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Newsletter on Serbia's EU Accession Negotiation

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5th December 80 million euros for public administration development

Financial agreement worth 80 million euros to support the fundamental transformation of the Serbian public administration is one of the largest agreements between Serbia and the EU. The European Union invests these funds in a comprehensive reform of the public administration that Serbia is undertaking to ensure better and faster public services for all Serbian citizens and companies, for more organised and more effective public administration, for the increased transparency of public resources and the involvement of citizens in creating policy. [Read more...](#)

13th December Negotiating chapters 5 and 25 opened

The decision on the opening of negotiation chapters 5 and 25 was made at the Fourth Intergovernmental Conference in Brussels. The negotiating positions of the Republic of Serbia for Chapter 5 - Public procurement and Chapter 25 - Science and research were presented at the conference. [Read more...](#)

13th December The meeting of the Stabilisation and Association Council

The third joint meeting of the EU-Serbia Stabilisation and Association Council (SA Council) was held in Brussels. The meeting was chaired by Jadranka Joksimović, Minister without portfolio for European Integration of the Republic of Serbia, Miroslav Lajčák, Minister of Foreign and European Affairs of the Slovak Republic (who led the delegation of the European Union on behalf of the High Representative for Foreign Affairs and Security Policy, Federica Mogherini), and Johannes

Hahn, Commissioner for the Negotiations on Enlargement and the European Neighborhood Policy (who represented the European Commission). The SA Council meeting provided a timely opportunity to review Serbia's progress in its preparations for accession and to consider priorities for further work within the framework of theSAA for the future. [Read more...](#)

22nd December The European Commission approves additional assistance to Serbia for migration management

For migration management, the European Commission has approved additional assistance to the tune of EUR7.3 million for the Serbian Ministry of Labour, Employment, Veteran and Social Affairs, the Commissariat for Refugees and Migration and the Ministry of Interior. The funds will be used to secure adequate accommodation for refugees and migrants, finance operational costs of reception and transit centres and centres for unattended minors in Serbia, as well as for salaries of additional staff to be hired at those centres. The total EU financial assistance for Serbia in this area has amounted to more than EUR 50 million. [Read more...](#)

22nd December New report on the implementation of the Action Plan for Chapter 23 was presented

Council for the implementation of the Action Plan for Chapter 23 prepared the report for the fourth quarter of 2016. According to the report, Serbia has achieved 71% of the Action Plan for Chapter 23 planned for the fourth quarter, where most of the activities have been implemented in the field of fundamental rights. Weaker results have been achieved in the fight against corruption, where half of the planned activities have been implemented, mainly focusing on changes in the law. [Read more...](#)

IMPRESUM

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

Authors: Vedran Džihčić, Danijela Božović, Dejan Anastasijević, Jovana Marović i Tamara Branković

Translation into English: Marijana Milošević

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THE REGIONAL CONFERENCE “MOVE.LINK.ENGAGE. NEW MODES OF GOVERNANCE IN THE WESTERN BALKANS”

The second regional conference Move.Link.Engage. New Modes of Governance in the Western Balkans was organized by Belgrade Open School in co-operation with the Office for Cooperation with Civil Society. The Conference was supported by the Europe for Citizens Programme of the European Union. We are especially grateful to the Museum of Yugoslav History, which was one of the hosts of this year's conference, held in Belgrade on 8th and 9th December 2016. The gathered civil society representatives from the region talked about improving democracy, the rule of law and the process of European integration, reflection on space for intervention, as well as networking with regard to taking concrete steps.

The power of the European Union to transform the Western Balkans countries and lead them to stable democracies was unquestionable until recently. Constructive criticisms are primarily related to the way it has been done and they mostly come down to the need to balance between that proverbial “stick” and finding new “carrot” for the local public that would strengthen support and accelerate the process. Consideration of the essence of the steps taken, however, was almost negligible - particularly at the level of their input and output. A result of such a process of European integration is visible today in the countries of the Western Balkans, but also in the countries of Central and Eastern Europe which have joined the European Union with a big bang. It seems that the light of democracy at the end of the tunnel has turned into a mist in which the authoritarian tendencies collide and randomly interfere with democratic procedures. It is therefore necessary that the debate on the European integration process change its content and direction.

In 2016, the crisis of democracy and institutional weakness manifested itself in most countries in the region. Early elections in Serbia, followed by human rights violations in the case of demolition in Savamala, protests and the government crisis in Macedonia, the case of the alleged preparation of terrorist attacks during elections in Montenegro, as well as the crisis of bilateral relations between Serbia and Croatia suggest that European integration itself does not lead to substantial Europeanisation of the Western Balkan societies. It seems that the process of European integration, which is supposed to support and enable the establishment of a system of democracy and the rule of law, is becoming marked by failed expectations. The stability ahead of democracy, an essential characteristic of the attitude of the EU towards the enlargement process in the Western Balkans in the last few years, rather intensifies political tensions and contributes to the weakening of institutions. Citizens asked for their rights through protests on the streets, because the doors of institutions that were supposed to protect and enable



Photo: Tamara Branković, Belgrade Open School

the exercise of their rights, had remained closed. The individual reports of the European Commission on the countries of the region continued to treat common phenomenon in an uneven manner, adhering to the principles that calling things by their proper name may be suspended if it could undermine the interests that are more important than democracy. Macedonia has been explicitly called a captured state, while in Serbia the mention of Savamala disappeared without a trace from the report, and in Bosnia and Herzegovina “the forest is hiding behind the trees” through problematic determining of what issues will be placed on the agenda for the resolution, and which not. (See interview with Adnan Ćerimagić from the European Stability Initiative, Sarajevo)

Taking all this as the reality of societies in the region, the conference Move.Link.Engage. New Modes of Governance in the Western Balkans promoted a regional approach to solving common problems, and connecting civil society representatives throughout the region. Regardless of borders that separate them, the fact is that the problems do not care about these borders.

A dialogue has been launched on how civil society must and can divert public policies out of the hands of individuals who hold positions of power to the institutions and to prevent abuse of public powers to satisfy particular interests. The establishment of New Modes of Governance, or changing the way of governance from the traditional and vertical to the horizontal and participatory, open to citizens, the interests of communities and dialogue with civil society, was taken as the basic case study in the discussion. European integration process did initiate and support a variety of mechanisms that allowed public involvement, greater transparency and accountability of public authorities. This includes different acts, such as: strategies, guidelines, regulations and decisions, as well as instruments such as the bodies for co-operation with civil society and independent institutions (Ombudsman, Commissioner

for Information of Public Importance, as well as procedures that enable participation, such as public hearings). However, it seems that these mechanisms are tools that government and civil society find still difficult to handle (See article written by Jovana Marović, associate of the Institute Alternative, Montenegro). The gray zone that is created in the space between the adoption and establishment of these mechanisms and their (poor) implementation, actually makes the space in which it is possible to “wash” the real attitude of the authorities towards the citizens. Formal preparedness to co-operate with citizens and civil society enables meeting the basic requirements and eliminates the trouble of further and stronger EU pressure to improve public participation in public affairs. And what is in fact lost from sight is that thanks to this gray area, the executive power, discretionary decision, that is, authoritarian tendencies are allowed to gradually prevail. In this way, the control mechanisms of society – civil society, media, independent institutions – are weakened and pacified, increasingly losing allies and the address to which they can turn.

In support to the mentioned attitudes also speak researches conducted by the Belgrade Open School in co-operation with the Institute Alternativa from Montenegro, on the implemen-

tation of public hearings in the process of harmonising national legislation with the European Union legislation. On the other hand, this research indicates that there is room and need, given the circumstances, that civil society take the initiative, which should be a barrier against the executive power. By insisting on the respect and implementation of the institutionalised solutions, civil society can gradually contribute to creating open institutions and accountable public authorities. In order to reach this goal, it is very important that the basic value in the work of civil society be the idea of Europe, not the idea of enlargement (See article written by Vedran Džihic from the Institute of Political Science of the University of Vienna and a member of the Balkans in Europe Policy Advisory Group (BiEPAG)). Shared commitment to the idea of Europe, not to the idea of enlargement, should become a meeting point between the EU institutions and civil society, and the basis for strengthening their partnership. This partnership will provide a higher level of accountability of political actors, both to the objectives of the EU accession process, and to the citizens who are its true owners.

Written by: Tamara Branković

“TO WHOM HAS BEEN GIVEN TO SPEAK, DEFEND, EXPLAIN OR KEEP QUIET”

CSO’s participation in the decision-making process in Montenegro can be briefly described as insufficient, formal, under pressure and with limited influence.

By conditioning the start of the accession negotiations with strengthening the cooperation between state and non-state actors in Montenegro in 2010, the EU had a direct impact on better regulation of the civil society participation in policy-making, greater visibility of their activities and capacity building. Yet, there is still a limited number of CSOs able to produce changes and provide sustainable solutions. At the same time, this does not mean the deficit or the poor quality of the provided solutions.

Montenegro’s example shows that the improved framework for CSO participation does not necessarily mean constructive dialogue, better legislation and greater influence of CSO. Although at a different (institutional) level, this looks like the decision-making process in the EU. At the very beginning of the European integration process, the European parliament was involved solely in the basic decision-making procedure where it had a chance to provide opinion while the Council of Ministers could adopt the decision without taking it into account. The point was, therefore, in respect of the form, and not in contribution to the quality of legislation. While the procedure



Photo: Jovana Marović, Associate of Institute Alternative from Montenegro

was improved later, this is still one of the main causes of the democratic deficit in the EU.

“Sophisticated” mechanisms used by the political elite in Montenegro in order to minimize the role of civil society ranging from keeping internal important information to the rejection of the proposal without any or proper explanation. Practice leads us again to the usual patterns of including interested parties: when, as much and the way the institutions want it.

The finest explanation of the problem has been imposed on this day exactly a year ago. When asked how civil society can contribute to the reforms if the Rule of Law Council's meetings, which determines directions for improvement areas such as the fight against corruption, judicial reform and promotion of human rights, are closed to the public, then Deputy, and now the newly appointed Montenegrin Prime Minister said: "It is a political collegium at the ministerial level, there is no place for CSO there." In other words: you cannot be informed because simply you cannot be informed.

It is clear, therefore, that the changes in the government, as well as new, improved, legislation on the participation of civil society in the working groups and the public debate, which will be adopted by the end of the year, will not necessarily make the shifts in practice. While discouraging, this will not prevent the civil society to carry out its role: to produce ideas and solutions. Move.Link.Engage.

EU ENLARGEMENT – DEAD MAN WALKING IN DIRE NEED OF RESURRECTION

Op-Ed by Vedran Džihčić from the University of Vienna Institute for Political Sciences and the Balkans in Europe Policy Advisory Group (BiEPAG). He is a participant at the regional conference Move.Link.Engage. New Modes of Governance in the Western Balkans on the panel "Western Balkans between European Integration and Decline of Democracy".

The year 2016 is a year to forget. The virus of the crisis has been spreading across Europe and the globe too rapidly to give us any chance to look for a cure. The election of Donald Trump in the USA, described by David Ramnick in „New Yorker“ as nothing less than a tragedy for the American republic and „a sickening event in the history of liberal democracy“, has been applauded by Wilders, Hofers, Orbans and Le Pens on the other side of the Atlantic as a taboo-breaking moment for a new right-wing and nationalist vision of illiberal Europe. The EU-rope seems to stumble. And the countries outside of the EU like in the Western Balkans, still in a rather loose waiting line for (im)possible EU-integration, are only a marginal notice in the current debate about the future of Europe and liberal democracy.

To describe the EU-enlargement as a "Dead Man Walking" might be an exaggeration. But whatever assessment criteria we apply on this once very powerful policy of the EU, the conclusion is quite obvious – the EU's enlargement policy is no longer among top priorities for the Union, and there is no guarantees whatsoever that it will ever regain the power to transform societies in the European periphery again.



Photo: Vedran Džihčić, University of Vienna Institute for Political Sciences

However, on a merely technical level everything seems to run smoothly in the candidate countries of the Western Balkans. Negotiations are ongoing, new chapters opened, membership applications are accepted. And precisely in this technical or technocratic apparent motion lies the biggest danger for a true and fundamental Europeanization of the region. Yes, Montenegro is making progress and negotiating the chapters. Serbia, too, is in the line to open new chapters, accompanied by the EU-pragmatism of the Prime Minister Vučić. Even Bosnia's membership application was accepted by the EU Council in September.

Precisely the Bosnian example in particular shows the whole range of paradox that lies in the manner the current en-

largement process is unfolding. Following the referendum in the Republika Srpska on 25 September, and against the background of a re-opened “Croatian question”, the sense of desperation and agony in the country is as deep as in toughest moments of Bosnian history. And just at this very moment the next EU-step takes place, which inevitably poses the question of the substance of the process. The explanation is easily found – the EU wants to keep the process technically alive and to stay at least on the technocratic track. It wants to create incentives and motivate, but is at the same time running the risk of confusing the formal with the real progress and rewarding those who, while announcing reforms and endlessly preaching Europe and democracy simultaneously put all their energies in building strong authoritarian rule internally that is gradually destroying the notion of democracy and liberalism. In the meantime, the gap between winners and losers of this permanent transition, between the poor and the rich, between widespread precariat and new elites is growing with no one – neither the governments in the countries nor the EU – to offer answers how to address the burning social question and new inequalities.

This is the moment where the Western Balkans join the European debate, a debate which defines the social questions and new inequalities together with the fate of liberal democracy as key questions for the future of Europe.

Back to the dead man walking. In the face of all challenges Europe and the region are facing today, is it already illusory or utopian to ask for a re-activated and re-energized new EU enlargement policy? We are in dire need of alternatives, both in thinking and acting. I am convinced that we need to think in a counter-intuitive way. As the EU is discussing its internal framework and trying to reinvent its normative core, it might

be precisely the EU-enlargement to the Western Balkans where the Union could start regaining its functionality as a democratic and liberal Union. A new, offensive and re-energized EU-enlargement policy in the Balkans is badly needed, one that goes beyond technocratic business as usual and that is courageous enough to address and confront the fake democrats and narcissist authoritarian leaders.

As there is a need for confidence on the side of the EU there is also a need for new energies in the Balkans to meet the Europeans half way. Where would the sources of the possible new confidence be? The social protests that we have witnessed in recent years in the Balkans for me represent the most important democratic development in the region over the past two decades.

The liberal-humanist activism in the region, as we saw it for example in the so-called “Colorful Revolution” in Macedonia or in the protests in Belgrade around Savamala, stand for a new liberal and emancipatory spirit in the region ready and able to confront the new authoritarianism. These new energies have to be embraced by the EU as new and authentic allies in the fight for open societies and common European democracy. It is the mobilization around urgent social questions and an open fight for liberal and democratic values where the Balkans can join many European forms of new activism (like the Municipalismo movement in Spain for example) and help addressing the pan-European questions of social justice, equality and liberal democracy.

After many years of enlargement, there are too many enlargement junkies, in the Commission, in the civil society or among state officials. What we need today are true Europe-junkies, inspired by the European idea and ready to fight for it.

THE IDEA THAT BOSNIA AND HERZEGOVINA IS A SPECIAL CASE NEEDS TO BE CHANGED

Adnan Ćerimagić, European Stability Initiative from Sarajevo

Interview with Adnan Ćerimagić of the European Stability Initiative from Sarajevo, and a participants at the “Move. Link.Engage. New Modes of Governance in the Western Balkans” regional conference organized by the Centre for European Integration of the Belgrade Open School and the Office for Cooperation with Civil Society of the Government of the Republic of Serbia. Ćerimagić was a participant at the session “Where Are We Now from the Perspective of 2016 Country Reports?”

European Western Balkans: Progress reports for Western Balkans states have been published last month. What could be understood as the main points or recommendations for Bosnia and Herzegovina? Were there any surprises within the report?

Adnan Ćerimagić: In the past twelve months Bosnia and Herzegovina continued to make minimal or no progress in aligning itself with the EU acquis and standards. Together with Kosovo, Bosnia and Herzegovina remains the least prepared country for the EU membership. In the next year the Commission will produce its opinion on Bosnia and Herzegovina’s membership application and focus should be on everyone doing their part of the work as best and as quickly as they can.

EWB: Do you think that progress reports adequately assess the situation in different states or are they are perhaps too technical?

AC: The main aim of the country reports should be to tell us in the most simple and understandable way how far the countries are from EU membership. The improvements done by the Commission in past couple of years go in a right direction, but my impression is that we are still far away from the point where reports describe the distance of a country from the EU membership in a simple and understandable way.

EWB: What do you think is the role of EU integration for solving internal problems in Bosnia and Herzegovina? Do you think that local actors care about criticism and pressure coming from the EU?

AC: Today’s Bosnia and Herzegovina is confronted with number of issues. If the EU would offer BiH a credible membership perspective then the accession process could help tackle number of these issues simultaneously. So far the EU did not offer this to Bosnia and Herzegovina. What the EU repeatedly did instead is that it asked BiH to address one issue at the time. EU’s decisions on which issue should be addressed was made on the



Photo: Adnan Ćerimagić, European Stability Initiative from Sarajevo

basis of very poor analysis. That proved to be a huge problem because the EU eventually had to rightly abandon such poorly chosen conditions and damage its own credibility.

EWB: What do you think are the main obstacles to Bosnia and Herzegovina’s membership in the European Union?

AC: The main obstacle is that too many people think of Bosnia and Herzegovina as a special case. Because of that too many people are convinced that Bosnia and Herzegovina has to address specific issues before even being allowed to take part in the accession process. This opinion is usually based on clichés, while facts and reality tell a different story. Changing this will be the main challenge for Bosnia and Herzegovina.

THE FIRST ONE-FIFTH OF THE ROAD

Written by Dejan Anastasijević, a journalist of the weekly "Vreme"



Photo: Dejan Anastasijević,
a journalist of the weekly "Vreme"

If one cannot say that the previous year has led to great progress of Serbia's road towards the European Union, there either stands no argument that it was unsuccessful. Six out of total of 35 negotiation chapters have been opened so far, which is less than expected but, given the general state of the EU enlargement process (not just when it comes to Serbia), is still something tangible. Where we are so far and what can we hope for in the year that has just started?

After opening the Negotiating chapters 32 (Financial control) and "Super chapter" 35 (Normalisation of relations between Belgrade and Pristina) way back in December 2014, more than six months have passed until the opening of the two remaining "super chapters" 23 and 24 (Judiciary and Fundamental Rights). The three mentioned "super chapters" are more important than others because they are among the first to be opened and the last to be closed, and a lack of progress in these areas can lead to freezing of the entire negotiating process. In the second half of the year, Chapters 5 (Public procurement) and 25 (Science and Research) were opened, and at the beginning of this year, Chapter 26 (Education and culture) is expected to be opened.

If one cannot say that the previous year has led to great progress of Serbia's road towards the European Union, there either stands no argument that it was unsuccessful.

The deadlock was partially caused by attempts of Croatia, by using the right of veto given by the membership in the EU, to condition Serbia's progress by bilateral issues among which the biggest problem was universal jurisdiction of Serbian justice over war crimes in the former Yugoslavia. This attempt was only partially successful because Croatia failed to find among other states any that would support it, so eventually it had to give in, failing to extort the concessions that it had expected. Unfortunately, as has been shown in the case of Chapter 26, attempts of conditioning Serbia are continuing, and it would be naive to expect that they will end in due time, but this is something that Serbia will have to reckon with in the future.

After all, one can say that the negotiations in "super chapters" go more or less smoothly: the process of normalisation of relations with Pristina was given the incentive by the agreement reached on the bridge in Kosovska Mitrovica and the international dialing code for Kosovo. Responsibility for the delay in the formation of the Community of Serbian Muni-

cipalities lies on Pristina, which is clearly recognized in Brussels, and therefore makes no risk for Belgrade to consequently suffer damage. In terms of sections 23 and 24, a lot of work is ahead, among other things, changes in the Constitution, but things are progressing as planned.

Although there has been much talk in the public about the political aspects of European integration, especially on the Croatian blockade, much less attention has been paid to the content of the "regular" four chapters, which have been opened so far. And they deserve such attention, because they present areas that have a major impact on the lives of citizens and the rule of law in Serbia.

Let's start with Chapters 32 and 5, which form an organic whole. The first regulates the manner in which the state spends money from the budget, that is, how it controls expenditure (monetary and fiscal policies are the subject of other chapters). In order to achieve progress in this area Serbia will need, among other things, to improve the system of internal control and external audit, but also to establish strict control over the spending of EU funds. Given that Serbia annually receives about 200 million euros from pre-accession (IPA) funds, the importance of this last item should not be underestimated. As an additional task, Serbia is requested to intensify efforts on discovering and combating counterfeit money.

Although there has been much talk in the public about the political aspects of European integration, especially on the Croatian blockade, much less attention has been paid to the content of the "regular" four chapters, which have been opened so far.

Chapter 5 is no less important because it requires the establishment of a unified public procurement system. This means that state institutions must invite tenders, collect bids, and based on them, choose the best supplier. This system aims to provide visibility, equal treatment, competition and non-discrimination of all participants in the process. So far, the public procurement system has been a great field for manipulation, favoring certain suppliers and corruption, so as to restore order in this area would mean progress in establishing the rule of law, namely in the areas covered by Chapters 23 and 24. According to data of Transparency Serbia for 2015, Serbia, with a score of 40, took

71st place among 168 countries and territories (last year with a score of 41 Serbia was in 78th place, but then the number of countries on the list was bigger - 175).

Chapters 25 and 26 belong to the easier negotiating chapters, where the problems were not expected in either their opening or their closing. This is because the European Union largely has left the regulation of these areas to the Member States, who are required only to fit into the general framework in order to participate in the joint European research programmes and enable the free circulation of artists, lecturers and students within the EU. In practice, this means that in these areas there is no need to enact laws in accordance with the EU acquis nor assess the extent to which they are implemented.

Optimistic interpretation of what has been achieved over the past year would read that in the course of that time, one-fifth of the job has been done, but it would not be quite right, because the opened chapters should be also closed, and this will happen only after the European Commission and the EU Council assess that the Serbian legislation and practice are fully in line with European standards.

In Serbia's case, however, the opening of Chapter 26 is complicated because of the new Croatian blockade. Zagreb did not allow Belgrade, with Chapter 5 (Public procurement) and 25 (Science and Research), to open Chapter 26 on 12th December, insisting that icons and cultural treasures belonging to SPC be returned to temporary depots in Croatia and requesting better textbooks and classes in the Croatian language for its minority. Only toward the end of the year, after serious pressure, Croatia withdrew the veto so this chapter will be opened in January this year.

Optimistic interpretation of what has been achieved over the past year would read that in the course of that time, one-fifth of the job has been done, but it would not be quite right, because the opened chapters should be also closed, and this will happen only after the European Commission and the EU Council assess that the Serbian legislation and practice are fully in line with European standards. Head of the EU Delegation in Belgrade, Michael Davenport, said recently that he hoped that in 2016 as many as 13 new chapters could be opened, but cautiously added that the final outcome still depended on the readiness of Serbia to continue reforms.

If we have early parliamentary elections this year, and the adoption of the laws is delayed, it could slow the pace of negotiations, and a lot depends on the relationship with Croatia. For now, it is important that the process is running, because in previous years too much time was wasted.

RECOMMENDED

The European Commission published the first ever single Report on the implementation of macro-regional strategies. Report on the implementation of macro-regional strategies of the EU. Strategies include a total of 19 EU Member States and 8 non-EU countries. Key results of the strategies and challenges in the process of their implementation are presented in the report, as well as problems that should be particularly addressed in the future.

"European Parliament and Serbia", a guide through the work of the European Parliament and its role in the European integration of Serbia, published by the Centre of Contemporary Politics and the Konrad Adenauer Foundation;

The book "From costs to benefits – cost-benefit analysis in the preparation of projects", author Ana-Maria Boromisa, shows the development and implementation of cost-benefit analysis in the preparation of projects proposed for co-financing from the EU funds.

THE FOURTH INTERGOVERNMENTAL CONFERENCE: TWO NEW CHAPTERS

The decision on the opening of Negotiating Chapters 5 on Public procurement and 25 on Science, which was provisionally closed on the same day, was made at the Fourth Intergovernmental Conference on the Accession of Serbia to the European Union in Brussels. The European Union delegation was led by Mr Miroslav Lajčák, Minister of Foreign and European Affairs of the Slovak Republic, on behalf of the Slovak Presidency of the Council of the European Union. The European Commission was represented by Mr Johannes Hahn, Commissioner for European Neighbourhood Policy and Enlargement Negotiations. The Serbian delegation was led by Ms Jadranka Joksimović, Minister without portfolio responsible for European integration.

For both chapters on the agenda, monitoring of progress in the alignment with and implementation of the acquis will continue throughout the negotiations. The EU underlined that it would devote particular attention to monitoring all specific issues mentioned in its common positions. The EU will, if necessary, return to these chapters at an appropriate moment.

Chapter 5 (Public procurement)

Opening of Chapter 5 is based on an assessment of the European Commission that the regulations in the field of public procurement in Serbia are largely harmonised with the EU acquis, as well as that Serbia has made significant progress in public procurement and reforms in this area.

Provisional benchmarks for closing Chapter 5 (Joint EU position for Chapter 5) have been adopted at the Conference, as well as goals that Serbia needs to meet in order to achieve policies and instruments in the area of public procurement, such as those in the EU countries.

It was pointed out that it was necessary to carry out a full harmonisation of legislation on public procurement and concessions and public-private partnership with the applicable directives. Particular attention should be paid to the implementation of regulations in practice and at all levels of government, both central and local. In order to achieve full implementation in practice it is necessary to strengthen the administrative capacity of bodies for public procurement, in particular of the Public Procurement Office and the Republic Commission for Protection of Rights in Public Procurement Procedures, as well as the contracting authorities at all levels.

As pointed out, it is necessary to establish efficient mechanisms for monitoring and control of public procurement procedures and protection of rights. Along with the strengthening of mechanisms for combating corruption, it is necessary to have a broader application of "value for money".

Monitoring of progress in the alignment with and implementation of the acquis will continue throughout all stages of the negotiations, with particular attention paid to the connection between this chapter and other negotiating chapters, including Chapter 23 on Judiciary and fundamental rights.

BENCHMARKS FOR CLOSING CHAPTER 5 (PUBLIC PROCUREMENT)

On the understanding that Serbia has to continue to make progress in the alignment with and implementation of the acquis within this chapter - it may only be temporarily closed when the EU agrees that the following benchmarks have been met:

- Serbia needs to fully align its national legal framework with the EU acquis with regard to all areas of public procurement, including its legislation on concessions and international agreements exempting certain works from public procurement rules.
- Serbia needs to put in place adequate administrative and institutional capacity at all levels and takes appropriate measures to ensure the proper implementation and enforcement of national legislation in this area in good time before accession. This includes, in particular:
 - a) the implementation of Serbia's public procurement development strategy 2014-2018 to improve its administrative capacity, in particular by reinforcing the public procurement Office's staff and by ensuring proper training at all levels for all stakeholders;
 - b) the preparation of practical implementing and monitoring tools (including administrative rules, instruction manuals and standard contract documents);
 - c) the strengthening of control mechanisms, including close monitoring and enhanced transparency of the execution phase of public contracts and systematic risk assessments with prioritisation of controls in vulnerable sectors and procedures;
 - d) the effective functioning of the remedies system;
 - e) measures related to the prevention of and fight against corruption and conflicts of interests in the area of public procurement at both central and local level.
- Serbia needs to demonstrate a track record of a fair and transparent public procurement system, which provides value for money, competition, and strong safeguards against corruption.

Chapter 25 (Science and Research)

Regarding negotiations on Chapter 25 (Science and Research), the EU considered that benchmarks for the provisional closure of this chapter were not required, given the general good level of Serbia's state of preparedness in these areas. The EU therefore noted that at this stage, this chapter did not require further negotiations. The negotiating position of the Republic of Serbia has activities

relating to the further process of aligning the legislative and institutional framework with the EU acquis and standards in the areas of science, research and innovation. The opening of negotiations in Chapter 25 will have a major impact on the development of the legislative framework, raising the institutional capacity in the field of science, research and innovation.

REVIEW OF THE CONTENT OF NEGOTIATING POSITION OF THE REPUBLIC OF SERBIA FOR CHAPTER 25)

In the upcoming period, the Republic of Serbia will continue work on the harmonisation of research and innovation policy with the objectives and priorities of EU policy in this area. The new strategic framework and the planned measures define reinforcement of administrative capacity, in order to increase participation in the EU research programme, both in part referring to excellence in science, including grants of the European Research Council, and in part referring to solving social challenges and support of the science to industrial development of the country.

In accordance with the new strategic and legal framework, the Republic of Serbia will prepare and enforce a package of reform measures which will create the conditions for the realisation of the vision specified in the Strategy of Scientific and Technological Development of the Republic of Serbia "Research for Innovation" for the period 2016 to 2020: "Within five years, science in the Republic of Serbia will be based on a competitive system that supports excellence in science and its relevance to economic development, competitiveness of the Serbian Economy, and development of society as a whole" says the document. Part of the reform relates to the analysis of the situation and the reform of the scientific institute network, as well as changing the financial model for scientific research.

Serbia will strengthen scientific and technological co-operation and encourage the development of innovation activities, i.e. capacity building. This is primarily related to the institutional, administrative and financial capacities, as established in the new Strategy, in order to achieve a better integration in the Innovation Union and European Research Area. This will be achieved through the further financing of the research projects and technological development projects, through co-operation with the European Union Member States and international partners, as well as through the use of the Pre-Accession Instrument 2014-2020 (IPA) and co-operation with other international and European financial organisations. In line with the new Strategy, there are plans for the reform of the scientific research funding system in order to improve it, to ensure stable financing and use the budget funds in the most efficient and optimal manner.

Plans and measures relating to international co-operation will be carried out, including addressing the existing challenges: further integration into the European Research Area, attracting addition-

al foreign funds, providing excellence through co-operation with the leading research organisations from abroad, the incoming and outgoing mobility and promote the participation of small and medium-sized enterprises in the research and innovation cycle.

In the part referring to participation in EU Framework Programmes, the promotion campaigns and support to the researchers and other participants on participation in Horizon 2020 will be continued. The network of National Contact Points will be strengthened through additional training, acquiring skills and professionalisation with the aim to form a special unit for the support of participation in the Horizon 2020 programme.

In the part referring to the mobility of researchers, Serbia will align the processes and procedures for recruitment of researchers with the European Charter for Researchers and the Code of Conduct for the recruitment of researchers, which will facilitate the obtainment of visas for foreign students and scientists. In order to facilitate the mobility of students and scientists, other aspects related to their staying in the country, such as health care insurance and accommodation will be regulated.

Republic of Serbia is also working on its National Research Infrastructure Roadmap with the aim to adopt it in 2017. The Roadmap will be in line with the strategic objectives defined by the European Strategic Forum on Infrastructures (ESFRI). Research Infrastructures will be opened to researchers, scientists and companies from the Republic of Serbia, the EU and the world.

With respect to the support of innovation activities, Serbia will improve the Law on Innovation Activity, and the relevant bylaws will be adjusted to European principles. Additional efforts will be made in stimulating co-operation between universities and industry, as well as facilitating access to financial resources. Ministry of Education, Science and Technological Development, in co-operation with the Innovation Fund will continue to support both projects aimed at innovative small and medium-sized enterprises and co-operation between the academic and business sectors.

THE PROCESS OF EU ACCESSION NEGOTIATIONS — PROGRESS IN THE NEGOTIATIONS BY CHAPTERS

Negotiations on the accession of the Republic of Serbia with the European Union were formally opened at the Intergovernmental Conference on **21st January 2014** in Brussels.

The screening process of legislation was launched on 25th September 2013, when the screening for Chapter 23 devoted to justice and fundamental rights was held in Brussels, and on 24th March 2015, by maintaining bilateral screening for Chapter 33 on Financial and budgetary provisions, the entire screening process was completed.

As of 31st December 2016, a total of **six chapters** were opened (Chapter 5 – Public Procurement, Chapter 23 – Judiciary and Fundamental Rights, Chapter 24 – Justice, Freedom and Security, Chapter 32 – Financial Control, and Chapter 35 – Other issues), and **Chapter 25 (Science and research) was provisionally closed**.

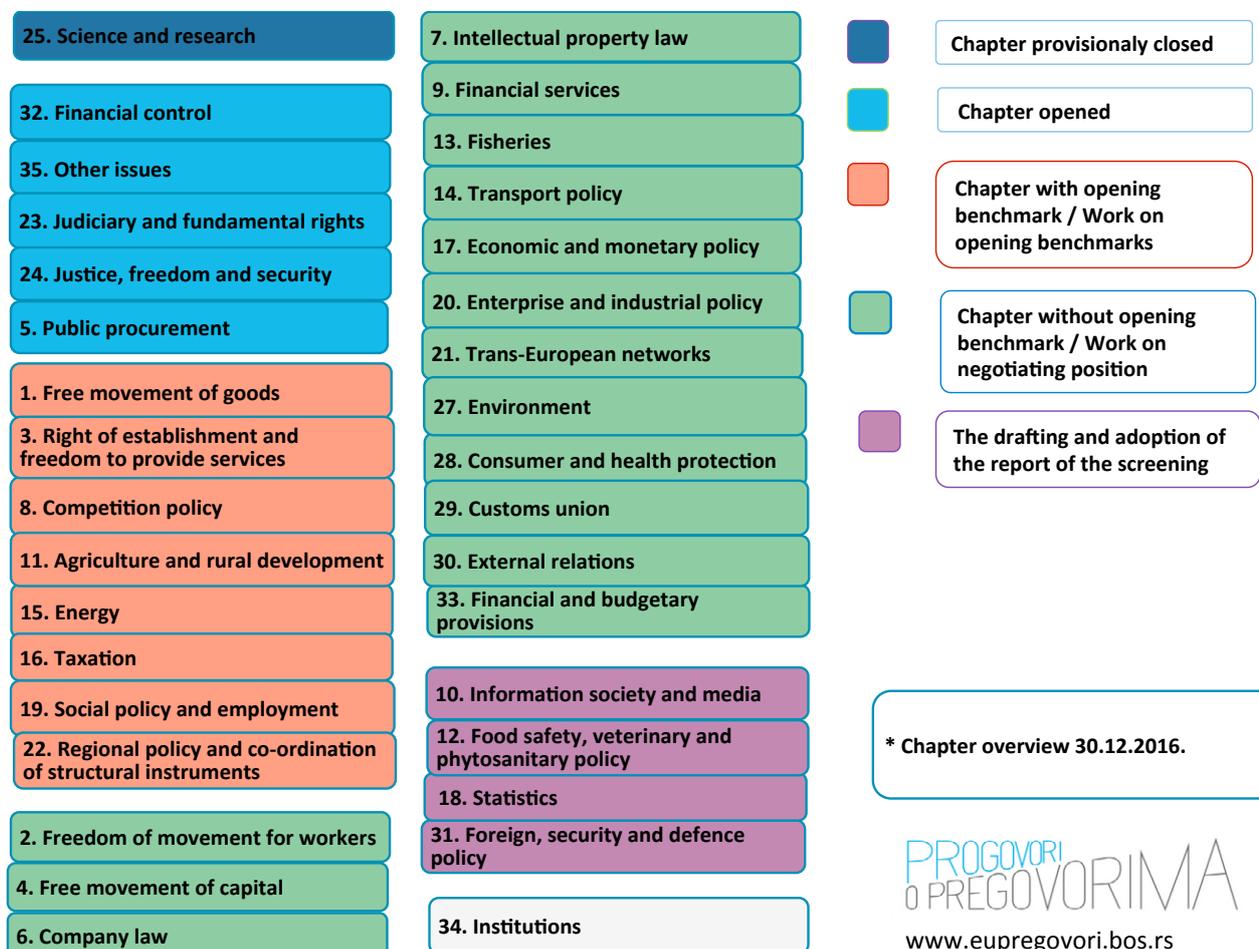
For **Chapter 26 (Education and Culture)** the Republic of Serbia **submitted a negotiating position**. There is currently a discussion at the COELA meeting on a common EU position.

Benchmarks have been given for Chapter 8, and development of action plans is underway: Chapter 1 (Free Movement

of Goods), Chapter 3 (Right of establishment and freedom to provide services), Chapter 8 (Competition Policy), Chapter 11 (Agriculture and Rural Development), Chapter 15 (Energy), Chapter 16 (Taxation), Chapter 19 (Social policy and employment) and Chapter 22 (Regional policy and co-ordination of structural instruments).

There are no benchmarks for the opening of 14 chapters and preparation of negotiating positions is underway: Chapter 2 (Free movement of workers), Chapter 4 (Free Movement of Capital), Chapter 6 (Company Law), Chapter 7 (Intellectual Property Law), Section 9 (Financial services), Chapter 13 (Fisheries), Chapter 14 (Transport policy), Section 17 (Economic and monetary policy), Chapter 20 (Enterprise and industrial policy), Chapter 21 (Trans-European networks), Chapter 28 (Consumer and health protection) Chapter 29 (Customs Union), Chapter 30 (External relations) and Chapter 33 (Financial and budgetary provisions).

The debate on the reports on screening for 5 chapters is underway: Chapter 10 (Information Society and Media), Chapter 12 (Food safety, veterinary and phytosanitary policy), Chapter 18 (Statistics), Chapter 27 (Environment) and Chapter 31 (Foreign, security and defense policy).



LAWS ARE A PUBLIC MATTER

The report “Openly on Public Policies - Laws are a Public Matter”, made by the Belgrade Open School (BOS), shows an analysis of legislative activities of the Government of Serbia in the first 100 days of its work, from 11th August to 18th November 2016. This Report specially presents to what extent the public hearings, as a mechanism for citizen participation in creating public policy, are used in the process of harmonising national legislation with the European Union legislation.

The legislative process in the Republic of Serbia is running in the context of Serbia's accession to the European Union (EU), and the dynamics of adopting regulations has increased manifold in the last 15 years. A large number of the proposed regulations creates problems in the stage of development of laws, which is reflected in the lack of prior analysis and assessment of effects of regulations, limited space for conducting public hearings and citizen involvement, and has negative implications for the quality and applicability of the very laws. Irrespective of the fact that relatively wide circle of authorised proponents of laws is anticipated, numerous analyses indicate that more than 95% of the laws which are proposed and adopted by the National Assembly of the Republic of Serbia stem from the Government. In that light, the key instruments for monitoring the legislative process in Serbia in the context of Serbia's accession to the EU are the Annual Work Plan of the Government and the National Plan for the Adoption of the Acquis (NPAA).

Analysis of legislative activity in the first 100 days of the Government's work was conducted with two constraints. The work plan of the Government formed on 11th August 2016 was not published, but the work plan for 2016 (of the Government which was constituted on 27th April 2014) is available to the public. In addition, the second revision of the National Programme for the Adoption of the Acquis was adopted only on 17th November 2016, while the first application period of the revised version of the NPAA expired on 31st December 2015.

For the first 100 days of work, the Government submitted 26 draft laws to the National Assembly for approval, 15 of which referred to the ratification of international treaties. Of the remaining eleven legislative proposals submitted by the Government to the National Assembly, which did not refer to the laws on ratification of international and bilateral treaties, seven were adopted in the Assembly for the first 100 days. According to the recently adopted revised NPAA, out of the eleven legislative proposals which have entered the parliamentary procedure, three are planned for the adoption, while four are foreseen by the Annual Work Plan for 2016, which is currently

available to the public. Of these legislative initiatives submitted, a public debate has been conducted in the previous period only for two laws.

Striking is the lack of maintenance of public hearings, as a stage of the legislative process: they are organised only pro forma and as a rule do not influence decision-makers. This is also concluded by a new report from the European Commission, where it states that the focus on formal and procedural issues still dominates, rather than on the essence of the policy-making process. Also, the European Commission stresses that public consultation should be broader and with more realistic deadlines in order to allow all stakeholders to provide quality input. The justification that is often found is that the dynamics of the European integration process requires a speedy procedure. However, this argument is without merit, if we consider only 63% fulfillment of the previous National Programme for the Adoption of the Acquis (NPAA), and the fact that the legislative process and Work Plan of the Government does not follow the dynamics envisaged by NPAA.

Thanks to all of this, a public hearing is not the regular phase of the legislative process in the Republic of Serbia with regard to the regulations contained in the National Programme for the Adoption of the Acquis, while the process of participation of stakeholders and the public in the legislative process through public hearings is not thoroughly regulated. The intention to improve the legislative process by involving civil society at the earliest stage of creating public policies is continuously repeated in a series of documents adopted in the previous period. However, the realisation of this intention into practice is more the exception than the rule. This is partly due to a lack of systematic approach to involve civil society in policy-making processes, and a space that national institutions give to civil society, as well as the level of consultations with civil society are still largely formal and mainly serve to meet basic standards and requirements of the EU.

Periodical report after 100 days of work of the Government of the Republic of Serbia: “Res Publika – Laws are a Public Matter”

The competition “Openly about public policy” is implemented within the project “Real say on policy” conducted by Trag Foundation in partnership with the Association CRTA, National Coalition for Decentralisation (NKD) and the Foundation Slavko Curuvija, and with financial support from the US Agency for International Development (USAID).



CHAPTER 11 - AGRICULTURE AND RURAL DEVELOPMENT

The Common Agricultural Policy of the EU is one of the most important areas, both in terms of the number of regulations governing this area, and in terms of the share of the agricultural budget in the total budget of the European Union. The size of the budget of the Common Agricultural Policy is very high and amounts to slightly less than 40% of the total EU budget. The main objective of the Common Agricultural Policy is to provide a stable supply of agricultural products to the market at affordable prices, which also entails a guaranteed adequate income for farmers.

The backbone of EU agricultural policy is split into two pillars. The first pillar consists of direct payments and market intervention, and the second one refers to the rural development policy.

Direct payments mean that under certain conditions (environmental protection and human health, food safety, animal welfare, keeping the land in good condition) farmers receive subsidies, regardless in which type of production they are involved. These incentives guarantee and provide a steady income to the farmers regardless of market volatility. The subsidies and incentives are financed by the European Agricultural Guarantee Fund.

The intervention in agricultural market refers to the intervention purchase and other forms of withdrawal from the market, the support to the production of certain products, the quota system and support to producer organizations (in the fruit and vegetables sector). It is extremely important to underline that in this area, as well as in the field of direct payments, Member States may not have their own national measures, but it is a policy at EU level.

Rural development includes measures that are necessary for development activities in rural areas, which contribute to strengthening the competitiveness of agriculture and forestry, improving biodiversity in rural areas, improving quality of life, as well as measures to encourage diversification of the rural economy.

Funds for these measures are provided by the European Fund for Rural Development.

WHAT IS THE BENEFIT FOR SERBIA?

- Support to rural areas
- Direct payments to farmers
- Access to the European market
- Electronic database containing agricultural data
- Organization of agricultural producers
- Ability to facilitate planning in agriculture

The result of the harmonisation with the EU legislation in the field of agriculture and rural development will guarantee an access to the EU market with over 500 million consumers, important arrangements of production, as well as processing and marketing of agricultural products in the common market and with third countries. EU membership will enable Serbian farmers to use funds for agriculture and rural development, improve product quality, and thereby significantly increase their competitiveness in the EU market. The establishment of the Agency for Agricultural Payments, the body that will be a bridge between Serbian farmers, national institutions, the institutions of the European Union, will enable users to obtain the necessary funding. The Agency will elaborate every user's request, approve it in accordance with the applicable procedures, and then pay fees to end-users. For all these reasons, the negotiations in agriculture and rural development will be extremely challenging. (Brochure "The Negotiation Chapters – 35 steps towards EU", EU Information Centre and the Negotiating Team for Accession of the Republic of Serbia to the European Union)



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 & cei@bos.rs
W: eupregovori.bos.rs & www.bos.rs
S: facebook.com/bos.cei
S: twitter.com/CEI_BOS



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