinated action. An action where, contrary to the law and its purpose, the police service has once more been misused.

It seems that the influence of politics on the work of the police, especially its operational work, has been an unsolved problem for years. The EC Progress Report on Serbia for 2015, in its segment related to the Negotiation Chapter 24, for the first time explicitly stated the issue of politisation of the police. Even though the key piece of legislation – the Law on the Police, was adopted at the beginning of the year, yet another opportunity was lost for the police to be rid of the control by the politicians and for its work to be professionalized. The minister of interior still has the authority to influence the work of the police service up to an unacceptable degree, to decide on staff employment and make decisions that are to be made by the professionals. The need for the new system of human resource management was, at least officially, the key reason behind the new Law and this was seen as the main step forward in the process of police reform. Despite the good text of the Law, it is still not being applied in this area. There are still many instances where the key positions in the police service have been filled in by the acting heads and acting directors, although the deadlines for the appointment of the formal heads/directors have long passed. As an example, the head of the newly-established unit within the Ministry of Interior that is to be in charge of human resource management according to the new Law, is only an acting head. This person was given the position without the prior proper job advertisement and the employment process. The person is also without prior relevant experience, as has been transferred directly from the Serbian Postal Services.

## INTERVIEW

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Still, the Law on the Police is not the only law not being applied. The early phases of EU accession mostly deal with legislative harmonisation, so what we have at play is hyper-production of draft regulations, proposals, strategies, action plans and similar documents and the implementation of those seems to be a secondary issue that nobody pays attention to. However, after the negotiations on a certain chapter are open, special attention will be paid to monitoring the implementation and proving that whatever is stipulated in the adopted regulations is actually resulting in progress in the field. This is when the key changes are expected and it is up to all of us to ensure that we monitor if the level of safety and freedom is increasing. So, apart from being a great photo opportunity for the politicians, the opening of the negotiations on Chapter 24 is also very good for the citizens. How long the negotiations will take is another story, especially bearing in mind that the EU is putting less focus on further enlargement and seeing the deterioration of democracy and the rule of law in Serbia and the region. This will all render the negotiation process longer and much harder.

How can the EU itself contribute to democracy and the rule of law? Although by far the shiniest trophy on the shelves of the EU foreign policy, the enlargement policy has proven to be of a rather short range regarding the improvement of democracy and the rule of law in the Western Balkans, including Serbia. Lack of progress and regression are visible in the region regarding almost all of the parameters constituting the basic principles of the EU. This brings the efficiency of the conditionality approach under serious question. And not only that – the idea itself of Europe as a transformative power and somebody who sets down the common norms is now under question. It is obvious that the current approach of the European Union and its enlargement policy towards the Western Balkans is not reaping fruit – it focuses primarily on stability, rather than further democratisation and the improvement of the rule of law. If democracy is sacrificed in order to maintain the current stability, in the long run – both democracy and stability will be jeopardised.

*Bojan Elek, Belgrade Centre for Security Policy (BCSP)*

## INTERVIEW

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# WE ARE PARTNERS WITH ALL PLATFORMS AND INITIATIVES OF THE CIVIL SOCIETY IN THE FIELD OF EU INTEGRATION

**Žarko Stepanović, the Acting Director of the Office for Cooperation with the Civil Society**

*Žarko Stepanović, the Acting Director of the Office for Cooperation with the Civil Society of the Government of Serbia speaks for the newsletter “Let’s Talk about the Negotiations” – about the priorities in the work of the Office in 2016, cooperation of the public bodies with the civil society in the creation and implementation of public policies, as well as about the effectiveness of the current model for participation of the civil society in the EU accession negotiation process.*



Photo: **Trag Foundation**

**Žarko Stepanović, the Acting Director of the Office for Cooperation with the Civil Society**

**BOS: At the beginning of this year, you were appointed the Director of the Office for Cooperation with the Civil Society. What are the priorities in the work of the Office in 2016 and what do you see as the greatest challenges ahead?**

**Žarko Stepanović:** The Office for Cooperation with the Civil Society has a clear mandate defined by the Decree on the Office for Cooperation with the Civil Society, which means that the key task lying ahead of us is to continue fulfilling the mandate that the Government of the Republic of Serbia has given our institution.

The main goals I see ahead of us in the following period are primarily to finish the process of preparation and adoption of the National Strategy for Creation of the Enabling Environment for the Development of Civil Society in the Republic of Serbia 2016-2020; to further support the civil society organisations in monitoring the process of EU accession negotiations; as well as to work on further improvement of the cooperation between the civil society and the line ministries in the development and implementation of public policies and to increase the capacities of both the public administration and the civil society organisations in order to achieve better cooperation. One equally significant area where we will continue our work is improving the transparency of financing of the civil society organisations from the budgetary funds – regarding the regulatory field, but also the practice applied. This is dealing primarily with the organization of public calls for proposals and the granting of funds according to the criteria that need to be clearer. Additionally, the practices applied by the public administration bodies in this respect need to be standardized so that the financing is more transparent.

**BOS: How would you assess the cooperation between the public authorities and the civil society in the creation and implementation of public policy? What steps have been taken so far by the Republic of Serbia to improve the role of the civil society and where should more efforts be invested?**

**Žarko Stepanović:** By adopting the Guidelines for inclusion of civil society organizations in the decision making process in August 2014, the Government of Serbia has clearly demonstrated that the public administration considers the civil society to be its strategic partner in the overall reform process of the Republic of Serbia. Along with the Guidelines, Serbia has a satisfying legislative framework that enables the participation of civil society in the process of drafting regulations and implementing public policies, although the draft Strategy for the Creation of the Enabling Environment proposes certain improvements.

The greatest improvement needed is to standardize the practice of public administration bodies regarding the cooperation with the civil society organisations. A Study performed by the Office in 2015 shows that the organisations participate in the creation of policies at different levels, but that the practices applied in specific public administration bodies are different. What also needs to be improved is the practice regarding the public debates – in 2014, only 10% of legal act went through public debates. It is important to stress that this is the percentage regarding all legal acts cumulatively: laws, decrees, any secondary legislation on the line ministry level etc. If we only talk about the laws, the situation is much more favourable since, according to other research, over one third of laws undergone the process of public presentation and debates.

What is rather encouraging is the fact that half of the public bodies participating in the research have engaged in some form of cooperation with the civil society; this percentage is double the percentage of public debates. In this respect, the finding of our previously mentioned study is interesting – during the year 2014, the most common form of cooperation was the participation of associations and other civil society organisations in the work of committees, working groups, project groups and other bodies of the state administration – which actually represents the highest level of participation. Nevertheless, it is necessary that the work of the public administration bodies in this respect is improved and that sustainable cooperation mechanisms are established. It is also very important that the public administration bodies raise their capacities and resources for cooperating with the civil society organisations (CSOs).

**BOS: One of the most significant documents for the development of the civil society in Serbia is also the National Strategy for the Creation of the Enabling Environment for the Development of the Civil Society. Which stage of drafting is the Strategy in currently and when do you expect it to be adopted? Can the Strategy provide the civil society a space for participation in decision-making in the process of EU integration and if so – what scope of participation may be provided?**

**Žarko Stepanović:** The adoption of the Strategy is expected upon the formation of the new Government, in the second half of this year. One of the main chapters of the strategy is dedicated exactly to the role of CSOs in the EU integration process. This demonstrates that the cooperation of the two sectors – the public and the civil sector, is recognised as an important factor for the successful process of the Serbian EU accession negotiation. The key steps that the Government of Serbia will pledge to fulfil by the adoption of the Strategy are: 1. Enabling the civil society organisations to actively participate in all of the phases of the EU negotiation process; 2. Timely and regular information on the negotiation process and its results provided to the public; 3. Strengthening the capacities of the CSOs for the process of EU accession negotiations; 4. The increase in the transparency of planning, programming and monitoring the implementation of

international development assistance in Serbia, with the main focus on the EU development assistance. These are the measures defined in the Strategy and the accompanying Action Plan.

**BOS: The Office has initiated the adoption of the Guidelines for inclusion of civil society organizations in the decision making process, as well as the amendments of the Rules of Procedure of the Government of Serbia – in the segment related to organisation of public debates. How do you assess the quality of public consultations in the decision-making process and how could the Office contribute to increased openness of the institutions, but also to increased participation of associations in decision-making?**

**Žarko Stepanović:** As I have already stated under the previous question regarding the cooperation between the public administration bodies and the CSOs, the statistics show the relatively low percentage of public debates as compared to the number of regulations adopted. However, there has been a trend in the last year showing that the Office has been recognised by the public administration as a body that supports the involvement of civil society organisations in the development of regulations and other public policy documents by organising the consultative process, in cooperation with the relevant public body, invites the organisations, distributes the information on the consultation process and offers other types of support. The wider consultative process and the involvement of a larger number of organisations, as well as utilisation of other mechanisms for consultation and for direct participation of CSOs, create a basis for a better-quality dialogue in the process of public presentations and debates. In the forthcoming period, we will continue working on providing support for regular consultations, as well as on strengthening the public administration bodies so they may organise the consultative process independently.

What is also necessary is to further regulate the manner of reporting on the consultative process and the organised public debate, so that the participants are familiar with the results of consultations, especially the reasons for acceptance or non-acceptance of the suggestions proposed by the civil society organisations.

The development of the draft Strategy for the Creation of the Enabling Environment for the Development of the Civil Society was a very inclusive and transparent process, respecting the highest European standards. This sets a good example for the rest of the public administration bodies on how policies should be developed. On the other hand, the organisations themselves need to increase their capacities, they need to be more informed and able to submit good-quality proposals and solutions, as well as be able to actively participate in the process of policy-making.

**BOS: The Office officially participates in the work of the Council of the Coordination Body on EU Accession Negotiation and is also a member of 11 Negotiation Groups. What are your experiences regarding the negotiation process? How do you cooperate with the relevant institutions and the negotiating structure?**

**Žarko Stepanović:** The Office for Cooperation with the Civil Society has limited human capacities and within those capacities, we try to cover the thematic areas that are of major significance for the civil society in the process of EU integration. Our role in the negotiation groups is twofold – on one hand, we provide information on the negotiation process to the organisations that are following the specific thematic areas, and on the other hand, we direct the members of the negotiation groups to consult the civil society organisations that pos-

sess the specific expertise. The experience we have had in this respect differ and to a large degree depend on the previous experience of the particular institution that leads the negotiation process, but we may conclude that the cooperation is improving. This is rather encouraging since it shows that the understanding of the civil society being a partner to the Government is growing within the system.

**BOS: How does the Office communicate and cooperate with the existing CSO platforms that participate in monitoring of the negotiation process? How will the Office continue to support the CSOs taking part in the process in the following stage of the EU accession negotiations?**

**Žarko Stepanović:** The Office, as the professional service of the Government, is mandated to cooperate with all civil society organisations based on the same principles and using the same communication channels. All platforms and initiatives of the civil society are our partners and we are supporting them in order to reach the common goal – the membership of the Republic of Serbia in the EU. Further support to the platforms involved in the negotiation process shall be defined in cooperation with the relevant state bodies implementing the negotiation. I hope that in the following stage of negotiations the Office will have a more intensive role in supporting line ministries and other Government services in order to achieve a deeper partnership and involvement of the civil society organisations in these processes, especially regarding the formulation and implementation of the action documents per negotiation chapters. Bearing in mind the significance of the regulatory and other activities ahead of us, I believe it is important that the civil society continues its active and diverse engagement in monitoring the EU integration process. It is thus very good that we have different forms of association and activity of organisations in this field. The Office has had an active role in facilitating the exchange of experience from Slovenia and Croatia. We have organised training for civil society organisations on the content and the steps of negotiations for 17 negotiation chapters. This is where I see more possibilities for the Office for Cooperation with the Civil Society to continue working – raising the capacities of organisations so that they understand the process and may perform the monitoring not only of the adoption of new regulations, but also the implementation of the EU regulations and standards.

**BOS: How would you assess the effectiveness of the current model of civil society participation in the accession negotiations in Serbia? Do you think that the practice that has been applied within the negotiation process may contribute to an improved and more open process of developing and implementing public policies?**

**Žarko Stepanović:** The civil society organisations in the Republic of Serbia are very actively involved in monitoring the negotiation process. The existing modalities are such that the CSOs are invited to actively contribute. These modalities are very satisfying and have proven to be much more advanced than the modalities used in the countries that have already undergone the negotiation process, like the Republic of Slovenia and the Republic of Croatia. In many aspects, the process of involving civil society organisations in Serbia may serve as a good practice example to be used by other candidate countries, but also by the Republic of Serbia itself. We hope, and we will do our best within our scope of work, to transfer the positive experience of cooperation between the civil and the public sector, as well as the recognition of the expertise in the civil sector in the process of EU integration, to the field of drafting and implementing national policies.

**BOS: How would you assess the transparency of the negotiation process so far, as well as the accessibility of information relevant for the process of Serbian EU accession negotiations?**

**Žarko Stepanović:** It is of huge importance to regularly, clearly and understandably communicate the European values and European policies, as well as the benefit that the citizens of Serbia will have with the country joining the EU. It is necessary that all stakeholders – the institutions, media, civil society and the business sector clearly communicate the EU integration process with their target audiences, from their own perspective. In my personal experience working in the civil sector, I can tell you that it is not an easy task. It is very demanding and it takes a long time.

In the negotiation process, based on the requirements of the European Commission, there are numerous documents that are marked as confidential. This is something that every Government of the candidate country has to respect. Many details of the negotiation process are very specific to a certain area and may be understood only by the persons who are actively involved in those policies. How they are communicated to the target public and if the key message is clear and understandable is another issue. This is a learning process for all of us, and we all need the information. For the successful completion of the European integration process in Serbia, it is of key importance to enable active and consistent participation of the civil society in all phases of the negotiation. This is necessary not only for the transparency and openness of the process for appreciation of different views, but also in order to be able to formulate public policies according to the real needs of the citizens of Serbia.

**BOS: Do you think that the society in Serbia is sufficiently prepared for the changes that lie ahead? Do the citizens realise that the adoption of the European standards is important for them, even outside of the Serbian integration into the EU?**

**Žarko Stepanović:** Each candidate country that has gone through the accession process was faced with great challenges and important tasks – to prepare the institutions and the administration, but also the society in general, for the adoption, implementation and acceptance of the *acquis communautaire* in all relevant public policies. It is feasible and possible to upgrade the system in Serbia so that it meets the high European standards. This progress will be one of the key mechanisms to demonstrate to the citizens one of the most important benefits of the European integration. The citizens of Serbia receive information on the benefits of our European path, primarily through media, but I still believe there is sufficient space for improvement. The significance of adopting the European standards may be underlined even more clearly, especially presenting the examples of good application of these standards in other countries, the EU Member States.

The regular and clear information flow towards the general public on EU values and the benefits the membership brings to the citizens is important. I see that the role of the media is important, but also the role of the civil society organisations, especially those that are actively engaged into European policy. There are many such organisations in the Republic of Serbia, and some of them are among the largest and most influential organisations, possessing great experience, professionalism and international reputation.

*The interview prepared by Danijela Božović*



In accordance with the Decision on the Establishment of the Coordination Body for the EU Accession Process, the Office participates in the work of the Council of the Coordination Body and is a member of 11 negotiation groups: Negotiation Group on Competition (Chapter 8); Negotiation Group on Information Society and Media (Chapter 10), Negotiation Group on Agriculture and Rural Development (Chapter 11); Negotiation Group on Social Policy and Employment (Chapter 19); Negotiation Group on Regional Policy and Coordination of Structural Instruments (Chapter 22); Negotiation Group on Judiciary and Fundamental Rights (Chapter

23); Negotiation Group on Justice, Freedom and Security (Chapter 24); Negotiation Group on Science and Research (Chapter 25); Negotiation Group on Education and Culture (Chapter 26); Negotiation Group on Environment (Chapter 27); Negotiation Group on Consumer and Health Protection (Chapter 28).

As a member of the Negotiation Groups, the Office represents a channel of communication and cooperation between the Negotiation Groups and the civil society organisations, with the aim of identifying the relevant expertise in the civil society that may contribute to the EU accession process under a specific chapter.

## IN FOCUS

# GUIDELINES FOR COOPERATION BETWEEN THE NEGOTIATING TEAM AND THE REPRESENTATIVES OF CIVIL SOCIETY

The Negotiating Team leading the negotiations on accession of the Republic of Serbia to the EU adopted on 18 March 2016 the Guidelines for cooperation of the Negotiating team for leading the negotiations on the EU accession of the Republic of Serbia and the negotiation groups with the representatives of civil society organisations (CSO), the National Convention on EU (NCEU) and the Chamber of Commerce of Serbia (CCS) after the submission of the Results of the Screening. The Guidelines represent the basis for cooperation between the negotiation groups and other stakeholders during the process of EU accession negotiations. They were publicly presented at the roundtable “How to get involved? – cooperation of different actors on the issue of environmental protection in Belgrade”, held in Belgrade on 13 April 2016.

The text of the Guidelines states the provisions of previously adopted decisions in the framework of the accession negotiation process. The provisions deal with consultations with the civil society during the adoption of the Negotiation Positions. The Guidelines also regulate the consultation process after the Opening Benchmarks in a particular Chapter have been set.

If the Opening Benchmarks request for adoption of a document (action plan, plan, strategy etc.) these documents need to be submitted to the CSOs, NCEU and the CCS for discussion and consultations before they are officially presented to the European Commission. Based on this, the member of the Negotiating Team and the president of the Negotiation Group for a particular chapter submit the draft document to the CSOs,

NCEU and the CCS or they make them publicly available (for example by posting them on the web site of the Government, Negotiating Team, lone ministry, the Serbian European Integration Office or the Office for Cooperation with the Civil Society). Then, a public debate is organised, in accordance with the Articles 41 and 42 of the Government’s Rules of Procedure. The comments, proposals and suggestions to the specific document that have been raised during the public debate may become part of the document itself if the relevant body is in agreement. If not, the relevant body is obliged to submit a written explanation on the reasons for not accepting the proposals.

The text of the Guidelines states that the CSOs, NCEU and the CCS need to be acquainted with the final version of the document in question, presented to the European Commission and adopted by the Government of Serbia.

The CSOs, NCEU and the CCS may also be consulted on other issues regarding the negotiations on the Serbian EU accession, if the Negotiating Team and the President of the Negotiation Group find it necessary.

In the course of consultations, the representatives of the Government and the Negotiating Team will pay due attention to respecting the procedures set in the Law on Secrecy of Data, which regulates the use of documents that are marked as confidential.

## RECOMMENDING

The sixth independent report by the Coalition „prEUgovor“ on the progress of Serbia in implementing the policies in the area of judiciary and fundamental rights (Chapter 23) and freedom, security and justice (Chapter 24);

The book of recommendations of the National Convention on the European Union for 2015 – 2016, presenting the result of the work of Working Groups NCEU in the second cycle of EU accession negotiations;

The Serbian European Integration Office of the Government of the Republic of Serbia, coordinating, inter alia, the preparation of the acquis in the Serbian language, has published an updated edition of the Guidelines for translating the EU legislation;

Potential consequences of Britain leaving the EU – the field of public policy and environmental protection, a report by the Institute for EU Environmental Policy

## DEVELOPMENT OF POLICY-ORIENTED TRAINING PROGRAMMES IN THE CONTEXT OF THE EUROPEAN INTEGRATION

The project titled “Development of Policy-Oriented Training Programmes in the Context of the European Integration” was finalised with the final regional conference held in Sarajevo on 8 April 2016. The aim of the project was to raise the capacity of five universities from Serbia, Bosnia and Herzegovina and Montenegro in the field of research of EU policies and conducting relevant trainings for civil servants, entrepreneurs and representatives of the civil sector. One of the most significant results of the project was the establishment of specialised EU policy centres within the universities of Belgrade, Niš, Podgorica, Sarajevo and Tuzla. The purpose of these centres is to promote the involvement of universities and make them the leading institutions for consultations and training in these public policy areas for the public administration, the business community and the civil society organisations. One of the goals of the Centres is also to attract teachers and associates dealing with various EU sector policies and to provide them with the professional and logistical support to develop new training programmes.

Through the joint effort of the project partners, joint training programmes have been developed in the fields of social policy, environmental protection, human rights, competition and freedom, justice and security. Already during the project cycle, around 300 trainees had the opportunity to go through the

pilot phase of training in the areas seen as key in the Western Balkans states.

The project gathered 10 partner institutions committed to improving their capacities and aware of the role that the institutions of high education should play in the modern society. The Lead Partner of the project was the Faculty of Political Science of the Belgrade University. Alongside the Belgrade Open School, the project partners from the territory of the Western Balkans were: the Niš University, Sarajevo University, Tuzla University and the University of Montenegro. Throughout the project implementation, they were supported by the relevant partners from the EU: the University of Roehampton, University of Alicante, the Institute of Polytechnics from Leiria and NISPAcee from Bratislava.

The project is financed in the framework of the TEMPUS programme of the European Union.

You may find the information on the activities of the EU Public Policy Centre of the Belgrade University on the web page [www.depocei.org](http://www.depocei.org), while the activities of the EU Public Policy Centre of the University of Niš may be followed on the web page [www.prafak.ni.ac.rs](http://www.prafak.ni.ac.rs)



Photo: DEPOCEI  
The Final Regional Conference

## CHAPTER 5 – PUBLIC PROCUREMENT

Public procurement represent an important component of all modern economies. In order to achieve the goals of free market and enable market competition, it is necessary to establish an efficient system of public procurement. The public procurement system lies on the principles of transparency, equal treatment, open competition and non-discrimination. These principles are applied in all public procurement activities. Public procurement in the EU encompasses a set of activities by the contracting authorities in the Member States in order to purchase goods, services or works. The contracting authorities may be public authorities like: state institutions, cities and towns, municipalities and sector authorities that perform utility services – water supply, energy supply, traffic or postal services.

The aim of EU legislation in this area is to enable open competition for the providers of services, goods or works so that they may compete in public tenders in the EU Member States. The aim is to strengthen the economic development and efficiency, but also to give a full meaning to the EU common market.

The *acquis communautaire* also contain rules on the procedure of protection and legal remedies in the context of public procurement. The institutions established for this purpose must ensure the respect of the legislation at all levels and enable an efficient system of legal protection in the public procurement cases. This protection is based, *inter alia*, on the right to issue a complaint. The parties contracting the services are obliged to perform the public procurement procedures with full adherence to the transparency principle.

At the same time, the EU legislation regulates the e-procurement. The E-procurement involves electronic means of communication, dynamic sales systems and e-auctions. The rules on relevant contracts and advertisement have been set by special regulations on the Glossary of Common Procurement Terms and the set templates to use for advertising.

The public-private partnerships and the concessions are also part of the public procurement system. The public-private partnership projects are those projects that aim to satisfy a public need, i.e. aim to offer a public service from the jurisdiction of public authorities.

The public procurement in the EU represents a very significant market. According to the estimates of the European Commission, the total value of public procurement is around 16% of the gross national product of the Union. The practice of public procurement ensuring competition is key for more efficient public spending. The competitive and transparent public procurement procedures assist the public authorities to purchase goods and services of better quality for a lower price. As regards the public contracts in the EU, the application of adequate public procurement procedures and the overall large competition decrease the prices by around

30%. As a result, the taxpayers' money is spent more efficiently, the economic development is spurred, new conditions and better competition are created.

By harmonising the state systems of public procurement in the EU member states, one of the most important instruments has been created for the establishment of the internal market and for getting rid of the obstacles to free trade within the EU. The reform of EU directives on public procurement foresee a more intensive use of public procurement as an instrument for promoting sustainable development. This will be done through the introduction of a responsibility to respect very highly set social and environmental criteria, as well as through increasing the accessibility of the public procurement process to the small and medium enterprises.

### WHAT IS THE BENEFIT FOR SERBIA?

- Access to public procurement in the EU under equal terms
- Transparency and decrease of corruption
- Cost cuts and simplification of the process using the E-procurement
- Availability of public procurement for medium-sized and small businesses

Improving the public procurement system is a precondition for economic growth. This improvement is primarily contained in the adherence to the basic principles, offering mutual professional assistance and education in the public procurement field, with the special focus on prevention of corruption in the public procurement system and the use of E-procurement. The reform of EU directives on public procurement foresee a more intensive use of public procurement as an instrument for promoting sustainable development. This will be done through the introduction of a responsibility to respect very highly set social and environmental criteria, as well as through increasing the accessibility of the public procurement process to the small and medium enterprises. After finalising the EU accession negotiations, the businesses in Serbia will be provided access to EU public procurement according to the rules applicable in the Union and under the terms equally favourable as those applied to EU businesses. (The brochure "Negotiation Chapters – 35 Steps towards the European Union", EU Info Centre and the Negotiating Team for leading the Serbian EU accession negotiations)

#### Find out more:

European Commission – Public procurement  
European Commission – Directorate General for Internal Market, Industry, Entrepreneurship and SMEs



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