

Report on CSO involvement in negotiation process for Chapter 23

The report covers the period from September 2013 to November 2014

Legal framework relevant for CSO participation:

The legal framework in Serbia dedicated to this issue stems from the article 53 of the Constitution of the Republic of Serbia guaranteed right of citizens to take part in the management of the public affairs, as a human right of active status. This right usually includes referendum, peoples initiative, the right to petition and public criticism, but also the right of citizens to be informed and consulted regarding the work of the authorities and to control their work.

Some aspects of this issue are addressed in the Law on State Administration, the Law on Local Self-Government, the Law on Referendum and Peoples Initiative, the Law on Free Access to Information of Public Importance, Rules of the procedures of the Government, Rules of the procedures of the National Assembly and other regulations. For the purpose of internal reforms implementation and harmonization with the EU acquis, numerous steps have been made in the last decade towards the establishment of a legal and institutional framework for the participation of citizens and civil society organizations in the process of drafting legislation and policy documents.

Relying on the good practice of Council of Europe (Recommendation CM on the legal status of NGO in Europe which was basis for the adoption of Code of Good Practice for Civil Participation in the Decision-Making Process) Government of the Republic of Serbia on 26. August 2014 adopted Guidelines for inclusion of civil society organizations in the regulation adoption process, and confirmed its understanding of the role and importance of participation of CSOs in the design and implementation of the reform processes. Government of the Republic of Serbia recommendation is that Guidelines should be applicable in the work of state administration bodies, but also in the work of institutions of autonomous province and local self-governments. For the purposes of the Guidelines, civil society organizations are: associations, endowments,

foundations, syndicates, chambers, university conferences and/or academy of applied studies and other organizations whose objectives and activities are directed at achieving public interest.

Guidelines for inclusion of civil society organizations in the regulation adoption process is the first document of its kind, aiming to define principles, standards and levels of civil society participation in the process of preparing, adopting and monitoring the implementation of regulations. In this context this act, proclaims as the principles of participation active participation of civil society organizations in all phases of the regulation adoption process, mutual trust, transparency and accountability, effectiveness, efficiency and cost-effectiveness, timely information on regular adoption plan, and enabling participation of disabled persons in regulation adoption process. In addition , the Guidelines distinguish levels of participation of civil society organizations: information, consultancy, inclusion and partnership.

All of the above makes a solid base for the involvement of civil society in the process of negotiations with the EU, taking into account all its characteristics and specificities. In this regard, it is very important to bear in mind the need to comply political demands for faster progress in the accession process on one hand, and the principles of participatory democracy which require time in order to be implemented in a satisfactory manner. Also, certain characteristics of the negotiations process in the context of inclusion of CSOs should be taken into account, such as need for respecting confidentiality on certain parts of negotiation process that are closed for public (e.g. Bilateral screening), short deadlines, need for prompt response, structure of documents and similar. In this context, the above-mentioned principle of mutual trust here comes to the fore, and it appears as truly necessary in order to achieve a common goal – EU membership, while ensuring the democratic legitimacy of public policies during the process.

Course and way of involving civil society organizations in the negotiations for Chapter 23:

The Ministry of Justice, as the lead institution for Chapter 23 (Judiciary and Fundamental Rights), has recognized the importance of involving civil society in the process of negotiations on Serbia's accession to the European Union, and from the very beginning is endeavoring to take concrete measures at every stage, in order to meet demands of the process adequately.

Existing modalities of participation of civil society organizations have included primarily live stream broadcasting of explanatory screening session on compliance of Serbian legislation with the EU acquis held in Bruxelles, participation in the preparation of a bilateral screening, briefing meetings with goal to inform civil society organizations on held bilateral screening, participation in the preparation and drafting of the Action Plan for Chapter 23 through concrete proposals and suggestions, TAIEX expert mission which accompanied the drafting of the Action Plan, as well as Workshop on involvement on CSOs in negotiation process for Chapter 23. The

above activities were carried out independently by the Ministry of Justice, or in cooperation with the Office for Cooperation with Civil Society of the Government of the Republic of Serbia .

1. Live stream broadcasting of explanatory screening sessions

The process of analytical review of legislation (screening) commenced on 25 September 2013 in Brussels, started from Chapter 23 "Judiciary and Fundamental Rights". In order to involve interested public in following this event, a live broadcast (live stream) of the screening was provided in the National Assembly. Total number of 31 civil society organizations attended this event with 48 representatives. In annex to this report, there is a list of organizations and their representatives present at explanatory screening live streaming.

2. Preparation of bilateral screening

Ministry of Justice in cooperation with the Office for Cooperation with Civil Society on 17 October 2013 invited civil society organizations with the area of expertise within Chapter 23 - Judiciary and fundamental rights to participate in the preparation of a bilateral screening for this chapter. The expectation was to civil society organizations submit reports from their own perspective on compliance with the EU acquis and to provide answers to specific questions of the European Commission. A total of 14 organizations submitted their contributions: Autonomous Women's Centre, Citizens Association for the fight against human trafficking and other forms of gender-based violence Atina, Humanitarian Law Center, Human Rights and Democracy House consisting of the following organizations - Belgrade Centre for Human Rights, Civic Initiatives, Helsinki Committee for Human Rights in Serbia, Lawyers Committee for Human Rights and Centre for Practical Policies, as well as coalition prEUgovor, specialized for negotiation process monitoring in Chapters 23 and 24, consisting of the following organizations - ASTRA, Belgrade Centre for Security Policy, Autonomous Women's Centre, Centre for Investigative Reporting, Centre for Applied European Studies, Group 484 and Transparency Serbia.

3. Organization of briefing sessions

In cooperation with the institutions relevant for negotiation chapters, European Integration Office, Negotiating team for the negotiations on the accession of Serbia to the EU and Office for Cooperation with Civil Society, briefing sessions with civil society organizations were organized for several chapters, including Chapter 23. These meetings are chaired by Tanja Miscevic, Head

of the Negotiating team for the negotiations on the accession of Serbia to the EU, with the presence of the heads of the negotiating groups and other representatives of relevant institutions for appropriate negotiation chapters, as well as representatives of the European Integration Office and the Office for Cooperation with Civil Society.

The aim of the meeting for negotiation Chapter 23 was to introduce civil society organization representatives who attended the live broadcast explanatory screening with the details of the bilateral screening. The meeting was attended by 27 civil society organizations representatives. Participants were rated this meeting as a highly successful, so one of conclusion in this perspective is that this form of presentation could be an example of good practice on how to inform the representatives of civil society upon completion of screening of all negotiating chapters. In annex to this report, there is a list of organizations present at briefing meeting.

4. Training for civil society organization representatives on the negotiation process

Representatives of the Ministry of Justice, together with colleagues from the European Integration Office participated in the training, " Introduction to the process of negotiations on EU accession negotiation chapters 23 and 24, " in which they presented the process of accession related to the above mentioned chapters. This training was intended to strengthen capacity of civil society organizations to participate and monitor the future process of Serbia's accession to the EU.

On this occasion, acquis and relevant national legislation were presented, as well as experiences of negotiating groups' experts and civil society organizations representatives from the region and the EU. Within this training an important discussion has started regarding the role of civil society in the process of Serbia's accession to the EU. Representatives of the Centre for Peace Studies, a civil society organization from Croatia, presented the way in which civil society in Croatia was monitoring the process of accession to the EU in the field of rule of law. The event was attended by round 160 civil society organizations representatives.

5. Participation in the preparation and drafting of the Action Plan for Chapter 23

Ministry of Justice in cooperation with the Office for Cooperation with Civil Society on July 30, 2014, announced Public invitation for participation in the preparation of the Action Plan for Chapter 23. The action plan for this chapter is based on the Screening report Chapter 23 Judiciary and fundamental rights and recommendations made by the European Commission in the report given, following its explanatory and bilateral screening. In this sense , the Public invitation was accompanied by the following documents: Action Plan template, Instructions for filling Action Plan template, Screening report for Chapter 23, Annex to the letter for Chapter 23 –

Outcome of the Screening. After the pre-selection of CSO contributions, conducted by the Office for cooperation with Civil Society, the Ministry of Justice has received total of 13 contributions from 5 civil society organizations. CSOs that sent their contributions are: Humanitarian Law Centre, League for Roma Decade, Centre for European Policy, Autonomous Women's Center and Partners for Democratic Changes. Within these 13 contributions, there were 73 proposed activities. The Ministry of Justice accepted 37 proposed activities, partially accepted 24 proposed activities and rejected 12 proposed activities, and a separate report was made that explains reasons on accepting or rejecting proposed activities (Link for table with feedback information regarding the CSO proposals is included in the annex of the report, as well as on Ministry of Justice official website).

After drafting the Action Plan for Chapter 23, the Ministry of Justice and the Office for Cooperation with Civil Society on 26 09 2014 again called civil society organizations to provide comments on the AP draft, as a form of second round consultations. Public invitation for participation is announced. After the pre-selection of CSO contributions, conducted by the Office for cooperation with Civil Society, the Ministry of Justice has received until 16th October total of 9 contributions from 7 civil society organizations: ASTRA, Roma Women's Center Bibija, Autonomous Women's Centre, Praxis, Transparency Serbia, Roma League and National Council of Leskovac. After the deadline for submission of contributions, the Ministry of Justice on 03 November received one more contribution, which is also taken into consideration. Of the total of 181 proposed activities, the Ministry of Justice accepted 35 proposed activities, partially accepted 27 of proposed activities, while 119 of the activities was not accepted. A certain number of proposed activities was not formulated in the form of a proposal, and it was not possible to determine their status. Separate report that explains reasons on accepting or rejecting proposed activities is included in the annex of the report (Link for table with feedback information regarding the CSO proposals is included in the annex of the report, as well as on Ministry of Justice official website).

Overall, 72 proposed activities are accepted (28,34%), 51 proposed activities are partially accepted (20%), while 131 proposed activities are rejected (51,57%).

In order to support this stage of the process, but also within the preparation of future activities in the broader sense, the Ministry of Justice in August 2014, organized TAIEX expert mission that followed the development of the Action Plan. The aim of the expert missions was related to the Methodology for the inclusion of civil society in the drafting of the Action Plan for Chapter 23. On this occasion, experiences and good practices in CSO involvement from the region were shared. These models and examples give the opportunity to further enhance the existing cooperation with civil society organizations especially in terms of resolving some technical issues.

6. Workshop on involvement of CSOs in negotiation process for Chapter 23

Ministry of Justice, with the support of the Office for Cooperation with Civil Society and GIZ Programme for legal and judicial reform, organized Workshop on involvement of Civil Society Organizations in negotiation process in Chapter 23. The event took place in Deputies' Club in Belgrade on October 28, 2014. Numerous CSO representatives attended this Workshop, as well as international organizations representatives. Key topics of the Workshop were: presentation of existing legal framework for involvement of civil society, methodology of inclusion of Civil Society Organizations in the Action Plan drafting for chapter 23, challenges of Chapter 23 and practical exercise – improving knowledge and skills in making contributions for policy making.

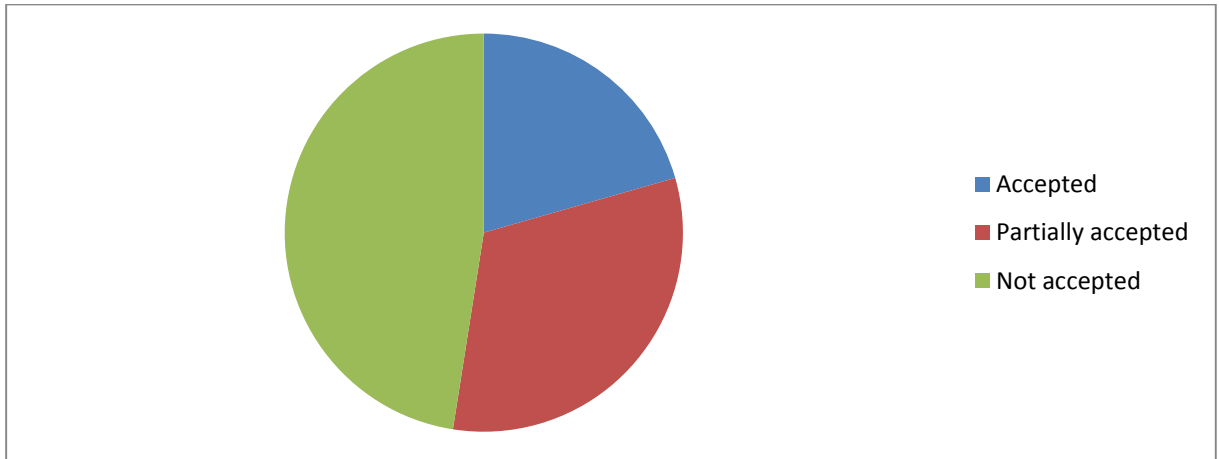
In annex to this report, there is a list of organizations and their representatives applied at Workshop.

7. Report on participation of civil society organizations in the preparation of the Second and the Third draft of the Action Plan for Chapter 23

Development of the Second and Third draft of the Action Plan for Chapter 23

Ministry of Justice announced a Public call for the participation of civil society organizations in the preparation of the third Draft of the Action Plan for Chapter 23. The public call is, together with the third draft of the Action Plan, published on 20 April 2015. Due to numerous requests, the deadline for submission of comments and suggestions has been extended until 04 May 2015. After the deadline, subsequently arrived another CSO contribution which is also taken into consideration. Ministry of Justice has received a total of 12 contributions of civil society organizations (Judges Association of Serbia, Association of Prosecutors and Deputy Public Prosecutors of Serbia, Association of Judicial Associates of Serbia, the Serbian Bar Association, Fund for Humanitarian Law, Belgrade Center for Security Policy, Association of Croatian youth in Vojvodina ROOF, Lawyers Committee for Human Rights YUCOM, Permanent Conference of Roma civil associations, Civic initiatives, Praxis and the National Convent on the European Union-Working Group for CH 23), of which 141 activities. The Ministry of Justice accepted 29 proposed activities, partially accepted 45 proposed activities, and 67 proposed activities are not accepted. A separate report was made that explains reasons on accepting or rejecting proposed activities (Table with feedback information regarding the CSO proposals is on Ministry of Justice official website).

Overall, 29 proposed activities are accepted (20.56 %), 45 proposed activities are partially accepted (31.91 %), while 67 proposals are rejected (47.51 %).



Ministry of Justice maintains a regular dialogue with interested civil society organizations in the form of regular meetings, correspondence as well as any other appropriate manner. Suggestions and comments of civil society organizations on the second draft of the Action Plan for Chapter 23 has been successively sent, within the framework of regular communication between the Ministry of Justice and interested civil society organizations.

National Convent on the European Union

Guided by the principles of full transparency and inclusiveness, and not wanting that abovementioned principles remain just a proclamation, the Ministry of Justice representatives had an active role in work of the National Convent on the European Union, a permanent body composed of over 200 civil society organizations. Within the scope of work of National Convent

on the European Union is to run thematically structured debate on Serbia's accession to the European Union between the representatives of the state administration, political parties, independent bodies, non-governmental organizations, experts, businesses, unions and professional organizations. National Convent on the European Union is organized into working groups that cover different chapters, including the Working Group on Chapter 23. During the work on the second and third draft of the Action Plan for CH 23, Ministry of Justice representatives actively cooperated with the Working group for CH 23 of National Convent on the European Union. At the meetings held in December 2014 and April 2015, attended by the president of the Negotiating Group for CH 23 "Judiciary and Fundamental Rights" as well as subchapter coordinators, Ministry of Justice representatives discussed and answered all questions and concerns to representatives of Working group for CH 23 of National Convent on the European Union. In addition, representatives of the Negotiating Group for CH 23 took part in the plenary session of the National Convent on the European Union. Also, in all meetings, representatives of the Ministry of Justice expressed its openness for cooperation with civil society organizations, both through the meetings on specific issues and e - mail consultations.

Good cooperation continued through the participation of the National Convent on the EU representatives in the debate on Third draft of the Action Plan at parliamentary committee of the National Assembly.

Ministry of Justice representatives took part in the seminar "Cooperation between the state and civil society in the field of judiciary and fundamental rights" of the Regional Convent on European integration, where they presented the past activities related to cooperation between the Ministry of Justice and civil society organizations, as well as future planned activities.

Ministry of Justice is expressing its readiness to continue with the involvement of civil society organizations in shaping public policy processes, in accordance with contemporary European trends in this field.

Annexes to the Report:

Annex 1 - List of civil society organizations attended explanatory screening live streaming

Annex 2 - List of civil society organizations applied to attend briefing meetings

Annex 3 - List of civil society organizations applied to Workshop

Annex 4 - Guidelines for inclusion of civil society organisations in the regulation adoption process

Annex 5 - Table with feedback information regarding the CSO proposals on Action plan for Chapter 23 (<http://www.mpravde.gov.rs/tekst/2986/pregovori-sa-eu.php>)

Annex 1 - List of civil society organizations attended Explanatory screening live streaming

Number	Organization	Name
1	Helsinški odbor za ljudska prava u Srbiji	Izabela Kisić
2		Mara Živkov
3		Jelena Mirkov Subić
4		Jelena Džombić
5	Centar za ljudska prava Niš	Lidija Vučković
6	CRTA	Dubravka Grčić
7	Beogradski centar za bezbednosnu politiku	Sonja Stojanović
8		Saša Đorđević
9		Predrag Petrović
10		Nataša Vunš
11	Autonomni ženski centar	Vanja Macanović
12	Inicijativa mladih za ljudska prava	Maja Mičić
13		Jasmina Lazović
14		Ivan Đurić
15	Centar za evropsku politiku	Sena Marić
16		Amanda Orza
17	YUCOM	Kristina Vujić
18	Građanske inicijative	Dejana Stevkovski
19		Maja Stojanović
20		Aleksandra Popović
21	Beogradska otvorena škola	Jelena Babić
22	Centar za praktičnu politiku	Đurđa Đukić
23	Centar modernih veština	Bojana Nikolić
24	Sindikatski pravosuđa Srbije	Gordana Nenadić
25	ASTRA	Marija Anđelković
26	Fondacija Centar za demokratiju	Tijana Kljajević
27	Pravni skener	Marina Mijatović
28		Tamara Magdelinić
29	BIRODI	Snežana Đapić
30		Jelena Milunović
31	PRADOK	Biljana Stanojević
32	FOSDI	Dragana Petrović
33		Olgica Milojević
34		Nataša Milojević
35	Centar za evroatlantske integracije	Jelena Milić
36	Centar za primenjene evropske studije	Jasna Filipović
37		Ana Košel

38	Centar za unapređivanje pravnih studija	Marko Vukić
39	Grupa 484	Siniša Volarević
40	Praxis	Jasmina Miković
41	Institut društvenih nauka	Marta Šjenčić
42	Nezavisno udruženje novinara Srbije	Dragan Janjić
43	Evropski pokret u Srbiji	Slavica Jovanović Kubat
44		Dina Rakin
45		Jelena Ribać
46	Gayten	Kristian Randelović
47	Fondacija za otvoreno društvo	Mihajlo Čolak
48	Centar za prava manjina	Danijela Lakatoš

Annex 2 - List of civil society organizations applied to attend briefing meetings

Meeting for the representatives of the civil society organizations with the details of the bilateral screening for Chapter 23 - Judiciary and fundamental rights , and 24 - Freedom, security and justice

	Name	Organization
1	Sena Marić	Centar za evropske politike
2	Maja Stojanović	Građanske inicijative
3	Ivana Lazarević	Evropski pokret u Srbiji
4	Jelena Babić	Beogradska otvorena škola
5	Nataša Vunš	Nezavisna istraživačica
6	Biljana Stanojević	PRADOK

7	Danijela Lakatoš	Centar za prava manjina
8	Đorđe Popović	Kancelarija za saradnju sa civilnim društvom
9	Milica Kostić	Fond za humanitarno pravo
10	Edmir Veljović	Fond za humanitarno pravo
11	Marija Anđelković	Astra
12	Bojana Nikolić	Centar modernih veština
13	Kristian Randelović	Gejten
14	Dragan Popović	Centar za praktičnu politiku
15	Jelena Saračević	Helsinški odbor za ljudska prava
16	Sonja Stojanović	Beogradski centar za bezbednosnu politiku
17	Bojan Elek	Beogradski centar za bezbednosnu politiku
18	Srdan Đurović	Centar za primenjene evropske studije
19	Mladen Antonijević Priljeva	Forum za etničke odnose
20	Irina Rizmal	Centar za evroatlantske studije
21	Ivan Stojanović	Inicijativa mladih za ljudska prava
22	Vanja Macanović	Autonomni ženski centar
23	Kristina Vujić	Jukom
24	Strahinja Brajušković	Civilnet
25	Marina Mijatović	Pravni skener
26	Vladimir Petronijević	Grupa 484

27	Nemanja Nenadić	Transparentnost Srbija
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Annex 3 - List of civil society organizations applied to Workshop

Workshop on involvement of CSOs in negotiation process for Chapter 23

	Name	Organization
1	Sena Marić	Centar za evropske politike
2	Jovana Saračević	Helsinški odbor za ljudska prava u Srbiji
3	Jelena Mirkov Subotić	Helsinški odbor za ljudska prava u Srbiji
4	Slobodan Martinović	Argument
5	Hadži Zoran Jovanović	Grupa za razvojne projekte
6	Osman Balić	Jurom centar
7	Sonja Stojanović Gajić	Beogradski centar za bezbednosnu politiku
8	Dragomir Vasić	Evropska Vojvodina
9	Ivan Đurić	Inicijativa mladih za ljudska prava
10	Gordana Rajkov + Ana Janjićjević	Centar za samostalni život OSI Srbije
11	Lazar Mišković	Dom Anli

12	Dorđe Milošević	Dom Anli
13	Snežana Ilić	Centar za razvoj civilnog društva
14	Snežana Cmiljanić Milojević	Nacionalno invalidsko udruženje ILCO Srbije
15	Kristina Vujić	Praksis
16	Katarina Ivanović	Astra
17	Biljana Stanojević	Pradok
18	Jelena Mičić	Centar modernih veština
19	Tijana Vojinović	Centar za evroatlantske studije
20	Jovica Veljučić Kerčulj	Lokalna agenda 21 za Kostolac
21	Nenad Nikolić	Udruženje poljoprivrednika za razvoj Deliblatske peščare
22	Gordana Todorović	Privredna komora Srbije
23	Smiljka Jurasović	NE - BO
24	Milan Antonijević	Jukom
25	Katarina Golubović	Jukom
26	Kristina Tubić	Jukom
27	Jasmina Čigoja	Udruženje hranitelja Duga
28	Nataša Vukmirović	Link Plus
29	Đurđica Ergić	Bibija
30	Marijana Savić	Atina
31	Ivana Stevanović	Centar za prava deteta
32	Filip Čolaković	Akademija nacionalnog razvoja

33	Snežana Cmiljanić - Milojević	Nacionalno invalidsko udruženje ILCO Srbije
34	Dragan Trivun	Nacionalno invalidsko udruženje ILCO Srbije
35	Jelena Marković	Evropski blok
36	Veselina Pelagić	Fondacija za razvoj domaćinstva
37	Biljana Janjić	Inicijativa za prava osoba sa mentalnim invaliditetom
38	Jelena Krstić	Fond za humanitarno pravo
39	Izet Bojičić	ABI
40	Stanka Parać Damjanović	Centar lokalne demokratije
41	Jadranka Jelinčić	Fondacija za otvoreno društvo
42	Ljubiša Čkovrić	Centar za ljudska prava Čačak
43	Milan Ilijin Micko	Prijatelji dece Zemuna
44	Iris Kopčanski	Kreativni centar mladih
45	Božana Peregi	Eliksir Plus
46	Geza Peregi	Eliksir Plus
47	Gala Rodić	Eko Med
48	Srđan Đurović	Centar za primenjene evropske studije
49	Dane Pribić	Centar za razvoj demokratskog društva Europolis
50	Zlatko Perović	Rodna gruda, Mladenovac
51	Daniela Stojković	NVO "Svet i Dunav"
52	Milica Milić	Civilnet
53	Ana Grbić	Liga Roma

54	Sandra Abramović	Liga Roma
55	Tomislav Tanić	Unija manjiskih akcionara Srbije- UNIMAS
56	Konstantin Mitić Vranjkić	Društvo sudija Srbije
57	Radica Gligorić	NVO Centar za toleranciju i održivi razvoj centor Krčedin
58	Marina Matić	Udruženje javnih tužilaca
59	Zlata Stepanov	Veza

Annex 4 - Guidelines for inclusion of civil society organisations in the regulation adoption process

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Based on Article 43(3) of the Law on Government (Official Gazette of RS, No. 55/05, 71/05 – corrigendum, 101/07, 65/08, 16/11, 68/12 – CC, 72/12, 7/14 – CC and 44/14) in conjunction with Article 61 of the Law on Public Administration (Official Gazette of RS, No. 79/05, 101/07 and 95/10), on the proposal by the Office for Cooperation with Civil Society,

the Government adopts

CONCLUSION

1. Guidelines for inclusion of civil society organisations in the regulation adoption process are hereby established and shall be an integral part of this Conclusion.

2. Authorities of the autonomous province and local government units are recommended to provide participation of civil society organisations in the preparation process of regulations whose adoption they are competent for, in accordance with the Guidelines from point 1 of this Conclusion.

3. This Conclusion shall be published in Official Gazette of the Republic of Serbia.

05 No. 011-8872/2014

Done in Belgrade on 26 August 2014

The Government

The President

Aleksandar Vucic, duly signed

**GUIDELINES
FOR INCLUSION OF CIVIL SOCIETY
ORGANISATIONS IN THE REGULATION ADOPTION PROCESS**

1. Civil society shall have one of the basic roles in the development of the Republic of Serbia. It shall promote development, democratisation and self-organisation of the society. In addition, civil society shall provide support to the state and shall represent correction factor in reform process it implements.

Active participation of civil society organisations in the process of regulation adoption shall entail timely availability of information, consultancy, inclusion and partnership of civil society organisations with public authorities.

For the purposes of this document, civil society organisations shall be: associations, endowments, foundations, syndicates, chambers, university conferences and/or academy of applied studies and other organisations whose objectives and activities are directed at achieving public interest.

With a view of internal reforms and harmonisation with the EU acquis during the last decade in the Republic of Serbia a number of steps have been taken to establish legal and institutional framework for participation of civil society organisations in the drafting process for regulations and strategic documents. Having regard to significantly improved communication and cooperation with civil society organisations and with a view of practice unification in the whole public administration system for enabling full cooperation with civil society organisations in accordance with contemporary European tendencies in this field, the Guidelines for Participation of Civil Society Organisations in the Regulation Adoption Process (hereinafter: Guidelines) shall be established.

2. The purpose of these Guidelines is to direct the work of public administration in regard to inclusion of civil society organisations in the process of preparation, adoption and implementation monitoring of regulations in order to provide their efficient and effective implementation.

The basic objectives of the Guidelines are improvement of participation of civil society organisations in the process of preparation, adoption and implementation monitoring of regulations on matters and positions of public interest. This way, conditions shall be created for better understanding of needs and manners of participation of civil society in a public administration body regulation adoption process and thus for achieving optimal publicity, increasing effectiveness, efficiency and cost-effectiveness of their work. The overall objective is

improvement of relations with civil society organisations in a democratic process as well as promotion of their more active role in public life.

Participation of civil society organisations in the process of preparation, adoption and implementation of regulations shall increase their punctuality and intelligibility and positive effects they produce, their implementation shall be facilitated and costs for the implementing authority and the subject they are applied to shall be reduced.

The basis for this document are achieved standards and measures for participation of interested public in regulation adoption process without prejudice to their implementation.

3. For the purposes of this document, levels of participation of civil society organisations in the process of preparation, adoption and implementation monitoring of regulations may include:

1) Information - representing one-way process within which public administration bodies inform civil society organisations with a view to enable timely, complete and objective information in order to simplify understanding of issues and manners for their resolution. Usual methods of information shall be: online informational materials, media campaigns, public discussions, round tables, presentations.

2) Consultancy - representing two-way process during which public administration bodies request and receive information from civil society organisations in the regulation adoption process and publish positions taken in connection with them (for example, consultations in the phase of planning and drafting of strategic documents, drafts/regulation proposals, public debate).

The objective of this participation level shall be to acquire, from civil society organisations, information on issues, possible solutions and their advantages and disadvantages regarding drafts/regulation proposals in all phases of their adoption process. In addition, it is necessary to provide feed-back on the importance and influence that civil society organisations have achieved in that regard.

Usual methods of consultancy shall be: written consultancy, questionnaires, interviews, focus groups, expert and public discussions, round tables, meetings, workshops, online consultancy.

3) Inclusion - representing the higher level of the two-way process by which representatives of civil society organisations are actively involved in the process of regulation drafting (for example, membership in working groups for regulation drafting).

The objective of this participation level shall be to enable presence and participation of civil society organisations in the process of regulation preparation in order to consider their interests in continuity.

Usual methods of inclusion shall be: working groups meetings, expert and public discussions (round tables), workshops.

4) Partnership – representing the highest level of cooperation and mutual accountability of public administration bodies and representatives of civil society organisations in the process of regulation adoption and implementation.

The objective of this participation level is to enable active participation of civil society organisations in the regulation preparation process as well as their implementation process. The objective of this participation level shall be to enable constant presence and active participation of civil society organisations in making mutual decisions.

Usual methods of partnership shall be: meetings of bodies comprising representatives of public administration bodies and representatives of civil society organisations (committees, commissions, negotiating bodies), thematic conferences and other.

4. Participation of civil society organisations in the process of preparation, adoption and implementation monitoring of regulations shall be based on the following principles:

1) Active participation of civil society organisations in all phases of the regulation adoption process.

This principle shall represent one of the basic principles of the European management of public affairs. In modern democracies, civil society organisations have active role and through their participation they influence improvement of regulation quality and thus quality of public administration services. For that purpose, cooperation process need to be considered in relation to all phases of regulation preparation and implementation starting from planning through selection of regulatory instruments and regulation drafting to monitoring of regulation implementation in order to evaluate their expediency.

2) Mutual trust

Open and democratic society is based on constant dialogue between citizens, different social groups and sectors. Although public administration bodies and broad circle of representatives of civil society organisations often have different roles, the common objective of improving quality of citizens' life may be achieved only based on trust, mutual respect and appreciation. In that regard it is necessary to develop methods and mechanisms on all levels of their participation in scope required for achieving the common goal.

3) Transparency and accountability

Participation in the adoption process of regulations on matters and positions of public interest requires transparency and accountability of public administration bodies and representatives of civil society organisations. Observance of this principle must be provided on all levels of participation of civil society organisations in the regulation adoption process. In addition, in implementing consultancy with civil society organisations, public administration bodies shall clearly define: matters for which a feed-back is requested, measures used in implementing the consultancy and reasons for adopting certain regulation. In providing their contribution to consultancy implementation, representatives of civil society organisations shall transparently and

responsibly state interests and/or categories and number of users they represent. In a case of inclusion being higher and partnership the highest level of cooperation, transparency and accountability of all participants in the process have particular importance.

4) Effectiveness, efficiency and cost-effectiveness

In order to provide effectiveness, efficiency and cost-effectiveness of participation of civil society organisations, time and manner where there is a real possibility of influence on drafts i.e. regulation proposals should be ensured, that is in an early drafting phase when all possibilities for their amendments are still open. In the elaboration process of drafts i.e. regulation proposals, experts and representatives of civil society organisations may be appointed as members of working groups in accordance with current regulations or based on a public call. In appointing members of working groups from representatives of civil society organisations, account should be taken about competence criteria, previous public contribution in a certain field and other qualifications relevant for matters regulated with a public administration body regulation.

Public administration bodies and representatives of civil society organisations should conduct periodical monitoring and assessment of the process and results of participation of civil society organisations in the process of regulation preparation and adoption with a view of improving the process and raising awareness on its importance.

In the regulation preparation phase, consultancy should be organised and especially on financial, economic and social effects of adoption and implementation of certain regulations as well as effects on environment and human rights.

Participation of civil society organisations should establish acceptable balance between the need for effective decision making and the need for appropriate contribution from representatives of civil society organisations.

5) Timely information on regulation adoption plan

Civil society organisations shall be timely informed on regulation adoption plan through publication of a list of regulations whose adoption is being proposed in that calendar year stating the drafting body and suggested elaboration deadline. If, for some reason, amendments to the regulation list are performed during the year, they should be timely published.

6) Enabling participation of disabled persons in regulation adoption process

On all levels of participation of civil society organisations in the process of regulation preparation, public administration bodies should take special attention to participation of disabled persons by applying appropriate measures for providing their equality (for example, accessible manner of information, provision of physical accessibility to meetings, expert and public discussions, conferences, workshops, online consultancy in accessible forms, provision of translation to sign language and other).

5. Feed-back on the results of conducted public debate

Feed-back on the results of conducted public debate should contain list of invited participants, list of attendees who gave proposals, objections and suggestions on the draft i.e. regulation proposal, summary of proposals, objections and suggestions submitted for the draft i.e. regulation proposal, unified reasoning of manner and reasons for acting upon objections. In addition to publication on a web-page of public administration body competent for regulation drafting and e-government portal, feed-back may be published in another suitable manner in order to consider the public debate results most effectively.

6 Conformity of participation principle implementation in public administration bodies

In order to provide conformed implementation of these principles, it would be expedient to appoint persons within public administration bodies for cooperation with civil society organisations with knowledge and skills required for these activities.

It is recommended that, in addition to public administration bodies, authorities of autonomous province and local government units observe principles given in the Guidelines during the regulation adoption process.