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SUPPORT TO THE  
EU INTEGRATION PROCESS IN SERBIA



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Република Србија  
Влада  
Канцеларија за европске интеграције  
REPUBLIC OF SERBIA  
GOVERNMENT  
European Integration Office



The EU Accession Process of the Republic of Serbia

# Structures and Procedures for Successful EU Accession Negotiations





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## **Structures and Procedures** for Successful EU Accession Negotiations

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The EU Accession Process of the Republic of Serbia

## **Structures and Procedures** for Successful EU Accession Negotiations

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By the great extent, text of this publication was prepared by international experts Andrej Engelman and Mojmir Mrak and is based on their Project involvement during spring 2013. A strong involvement of experts from the SEIO should be stressed and acknowledged as well.

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## Preface

One of the main characteristics of the EU accession negotiation process is that acceding country is obliged to accept the EU rules and procedures in their entirety and it is not subject of negotiations. It is assumed that candidate country is willing to fully integrate *acquis* in its own system and thus become part of the EU legal system. The negotiations are rather technical talks in a sense of "negotiating harmonization", based on strictly defined legal regulations of both sides (EU and candidate country).

Actual negotiations are mainly carried out domestically, within the candidate country by defining negotiating positions in the existing social and economic context. That is why all social actors affected by the harmonization process should be included indirectly or directly in the process of preparation of EU accession negotiations. Furthermore, broader public has a significant role and consequently provides the legitimacy of the process and shouldn't be neglected.

This is why all policy makers, i.e. the Governments of all candidate countries in previous EU enlargements had major dilemma how to complement normative needs of the negotiation process with actual socio-economic situation in the country. The Republic of Serbia is not the exception. It is crucial to balance need for integration speed (the goal is to close negotiations as soon as possible and to become full EU member), need for democratic control (i.e. members of the Parliament and control of the process in the representative bodies) and need for participation of different stakeholders (inclusion of the civil society organizations).

Focus on quick accession is based on presumption that slower tempo could endanger the transition process. However, during the preparation of the negotiation process and developing negotiation structures, the candidate country must consider capacity of institutions to prepare and implement quality reforms in short time. Overloading some institutions and tight schedules for accomplishing tasks could be counterproductive and could be a cause for low quality reforms. It should be stressed that successful closing of EU accession negotiations depends on candidate's capacity for proper implementation, rather than mere adoption of specific normative solutions.

When preparing the set of documents that defined the structures and procedures for the EU Accession Negotiations of the Republic of Serbia which were approved and adopted by the Government during September 2013, experts engaged in the project together with SEIO representatives were led by five major principles: economy (structures and procedures are based on already existing model of coordination), efficiency (clear and efficient division of competences), sustainability (coordination model that will be easy to use even after the Republic of Serbia's accession to the EU), inclusiveness (necessity of inclusion into the EU accession process of all relevant stakeholders) and transparency (necessity to share relevant information with broader public).

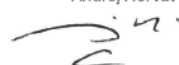
Thanks to this project and engagement of the experts, the Republic of Serbia has finalized its institutional and procedural preparations and today stands ready to be engaged in forthcoming EU accession negotiations. We hope that this publication will contribute to better understanding structures and procedures of the EU accession negotiation process and that it will be useful both to experts and broader public.

Srdjan Majstorović



Deputy Director,  
Serbian European Integration Office

Andrej Horvat



Team Leader,  
GIZ



## Setting the institutional stage for Serbian EU accession negotiations

### Two parallel processes of a candidate country's EU accession

The EU accession process of a candidate country is in fact composed of two parallel processes:

#### The EU association process based on the association agreement

The main objective of the association agreement, in the case of the Republic of Serbia – the Stabilization and Association Agreement (SAA), is to provide a framework for harmonization of national legislation with the EU *acquis* and for its implementation. It is in this context that the National Programme for the Adoption of the *Acquis* (NPAA) is being prepared and implemented and it is within this framework that pre-accession funds are provided to a candidate country. The key institutional features of the EU association process include the SAA council, SAA committee and SAA sub-committees, as well as Stabilization and Association Parliamentary Committee.

#### EU accession negotiation process

This is a process in which an EU candidate country has to reach agreement with EU member states about the terms of its accession to the EU. The process is currently organized under the 35 negotiating chapters of the *acquis*.

**The two processes are closely interlinked and with EU negotiations advancing, they will increasingly merge, almost into a single process. However, they should be regarded as separate processes, based on different legal bases and dealing with different tasks.**

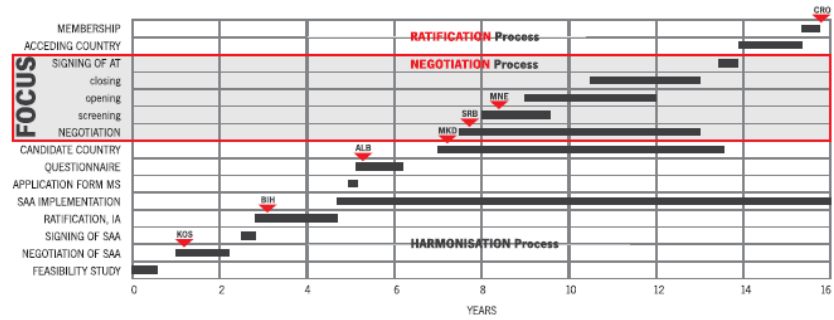
#### The SAA based EU association process

- Deals with the entire EU *acquis*, its harmonisation and implementation within the national legal system.
- Ends on the day of actual accession to the EU membership.

#### EU accession negotiations process

- Deals predominantly "only" with specific problems in the transposition of the EU *acquis*.
- Ends with the completion of negotiations, according to experience of the previous candidates, approximately two years before the EU membership.

Both processes and the phases within them can be illustrated by the following scheme:



## Institutional adjustments required

Over the recent years, the Republic of Serbia has established all the necessary coordination institutions and structures for implementing effectively the EU association process, i.e. for SAA implementation, and they operate well. These institutions or at least some of them have provided an important institutional base also for the structures that would be needed for the EU accession negotiations. What was missing for these negotiations was a Negotiating Team (NT) with its expert and technical support. Further on, a clear articulation of mandates of institutions involved in the EU accession negotiation process and division of responsibilities among them was needed as well.

In the following chapters of this brochure, each of these three phases is being presented in more detailed overview.

# Completing structures and procedures for effective EU accession negotiations

## Background and underlying hypothesis

In March 2012, the Republic of Serbia was granted an official EU candidacy status by the European Council but no date has been fixed at that time for the beginning of the accession negotiations. Within the framework of this decision, the preparatory activities of this very project started in early autumn of that year. One of first activities was to articulate an action plan of EU accession negotiations related activities that will be implemented in the period till mid-2015 and to identify key risks that might influence the implementation of these activities.

The document titled "*Republic of Serbia: Action Plan for the EU Accession Negotiation Process*" drafted in autumn 2012 was prepared under a working hypothesis that the Republic of Serbia would get a "green light" of the European Council for the beginning of the EU accession negotiation before summer 2013 what in practical terms would mean that screening as the first stage of the negotiations would start in the autumn of 2013. Based on this working hypothesis, the Action Plan was designed in a way that it consists of two stages:

- The first one covers the period till the beginning of the screening process, i.e. the period from January till December 2013.
- The second period starts with the beginning of the screening and lasts till the end of the first phase of the Project in mid-2015.

It was conceived from the early beginning that the "*baseline scenario*" Action Plan would be focused and be rather precise for the period before the first Intergovernmental Conference, the official start of the negotiations between the Republic of Serbia and the European Union.

## Before the beginning of the screening

The December 2012 Action Plan articulated the following 10 activities that were designed and implemented during the year 2013:

### 1 Activity 1: Conceptualisation of the Negotiating Team (NT) and role of the Deputy Chief Negotiator

This is an entirely new structure to establish for the Republic of Serbia's EU accession negotiations. It is of utmost importance that conceptualisation of this structure – it includes its overall philosophy of the NT, its composition, its incorporation in the administration, and its interactions with other already established institutions and structures – has been done even before the beginning of screening.

### 2 Activity 2: Advise on expert and technical support to the NT

Once the concept of the NT was largely determined, the next stage of its establishment could have actually started. This stage involves issues, such as expert and administrative support to the NT in performing its EU accession negotiation role. Further on, issues associated with the institutional memory of the EU accession negotiations process as well as of the legal support to the NT preparation of Accession Treaty, communications with the EU institutions, etc. are addressed within this context.

### **3 Activity 3: Articulation of the roles of various stakeholders in the negotiating structures and procedures**

This activity aimed at articulating the role of various institutions involved in the EU accession negotiations as well as at identifying key procedures for cooperation among these institutions.

### **4 Activity 4: Preparations of Rules of Procedures**

The activity focused on preparation, execution and completion of the screening with detailed descriptions of the roles and competences of various institutions and bodies within this process. Additional Rules of Procedures are needed for preparations of the negotiating positions with similar substance as in case of the screening.

### **5 Activity 5: Horizontal 2-days training about the EU accession negotiations process**

For all institutions and structures involved in the process of EU accession negotiations, a 2-days seminar was organised. The seminar provided explanations of basic principles of negotiation and accessions processes, procedures implied by the EU, different phases, attitudes and skills needed for successful negotiations, expected inputs, possible goals, etc. Part of the seminar was dedicated to negotiation of the financial package. In total, 8 seminars were carried out, with more than 700 participants, members of all 35 Negotiation Groups.

### **6 Activity 6: Preparation of a common methodological framework on how to prepare for the screening**

This methodology provides a basic guidance and framework for various experts helping the Negotiation Groups in preparation for the screening of individual negotiating chapters. It is realistically to expect that numerous experts from very different countries will take part in the preparation of the Negotiation Groups for the screening, so a common methodological framework for the screening process is a guarantee of better overall coordination of the process.

### **7 Activity 7: Early identification of the problems in individual negotiating chapters**

The EU accession negotiation process changed significantly over the recent years. As early phases of the process became much more important than in the past, candidate countries must express their expectations, problems and also ways of their solutions in a much earlier stage of the EU accession negotiations process than before. If the Republic of Serbia wants rapid progress in the negotiations, it is very important that it identifies areas where major problems in the implementation of the *acquis* can be expected as soon as possible. Early identification of these problems allows the country more time for the preparation of the necessary expertise (on transitional periods needed, on the length of these periods, on financial implications of full transposition of the *acquis*, etc.). This expertise may also serve as a basis for articulation of the rationale for derogation requests. The Project provides sectorial support to 15 of 35 negotiating chapters, primarily to Negotiation Groups and ministries from which representatives coordinate Negotiating Group on Movement of Goods (Chapter 1), Negotiating Group on Free Movement of Capital (Chapter 4), Negotiating Group on Financial Services (Chapter 9), Negotiating Group on Agriculture and Rural Development (Chapter 11), Negotiating Group on Food Safety, Veterinary and Phytosanitary Policy (Chapter 12), Negotiating Group on Taxation (Chapter 16), and Negotiating Group on Regional Policy and Coordination of Structural Instruments (Chapter 22).

### **8 Activity 8: Sectorial trainings**

This activity builds on the activity 7 and involves training for key Negotiation Groups in this Project on *acquis*. Trainings are in-depth analysis of the EU *acquis* and institutions needed for its implementations. To certain extent trainings are similar to explanatory screening, thus allowing all participants from several ministries and institutions in these Negotiation Groups to familiarise with the substance of the *acquis*.

### **9 Activity 9: Coaching of the NT**

Project provided short workshops with members of the NTs from those countries that have completed the EU accession process in previous EU enlargements. Seminars of a more general character basically explain / discuss experiences in the EU accession negotiations process. Topic / issue specific seminars address to more difficult specific topic / issues.

## 10 Activity 10: *Ad-hoc* assistance to NT and SEIO

It was extremely difficult to predict during the autumn 2012 precise type of assistance needed by the NT and SEIO, but the Project provided *ad-hoc* assistance to the NT and SEIO, predominantly during the second part of 2013.

The following table summarizes the schedule of individual activities that were planned and realised for the period between January and December 2013.

Activity	2	3	4	5	6	7	8	9	10	11	12
<b>Activity 1:</b> Conceptualisation of the Negotiating Team (NT) and role of the Deputy Chief Negotiator	■	■	■								
<b>Activity 2:</b> Advise on expert and technical support to the NT			■	■							
<b>Activity 3:</b> Articulation of the roles of various stakeholders in the negotiating structures and procedures		■	■	■							
<b>Activity 4:</b> Preparations of Rules of Procedures				■	■			■			
<b>Activity 5:</b> Horizontal 2-days training about the EU accession negotiations process								■	■	■	
<b>Activity 6:</b> Preparation of a common methodological framework on how to prepare for the screening					■	■					
<b>Activity 7:</b> Early identification of the problems in individual negotiating chapters						■	■	■	■	■	■
<b>Activity 8:</b> Sectorial trainings						■	■	■	■	■	■
<b>Activity 9:</b> Coaching of the NT								■			■
<b>Activity 10:</b> <i>Ad-hoc</i> assistance to NT and SEIO						■	■	■	■	■	■

## Action Plan implementation

The working hypothesis in the beginning of the preparation for negotiation, that the Republic of Serbia would receive a "green light" for the beginning of EU accession negotiations before the summer of 2013, turned out as the correct one. European Council decided in June 2013 to open accession negotiations with the Republic of Serbia and that the first intergovernmental conference will be held in January 2014 at the very latest. In addition, European Council invited European Commission to start screening exercise with the Republic of Serbia and announced that negotiating framework will be adopted by the Council and confirmed by the European Commission at its usual session on enlargement. This, and the fact that the first screenings started already in the autumn of 2013 have contributed decisively to a strong interest of all partners to implement the Action Plan.

One can easily conclude that the majority of activities related to articulation of structures and procedures, planned for 2013, have been successfully completed and that the Republic of Serbia is ready to start negotiations with EU.

# Concept of the Negotiating Team and other structures for effective EU accession negotiations

## Background for preparing the concept of the Negotiating Team

The December 2012 Conclusion of the European Council gave a good basis for a realistic expectation that the Republic of Serbia would get a “green light” for the beginning of the EU accession negotiations at the June 2013 session of this highest political body of the EU. In practical terms this meant that screening could start already in the autumn of 2013.

In view of the rapidly approaching start of the EU accession negotiations, it became of utmost importance for the Republic of Serbia to put in place all the structures and procedures required for effective negotiations, even before the summer of 2013. Thus, enough time remained for the necessary preparations and training before the start of this process.

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**As the key pillar within the institutional structure for EU accession negotiations – the NT was an entirely new structure needed to be established for the negotiations – forming the concept of this institution is the top priority in preparing for negotiations.**

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## Principles for the concept of structures and procedures for effective EU accession negotiations

In the spring 2013 conceptualization of Negotiating Team was drafted. It starts with an overview of the current state of affairs in the Republic of Serbia with respect to the overall process of EU integration with the focus on the presentation of the existing institutional structures for coordination of the EU integration, followed by a description of the main patterns of the EU accession negotiations with special reference to the differences between the EU accession negotiations under the fifth enlargement and the negotiations of Croatia.

Following this, key principles were outlined on which the concept of structures and procedures for effective negotiations should be based. Based on the best international practices of candidate countries that have undergone the EU accession negotiations in the most recent EU enlargement, and taking into account the country-specific characteristics of the Republic of Serbia, the following principles in establishing these structures and procedures have been considered and adopted:

- 1.** to use the institutions and structures already in place in the country to the largest extent possible,
- 2.** to establish procedures for efficient verification of positions articulated at the administrative/professional level by the relevant institutions at the political level,
- 3.** to create structures and procedures that are resistant to political changes to the largest extent possible,
- 4.** to design the overall philosophy of the negotiating process,

5. to establish a clear division of responsibilities among the various institutions involved in the negotiating process,
6. to create conditions that will guarantee sufficient institutional memory of all institutions involved in the negotiating process,
7. to test draft negotiating positions with various stakeholders, especially with the business community and NGOs,
8. to establish conditions favourable for a systemic involvement of all available human potentials of the country in the negotiating process, and
9. to communicate with EU institutions according to the "one voice" principle.

## Recommendations with respect to the design of the Negotiating Team and other institutions to be involved in the negotiations

Recommendations on institutional structures for the Republic of Serbia's effective EU accession negotiation process are classified in the following four groups:

1. general conclusions and recommendations,
2. basic challenges and dilemmas associated with establishment of the NT as the main element in the Republic of Serbia's institutional structure for negotiations, and recommendations,
3. conclusions and recommendations for the role of other specific institutions that have been/will be established specifically in the context of the EU accession negotiation process, and
4. conclusions and recommendations for strengthening those institutions in the Republic of Serbia that are established within the framework of the EU accession process and are also expected to play an important role in the EU accession negotiation process.

### Negotiating Team

The NT is the body responsible for conducting the negotiations. It participates actively in all phases of the preparation of negotiating positions: screening of legislation, drafting of negotiating positions and other related papers, defending of the documents in domestic procedures, testing possible solutions to problems with the European Commission, submitting the documents to the relevant EU institutions and advocating them in discussions with the EU institutions and member states. The NT is expected to have a horizontal overview of the whole process, to propose tactics and test possible solutions in Brussels, to provide a kind of a "second opinion" on complex issues discussed in the country in relation to its EU accession process.

The concept of the NT and its mandate depends on a political decision in the candidate country concerned. There are basically two options available. One is to have the NT composed mostly of technocrats. On the opposite side is a more political option of the NT with its members being relatively strong political figures recruited largely at the state secretary level. Of course, there is also the third NT option available, a kind of a middle ground option, where members are recruited from both segments. Each of the three options has its pros and cons, such as professional capacity of the NT to run the negotiations well or its (non-)resistance to political changes and it is up to the political leadership in the country to decide on these issues. Accordingly, the decision on the type of NT also influences its mandate.

The Government of the Republic of Serbia have expressed its preference for a professionally strong NT with strong political backing.

With respect to the position of the NT within the government structure, there were two main options identified. One is to have the NT positioned close to the Prime Minister. An alternative option for positioning the NT is to locate it near or even within the Ministry of Foreign Affairs.

The Government of the Republic of Serbia has decided for the first option to be applied, since the "negotiations" for accession to the EU are predominantly about how to transform the country according to EU standards in the shortest time possible.

## Other institutions

Recommendations were also provided for:

1. the role of other specific institutions that have been/will be established specifically in the context of the EU accession negotiations, such as the Chief Negotiator and Coordination Body for the EU Accession Process, and
2. strengthening those institutions in the Republic of Serbia that have been established within the framework of the EU association process and are also expected to play an important role in the EU accession negotiation process, such as working groups transformed into negotiating groups, the Expert Group of the Coordination Body for the EU accession process transformed into the Coordination Body Council, SEIO and the Mission of the Republic of Serbia in Brussels.

## Endorsement of the document by the political structures

The recommendations were discussed by relevant (political) stakeholders in the Republic of Serbia in March and April 2013 and their content was broadly supported. This support has actually provided a "go ahead" signal to continue intensively with a package of conclusions / decisions – which should set all the main issues with respect to the negotiating structures and procedures – to be prepared for adoption by the Government of the Republic of Serbia soon after the European Council opens the door for the beginning of the accession negotiations.



## Government Acts establishing EU accession negotiating structures and procedures

In the period between May and September 2013 the SEIO has drafted documents to be timely adopted by the Government. The following six documents – their integral texts are presented in Annex to this publication – were adopted by the Government of the Republic of Serbia on 3 and 23 September 2013:

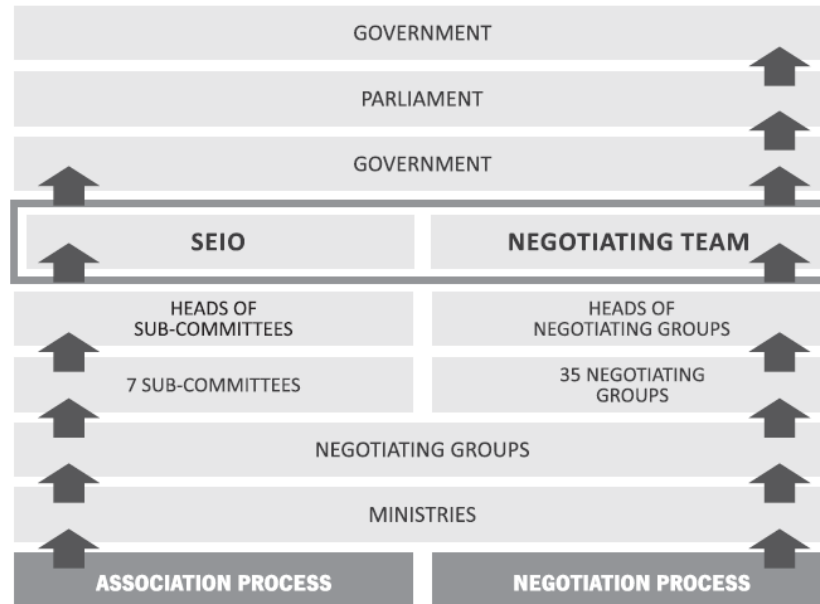
1. *The Basis for Negotiations and Conclusion of the Treaty of Accession of the Republic of Serbia to the European Union, with the Proposal of the Conclusion;*
2. *The Conclusion Accepting the Analysis of the Activities in the Process of the Negotiations on the Accession of the Republic of Serbia to the European Union;*
3. *The Decision on Establishment of the Coordination Body for the Process of the Accession of The Republic of Serbia to the European Union;*
4. *The Decision on Establishing the Negotiating Team for Accession of The Republic of Serbia to the European Union;*
5. *The Conclusion on Guidance and Coordination of the Activities of the State Administration Bodies in the Process of Implementation of Analytical Review and Assessment of Harmonisation of the Regulations of the Republic of Serbia with the Acquis Communautaire of the European Union and their Implementation (Screening);*
6. *The Conclusion on Guidance and Coordination of the Activities of the State Administration Bodies in the Procedure of Preparing the Negotiating Positions in the Process of Negotiations on the Accession of the Republic of Serbia to the European Union.*

With the adoption of these documents, a legal basis for the nomination of the Negotiating Team was established and the Head of the Negotiating Team was nominated and appointed. The composition and competences were established or amended for:

- the Coordination Body for the Process of the Accession of The Republic of Serbia to the European Union (chaired by the Prime Minister and composed of key members of the Government, with the participation of the Head of the Negotiating Team and the Head of SEIO),
- the Coordination Body Council (chaired by the Minister in charge of European Integration and composed of Head of the Negotiating Team, the Negotiating Groups chairpersons, the Head of SEIO, as well as the additional representatives/heads of institutions not chairing any of the 35 Negotiating Groups, representative of the National Bank of Serbia, representative of the Republic Secretariat for Legislation, Deputy Director and Coordinator of the EU funds at SEIO, plus the participation of a representative of Civil Society Cooperation Office), and
- 35 Negotiating Groups (organised according the negotiating chapters).

Rules and a clear division of responsibilities and elements for institutional memory were also set up for preparing the screening and negotiating positions.

The newly established system of structures and procedures supporting both EU accession processes – association and negotiation – can be illustrated by the following scheme:



To be well prepared for the screening process, the Head of the NT issued additional technical instructions, forms and guidelines in October 2013. More precisely, the following four documents were issued and made available to all Negotiating Groups:

1. *Preparation for bilateral screening meeting: form for analysis of questions relevant for harmonization with legal acts of the European Union,*
2. *Guidelines for activities of the Negotiating Group during screening,*
3. *Model of minutes of explanatory screening meeting,*
4. *Model of minutes of bilateral screening meeting.*

With the adoption of these documents all necessary negotiating structures and procedures were established or adequately transformed, thus providing a sound basis for efficient and effective conduct of the EU accession negotiations of the Republic of Serbia.

## About this Project

Government-to-government consultations between the Government of the Republic of Serbia and the Government of the Federal Republic of Germany took place in Belgrade on 29 March 2011. In these consultations, both parties agreed to develop a new technical assistance project focusing on "Support for the EU integration process". This agreement was then reconfirmed during the government-to-government negotiations in June 2011. The project's main objective is to develop the capacities of the administration of the Republic of Serbia in EU negotiations. On 29 May 2013 an Implementation Agreement was finally signed between the Serbian European Integration Office and the German Development Cooperation (GIZ).

In its first phase the project supports SEIO, the Negotiating Team and other project partners through technical expertise, organizational and process-oriented advisory services. Regional exchange of experience and regional experts are a key mode of delivery for these services. The support entails policy, process, organizational and technical assistance for the selected stakeholders of the project.

Additional assistance is being provided to the Ministry of Agriculture, Forestry and Water Management, the Ministry of Finance, the Ministry of Economy, the Public Procurement Office, the National Bank of Serbia and SEIO. These are key actors for the most comprehensive chapters of the EU acquis.

However, the project is not limited only to these actors but should also include other stakeholders. Institutions, such as the Ministry of Foreign Affairs, the General Secretariat of the Government, the Secretariat for Legislation and the National Assembly together with civil society and the general public should be involved in the project as stakeholders to the negotiation process.

In close cooperation with the Serbian European Integration Office (SEIO) as the main beneficiary and other respective authorities, the Project's assistance has gone through the following three phases in the period autumn 2012 – autumn 2013:

- *September 2012-January 2013*; Articulation of an action plan for completing structures and procedures that would provide an appropriate institutional framework for carrying out efficiently the process of the Republic of Serbia's EU accession negotiations. The Action Plan was approved by the authorities in early 2013.
- *February-April 2013*; In line with the priorities articulated in the Action Plan, the Project's activities focused on the design of the structures and procedures that are required for effective EU accession negotiations of the Republic of Serbia. Special attention within this framework was assigned to the conceptualization of the Negotiating Team as the entirely new institution that would have to be put in place.
- *May-September 2013*; The main objective of this phase of the Project was to support SEIO in drafting all relevant documents to be adopted by the Government of the Republic of Serbia that are necessary for completing the country's institutional structure for effective EU accession negotiations as well as to codify certain procedures to be followed within this context. The Government adopted a set of 6 documents in September 2013.

## Abbreviations

<b>AT</b>	Accession Treaty
<b>EU</b>	European Union
<b>IA</b>	Interim Agreement
<b>NGO</b>	Non-governmental organisation
<b>NPAA</b>	National Programme for the Adoption of the Acquis
<b>NT</b>	Negotiating Team
<b>SAA</b>	Stabilisation and Association Agreement
<b>SEIO</b>	Serbian European Integration Office



**Annexes:** Texts of the six documents establishing structures and procedures for EU accession negotiation documents as adopted by the Government of the Republic of Serbia



## Text No. 1

### The Basis for Negotiations and Conclusion of the Treaty of Accession of the Republic of Serbia to the European Union, with the Proposal of the Conclusion

Pursuant to Article 5 of the Law on Conclusion and Implementation of International Treaties (*Official Gazette of RS*, 32/2013) and Article 43 paragraph 3 of the Law on Government (*Official Gazette of RS*, 55/05, 71/05 – corrigendum, 101/07, 65/08, 16/11, 68/12 – CC and 72/12), on the proposal of the Serbian European Integration Office

the Government has adopted

## CONCLUSION

1. To establish the basis for negotiations and conclusion of the Treaty of Accession of the Republic of Serbia to the European Union, which make an integral part of this Conclusion;
2. For its implementation, this Conclusion is to be submitted to all ministries, special organisations and agencies of the Government and to the National Assembly and the National Bank of Serbia for information.

05 Number

Belgrade,

Government

Prime Minister,

## THE BASIS FOR NEGOTIATIONS AND CONCLUSION OF THE TREATY OF ACCESSION OF THE REPUBLIC OF SERBIA TO THE EUROPEAN UNION

### I Constitutional Grounds

The constitutional grounds for the conclusion of the Treaty of Accession of the Republic of Serbia to the European Union are contained in the provisions of Article 97 point 1 of the Constitution of the Republic of Serbia prescribing that the Republic of Serbia shall govern and ensure its international status and relations with other states and international organisations.

### II Assessment of Relations between the Republic of Serbia and the European Union

Serbia, as a part of the Federal Republic Yugoslavia, became a part of the Stabilisation and Association Process (SAP) in November 2000. Since 2001 all measures and instruments of this process have become available to it, including the placement of Serbia on the list of states with an option of duty free export of the largest number of products to the EU market within the framework of so-called Autonomous Trade Measures even before the signing of the Stabilisation and Association Agreement.

Nevertheless, the decision on opening of the negotiations for the conclusion of the Stabilisation and Association Agreement (hereinafter referred to as: "the SAA") was only adopted in April 2005, after the acceptance of the principle of *twin-track* for the negotiations with the State Union of Serbia and Montenegro, when the EU accepted separate negotiations with Montenegro and Serbia on trade relations in accordance with the competences of the member republics pursuant to the Constitutional Charter of the State Union of Serbia and Montenegro. The negotiations officially started on 10 October 2005, and the first official round was held on 7 November 2005. In May 2006, the negotiations on the SAA were cancelled based on the decision of the European Commission, to be renewed on 10 June 2007 and successfully completed by initialling of the Stabilisation and Association Agreement on 7 November 2007. The Stabilisation and Association Agreement and the Interim Agreement on Trade and Trade-Related Issues (hereinafter referred to as: "the ITA") were signed on 29 April 2008 at the meeting of the EU General and Foreign Affairs Council in Luxembourg. However, the EU has adopted the decision not to implement the ITA until Serbia reached a satisfactory level of cooperation with the Internal Criminal Tribunal in the Hague.

On 9 September 2008 the National Assembly of the Republic of Serbia ratified the SAA and the ITA (the Law on Ratification of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one hand, and the Republic of Serbia, of the other and the Law on Ratification of the Interim Trade and Trade-related Issues between the European Community, on one hand, and the Republic of Serbia, on the other (*Official Gazette of RS*, No 83/08). The ITA entered into force on 1 February 2010 after it had been confirmed by the EU institutions in December 2009. The European Union completed the process of ratification of the SAA in July 2013 after it had been ratified by all Member States and confirmed by the Council on behalf of the EU. The SAA entered into force on 1 September 2013. The ITA ceased to be valid the same day.

Intending to accelerate the integration process and show its commitment to the process, as well as to strengthen the scheduled application to be admitted to the membership in the EU, Serbia started implementing the ITA and fulfilling its obligations in accordance with it on 1 January 2009. The EU started applying the ITA on 8 December 2009 after it assessed Serbia had achieved a satisfactory level of cooperation with the International Criminal Tribunal in the Hague. Serbia and the EU entered the fifth year of the implementation of the ITA on 1 January 2013.

The process of the European integration of the Republic of Serbia has been in progress along with the negotiations on this Agreement. In October 2004 the National Assembly adopted the Resolution on Association with the European Union (*Official Gazette of RS*, No 112/04) stressing it was a strategic commitment of Serbia to be a member of the European Union. In June 2005 the Government adopted the National Strategy of Serbia for the Accession of Serbia and Montenegro to the European Union, as the umbrella



document of the entire process of European integration. This Strategy prescribed the activities to be undertaken by the Republic of Serbia until 2012 in all sectors of the society, politics and law, in order to be ready to take over the obligations arising from membership in the European Union, i.e. to conduct the accession negotiations.

Since 2004 the Republic of Serbia has been preparing annual Action Plans for the implementation of the European Partnership. Although with no legal obligations, for the SAA had not been signed yet, in 2004 the Republic of Serbia started the process of harmonisation of its legislation with *acquis communautaire* of the EU adopting the annual Harmonisation Action Plans each year until 2008.

By signing the SAA in 2008, the Republic of Serbia started a new phase of relations with the EU. The relations with the EU are based on the agreements for the first time. By signing the SAA, Serbia undertook an obligation to gradually harmonise the national legislation with what was formerly *acquis communautaire* of the European Communities and now is *acquis communautaire* of the EU, as well as to implement it consistently. Pursuant to Article 72 of the SAA, Serbia undertook an obligation to prepare, in agreement with the European Commission, a special Programme for implementation of obligations from the SAA. The EU has been monitoring harmonisation of legislation and implementation of laws referred to in this Programme. In accordance with Article 72, harmonisation started on the day of signing the SAA, pursuant to the arranged transitional terms.

In order to fulfil the obligations prescribed by the SAA, and establish in a comprehensive and systemic manner a multiannual programme of harmonisation of its legislation with the EU law, also proving that the necessary administrative capacities exist, on 9 October 2008, Serbia adopted the National Programme of Integration of the Republic of Serbia to the EU for the period from 2008 to 2012 (NPI). In the earlier practice of the EU enlargement process it was common that the document concerned had been prepared by the states which have the status of candidate states for membership in the EU, which were preparing themselves for the commencement of the accession negotiations. However, although it did not have the status of a candidate state at the given time, aiming to express its commitment to comply with its treaty obligations and demonstrate actual administrative capacities, Serbia adopted a decision to prepare such a programme. This document prescribed legislative activities within the next 4 years with the aim of further harmonisation with the EU law. The NPI presents the first multiannual programme of harmonisation with the EU law. The implementation of the NPI was at an enviable level of 88% (1030/1172) within the period of 1 July 2008 to 31 December 2012, for out of 1,172 planned activities 1,030 of them were adopted. It was also planned to adopt 243 laws, whereas 201 of them were adopted in fact, which means that the plan has been implemented for the level of 83%.

The integration process continued in parallel with the implementation of the ITA and the NPI. Accordingly, visas were cancelled for Serbian citizens for their travels to the states of the Schengen Treaty on 30 November 2009. Serbia officially submitted an application for the admission to the membership in the EU on 22 December 2009. The submission of the application for admission to the membership in the EU represents a clear message of the intention and willingness of the Republic of Serbia to meet all political, economic, institutional and legal criteria for the membership of the EU. On 14 June 2010 the EU Council of Ministers of Foreign Affairs adopted the decision on the commencement of ratification of the SAA with Serbia, which meant an approval to the European Commission for starting the procedure of assessment of the Serbian application for the membership of the EU. On 25 November 2011 Serbia received the EC Questionnaire containing 2,563 questions based on which the EC made its assessment of the possibilities to admit Serbia to the EU. Serbia submitted its answers within 45 working days, i.e. on 31 January 2011.

Based on the answers to the Questionnaire submitted by Serbia, on 12 October 2011 the EC published the Opinion on the application of Serbia for admission to the membership (so-called *avis*) and recommended that Serbia was to be granted the status of a candidate state and that the accession negotiations were to be opened including a list of conditions related to the issue of Kosovo and Metohija. Based on the Opinion of the EC and the progress of the dialogue with the interim institutions in Priština, on 1 March 2012 the European Council adopted a conclusion to grant the status of a candidate state to the Republic of Serbia. Thus, Serbia was officially granted the status of a candidate state for the membership in the EU.

In the annual Progress Report on Serbia, which was published in 2012, the European Commission reiterated the criteria for opening the accession negotiations mentioned in the Opinion from 2011 and confirmed it was going to present the Report as soon as it has assessed that Serbia has achieved an adequate level of fulfilment

of the membership criteria and, in particular, the key priority within the meaning of concrete steps towards visible and sustainable improvement of relations with Kosovo.

On 13–14 December 2012 the European Council welcomed and accepted the conclusions of the Council of 11 December on enlargement and the stabilisation and association process, by which the European Commission and the High Representative were invited to present the report in the course of spring of 2013, based on it would be decided on the commencement of the negotiations concerning the accession of Serbia to the EU.

Under the circumstances of expected opening of the accession negotiations, a series of comprehensive internal reforms and intensive preparations for the opening of the accession negotiations have been undertaken. On 28 February 2013 the Government of the Republic of Serbia adopted a new *multiannual* programme of harmonisation of national legislation with the EU *acquis communautaire*, under the title of the *National Programme for the Adoption of the Acquis – NPAA – 2013-2016*. The NPAA includes plans for implementation of priorities contained in the SAA, the ITA, as well as of the Annual Report by the European Commission on Progress of the Republic of Serbia in the process of European integration in 2012 and the Analytical Report monitoring the Opinion of the European Commission about the application of the Republic of Serbia for membership in the European Union, as well as the measures necessary for the implementation of the abovementioned priorities.

It will be implemented from 1 March 2013 to 31 December 2016. The document contains a detailed overview of priorities for 2013 in regard to the harmonisation of legislation, as well as **a projection of the NPAA implementation in the following 3 years**, proceeding from the fact that the plan would be worked out for each year of the implementation of the document concerned and made concrete during the annual review of the NPAA, taking into account the achieved progress in the process of the accession negotiations.

The process of ratification of the Stabilisation and Association Agreement between the European Communities and their member states, on one hand, and the Republic of Serbia, on the other, ended on 18 June 2013, when it was ratified by Lithuania, and by the European Parliament and 26 member states of the EU before it. The SAA shall enter into force on 1 September 2013 after the Council of the European Union informed Serbia on the completion of the Agreement verification process, in accordance with the Article 138 of the Agreement, by which Serbia received the status of a state associated to the European Union. After the SAA enters into force, Serbia has been planning to use its mechanisms to the greatest possible extent in preparations for the membership in the EU. In this way the framework of the SAA will be complementary to the fulfilment of obligations undertaken during the accession negotiations.

On 28 June 2013 the European Council welcomed and accepted the conclusions of the Council of 25 June on enlargement and the stabilisation process and adopted the decision on opening of the accession negotiations with Serbia, inviting the European Commission to make the negotiating framework for conducting the negotiations on accession of the Republic of Serbia to the European Union and scheduling the first intergovernmental conference for January 2014 at the latest.

### III Reasons for Conclusion of the Treaty of Accession of the Republic of Serbia to the European Union

The membership in the European Union represents a strategic goal of the Republic of Serbia, which follows from the strong dedication to core ideas, achievements and values of the European Union.

The Republic of Serbia has based its decision to submit an application for admission to the membership on several essential postulates. The first and primary postulate implies sincere dedication of Serbia to fully participate in half century long tendencies of European peoples to build the Europe of peace, justice, freedom, solidarity and security. Like other member states of the Union, the Republic of Serbia strives to build a society in which the most significant values are pluralism, tolerance, solidarity and prevention of discrimination.

The national and cultural identity of Serbia is part of the common cultural pattern of the EU rooted in the slogan of *united in diversity*. At the same time, Serbia belongs to the heritage of the common European values reflected in the core democratic principles. As a state striving to become a member of the European Union,

Serbia fully encourages the culture of respect for the diversities, solidarity, equality, and partnerships among states and pledges for preservation of cultural identity, language and tradition among nations.

By meeting the requirements necessary for the membership in the EU, Serbia wishes to contribute to building a functional, sustainable and efficient system of the EU. In this sense the accession process gives a strong stimulus to the completion of political and economic reforms in Serbia. Bearing in mind that the internal market is the cornerstone of the European Union, Serbia shall continue to harmonise its legislation with the EU *acquis communautaire*, in order to eliminate all obstacles to free movement of people, goods, services and capital.

At the same time, the admission of the Republic of Serbia to the membership in the European Union would contribute to the stability of the region and rounding up of the peace and security zone in Europe. Serbia has been developing good relations with the neighbouring countries on both the bilateral grounds and participation in multilateral regional initiatives, remaining firmly committed to the peaceful solution of all open issues based on dialogue, mutual understanding, respect for European values and principles of international law.

Simultaneously, with the aim to comply with European standards in the area of justice, freedom and security, Serbia has been making efforts to suppress organised crime, trade in narcotics, illegal immigrations and illegal employment.

From the economic aspect the reasons for accession to the European Union are also reflected in the interrelatedness of economies of the Republic of Serbia and the European Union. The European Union is the most significant foreign trade partner of Serbia with which it has been making 60% of foreign trade exchange and in which it has achieved 61% of its export.<sup>1</sup> The EU is also the largest investment partner of the Republic of Serbia. From 2001 to 2013 it invested about 19 billion Euros of direct foreign investments in Serbia. Out of this amount about 60% are investments from countries of the European Union, which confirms a high level of economic links between Serbia and the EU.<sup>2</sup> Within the last two years almost 90% of total foreign investments came from the EU.

The membership in the European Union would create an environment for faster and more stable development, it would contribute to macroeconomic stability and a higher investment inflow, enabling an increase in the living standard and social security of citizens and encouraging the development of competitive economy founded on knowledge. The admission to the membership in the European Union would also have positive effects on credit rating of Serbia.

Within the accession process, one of the most important objectives of the economic policy of the Republic of Serbia has been, *inter alia*, strengthening competitiveness of the Serbian economy in order to improve its capacity to withstand the pressure from competition and market forces in the European Union. In this respect the outcome of the negotiations should provide conditions for a stable financial and microeconomic environment, competitive market economy, strengthened industrial and agricultural sectors, as well as educated and adjustable labour force.

#### **IV** Basic issues to be negotiated, essential elements to be included in the Treaty and proposal of attitudes of the Delegation of the Republic of Serbia in respect to the above issues

Serbia entirely complies with the fact that the EU *acquis communautaire* in force represents the basis for the negotiations and at the same time undertakes the rights and obligations arising from EU *acquis communautaire* expressing its intention to establish adequate conditions to take over all obligations and gain the rights, including the effective application of *acquis communautaire* of the EU.

<sup>1</sup> Source: The Ministry of Foreign and Internal Trade and Telecommunications and the Statistical Office of the Republic of Serbia, June 2013.

<sup>2</sup> Source: The National Bank of Serbia, 2012

Accepting all the rights and obligations the EU is based on and the institutional framework it is made of has been the condition for admission to the membership of the EU. *Acquis communautaire* of the EU (primary legislation – founding treaties, secondary legislation - regulations, directives, decisions, recommendations and opinions), other acts (resolutions, statements, guidelines, common actions, etc.) and other sources of law (i.e. the principles defined in rulings of the EU Court of Justice, general legal principles, and international treaties) are classified into 35 negotiating chapters. Since the negotiations shall not be carried out in the very sense of this expression, namely the essence of *acquis communautaire* of the EU shall not be negotiated, it must be underlined that the candidate state accepts *acquis communautaire* of the EU in the existing form making adjustments in accordance with the legal, economic and social system of the EU, whereas the conditions and modalities of accession of the candidate state to the system concerned shall be negotiated.

Within the framework of the negotiations certain areas will be of exceptional importance taking into account the scope of legislation of the EU as well as specifics of the existing national legislation. **Transitional terms or exemptions from the implementation** will be requested during the negotiations for those areas in which, at the time of accession to the European Union, there will be no sufficient level of readiness for their full harmonisation and implementation. The above mentioned transitional terms or exemptions from application will be limited in respect of duration and scope and followed by a plan including precisely defined steps for their complete application, as well as allocated funds necessary to achieve full application of *acquis communautaire* of the EU.

The transitional periods represent additional time periods for full harmonisation of national legislation with the EU *acquis communautaire* in a certain area even after the accession to the European Union. The required transitional periods must be limited in respect of time and content and must not impair the free market or affect the activities of the internal market of the Union. Transitional periods for the application of *acquis communautaire* may also be agreed upon in the interest of the European Union, as for example: transitional periods for free movement of workers who are citizens of a new member state within the period of a few years after its admission to the membership (the principle of 2+3+2 years).

The issues to be negotiated have been classified into 35 negotiating chapters:

1. FREE MOVEMENT OF GOODS
2. FREEDOM OF MOVEMENT FOR WORKERS
3. RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES
4. FREE MOVEMENT OF CAPITAL
5. PUBLIC PROCUREMENT
6. COMPANY LAW
7. INTELLECTUAL PROPERTY LAW
8. COMPETITION POLICY
9. FINANCIAL SERVICES
10. INFORMATION SOCIETY AND MEDIA
11. AGRICULTURE AND RURAL DEVELOPMENT
12. FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY
13. FISHERIES
14. TRANSPORT POLICY
15. ENERGY
16. TAXATION
17. ECONOMIC AND MONETARY POLICY
18. STATISTICS
19. SOCIAL POLICY AND EMPLOYMENT
20. ENTERPRISE AND INDUSTRIAL POLICY
21. TRANS-EUROPEAN NETWORKS
22. REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS
23. JUDICIARY AND FUNDAMENTAL RIGHTS
24. JUSTICE, FREEDOM AND SECURITY
25. SCIENCE AND RESEARCH
26. EDUCATION AND CULTURE
27. ENVIRONMENT

28. CONSUMER AND HEALTH PROTECTION
29. CUSTOMS UNION
30. EXTERNAL RELATIONS
31. FOREIGN, SECURITY AND DEFENSE POLICY
32. FINANCIAL CONTROL
33. FINANCIAL AND BUDGETARY PROVISIONS
34. INSTITUTIONS
35. OTHER ISSUES

The time period for the negotiations shall to a great extent depend on the time period in which the candidate state will be ready to fully comply with the obligations arising from the membership in the EU. The mentioned time period will also depend on the readiness of the European Union to accept the new member state. Possible transitional periods will be defined depending on the time period in which the candidate state will be internally ready to comply with the obligations arising from the membership. In the Opinion of the European Commission it is noted that Serbia achieved considerable progress in respect of fulfilling the political criteria related to the stability of institutions guaranteeing democracy, rule of law, human rights and respect and protection of rights of minorities as well as in respect of the conditions of Stabilisation and Association Process, assessing that its constitutional, legislative and institutional frameworks are generally harmonised with the European and international standards. The Commission assessed that Serbia would be in a position to take over the obligations arising from the membership within a medium term (i.e. within the period of 5 years) in almost all areas of *acquis communautaire* of the European Union, if the process of harmonisation is to be continued along with further efforts directed towards ensuring the implementation of the legislation.

**The Republic of Serbia will have to set a target date when it will be internally ready, according to its own assessment, to transpose the major part of *acquis communautaire* of the European Union and its implementation and application. Possible requirements for transitional periods for the transposition of certain parts of *acquis communautaire* of the EU and its implementation will be set in relation to date set in such a manner, which will also be the subject to the negotiations.**

The process of the negotiations concerning the accession of the Republic of Serbia to the European Union will be the subject of regular public debates, whereas economy and civil society will have a special role, thus making the process of the European integration the common ownership of all citizens. After signing, the Accession Treaty must undergo the process of ratification by member states while in the state accessing the EU a referendum on the membership may be arranged in accordance with the national constitutional and legal solutions when citizens could adopt a final decision on the accession to the EU, although there were examples of states that did not hold referendums on the membership in the EU (Bulgaria, Romania, Cyprus.)

#### *Phases of Negotiating Process*

After the political decision by the European Council that a candidate state may start the negotiations regarding its entry to the EU, the EU shall adopt the negotiating framework. It is a document of the EU prescribing principles, essence and procedures for the negotiations. The first intergovernmental conference shall be summoned on the basis of this document, which represents a formal commencement of the negotiations. At this meeting both the EU and a candidate state shall present their expectations regarding the forthcoming negotiations. The negotiations will be formally held in the form of meetings of the above mentioned intergovernmental conference, whereas as a rule, at least one meeting at the ministerial level shall be held semi-annually and one meeting at the level of deputies (the Head of the Negotiating Team). The frequency of such meetings may be adjusted to the dynamics of actual negotiating needs.

After the formal opening of the negotiations, the phase of analytical review of legislation shall begin (i.e. **screening**), which represents the phase of check-up and assessment of the scope of harmonisation of legislation of the candidate state with the EU *acquis communautaire*. The screening process shall be performed for each negotiating chapter. As in case of Montenegro, Serbia shall start the negotiations by screening of the chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security), even before the first meeting of the intergovernmental conference.

In the first phase of the screening process the European Commission shall present *acquis communautaire*

of the EU classified into negotiating chapters (*explanatory screening*). In the next phase (*bilateral screening*) the candidate state shall present its legislation, give its assessments of harmonisation of its regulations with *acquis communautaire* of the EU, as well as the plans how to achieve full harmonisation. The length of screening meetings for certain chapters shall be different and last from at least one day to a whole week for a certain phase in some chapters. **The entire screening process shall last for about year and a half.**

The objective of the screening is to identify differences between the regulations of the candidate state and *acquis communautaire* of the EU. The screening shall serve to both the European Union and the candidate state as grounds for the establishment of time period necessary to harmonise the national legislation with the EU *acquis communautaire*. The screening is also a good base for the candidate state to develop negotiating positions, especially in cases it is necessary to define transitional terms for harmonisation and implementation of a certain number of regulations of the EU, while for the European Commission it is an indicator of readiness of the candidate state to open certain negotiating chapters.

After the performance of the screening the European Commission shall prepare **the report on screening** for each negotiating chapter. The documents and the information provided by the candidate state shall be used to prepare this report both during the very screening and after it. The report shall contain an assessment by the European Commission of the achieved level of harmonisation of the legal system of the candidate state with *acquis communautaire* of the EU and the level of implementation, as well as an assessment to which extent the plans for future harmonisation are realistic.

The document called *Outcome of Screening* shall be adopted based on the Council's report in which the EU assessed whether the candidate state achieved a sufficient level of harmonisation with the EU *acquis communautaire*, so that the negotiations on some concrete chapter may start. In case the EU assessed the candidate state has not yet achieved the required level, it will determine opening benchmarks, which the candidate state should meet as a prerequisite for opening of the negotiations on the chapter concerned. The criteria for opening of the negotiations in respect of some chapters may have different forms, such as the requirements to adopt strategies and action plans, requirements to fulfil contractual obligations with the EU, primarily the implementation of the Stabilisation and Association Agreement, and the requirements to adopt laws and by-laws. The opening of the negotiations about a chapter for which opening benchmarks were established may only commence after the adoption of the Council's decision that the candidate state met these benchmarks.

If the Council reached an agreement that the candidate state achieved a satisfactory level of harmonisation with the EU *acquis communautaire* for a certain chapter, the Council will invite the candidate state to propose the negotiating position for the chapter concerned.

At the negotiating position for a certain chapter the candidate state shall present the achieved level of harmonisation with the EU *acquis communautaire*, the programme of remaining harmonisation, and an overview of existing and future administrative capacities for implementation. In addition, at the negotiating position the candidate state shall also define the requirements in respect of transitional terms, or exemptions in those segments where it finds that, due to justified reasons, it would not be able to fully transpose the legal system of the EU to the national framework at the time of foreseen accession to the EU. In the course of the negotiations the candidate state may submit to the EU a supplement or an amendment to negotiating positions.

Based on the negotiating position of the candidate state for a certain chapter, the Council shall adopt the European Union common position in reply to the position of the candidate state. In this document the EU may note that the candidate state reached a sufficient level of harmonisation with the EU *acquis communautaire* in the chapter concerned as well as that further negotiations in respect of the chapter concerned would not be necessary. In such a case the chapter shall be temporarily closed. In the majority of cases the EU shall note that the level of harmonisation is not at the level making it possible to temporarily close the chapter concerned and define the criteria the candidate state must meet before closing a chapter (*closing benchmarks*). In certain significant chapters, especially in chapters 23 and 24, interim benchmarks will be determined in this phase and only after they have been met the closing benchmarks will be defined. In addition, as a rule, by this document the EU will require from the candidate state the additional information and analyses, especially in the areas where transitional periods or exemptions are requested.

The negotiating process, which in essence means the process of harmonisation between the two parties, shall be performed in communication between competent institutions of the EU and the candidate state, while the negotiations about certain chapters shall be formally opened and temporarily closed at the meetings of the intergovernmental conference. Closing of all the chapters temporarily is an important principle of the negotiations, meaning “*nothing has been agreed upon until all has been agreed upon*”.

The negotiations shall end after the candidate state and the EU reach an agreement in respect of all 35 chapters and after it is confirmed by the European Council, which is also an act of formal completion of the negotiations. Before that time, there is always a possibility to open some chapter again in case the candidate state shall not fulfil undertaken obligations, which is continually supervised by the European Commission. The date of accession of the candidate state to the EU will be also determined before the very end of the negotiations because it is necessary, *inter alia*, to close those chapters during the negotiations which have financial implications.

In the course of the negotiations the European Commission shall report to the Council on meeting the criteria for the membership and on fulfilment of undertaken obligations of the candidate state according to the negotiating chapters, and it shall also prepare regular annual reports on the progress of the candidate state in the accession process. The European Parliament shall be also regularly informed about the progress of the negotiations.

Since the compliance with the political criteria is what is monitored during the entire accession process, in case that the severe violations of the rule of law and of democratic principles are to be found in the candidate state, as well as the violations of human rights and freedoms, under the proposal of the European Commission or under the proposal of one third of member states, the Council may decide to temporarily terminate the negotiations and define the conditions for their continuation.

The Treaty of Accession to the European Union shall be prepared upon the formal completion of the negotiations. After its signing, which is about half a year following the formal completion of the negotiations, the ratification process shall start both in the candidate state and in all member states. The ratification process shall last from one year and a half to 2 years. The European Parliament shall also approve the accession of the candidate state.

## V Assessment of financial resources required for the implementation of the Treaty and method of their provision

The accession of the candidate state to the EU has considerable financial implications, which may be basically divided into indirect and direct ones.

The first group includes all those implications arising from the better preparation of the state to face competitive pressures on the European market and on the world market, too. As a rule, experiences of previous enlargements of the EU indicate that the countries, which had joined the EU, became more interesting for foreign investments already in the course of the accession process, that their *country risk* index decreased and that the conditions of borrowing were better having a positive impact on the rate of their economic growth.

The second group of financial implications of the accession of the candidate state to the EU is of direct character, and they may be roughly classified into two sub-groups. The first one consists of expenses of adjustment of the candidate state to the EU *acquis communautaire* and is focused on the period before the accession to the EU. It is about all investments necessary to be made in order to make the state and the economic sector more capable to take over the obligations arising from the membership, namely in order to make it capable to fully apply the EU *acquis communautaire*, within the terms agreed upon in the Treaty of Accession to the EU. In this context, considerable expenses may be expected in the areas such as the environment, agriculture, infrastructure, border control, as well as with the regard of building administrative capacities. It should be borne in mind that it is almost impossible to draw a clear line between transition expenses of the economy and the state and the costs of adjustment to the standards of the EU. Precise assessments may only be possible upon the completion of screening process and development of negotiating

positions for certain chapters. Nevertheless, the experiences of some countries indicate that it is possible to assess costs related to adjustment to the EU *acquis communautaire* to be at the level of over 1% of GDP in the years before entering the EU.

This sub-group should also contain the costs necessary for the very conduct of the negotiation process. In the sense of quantity, these are relatively low costs compared with the costs of adjustment to the EU *acquis communautaire* and they imply, inter alia, the costs of activities of the Negotiating Team and negotiation groups (remunerations to members of the Negotiating Team, expenses of business trips, costs of translations of documentation), the costs of preparation of the National Version of *acquis communautaire* of the European Union and the costs of strengthening the Permanent Mission of the Republic of Serbia to the European Union and the European Integration Office.

The second sub-group of direct financial implications of the accession of the candidate state to the EU results from the financial flows between the EU budget and the concrete state.

In the pre-accession phase it is explicitly about inflows from the EU budget in the form of pre-accession aid, which is used both for the support to the process of transposition of *acquis communautaire* of the EU and for the preparation of the country to use the funds of the EU cohesion policy and common agricultural policy after the accession of the state to the EU.

After the admission to the membership of the EU, the new member state will start paying financial resources into the EU budget, meaning that financial flows between the EU budget and the member state begin reflecting both to the income and expenditure sides of its budget.

Concerning payments into the EU budget, the new member state shall pay them according to the rules prescribed by the EU *acquis communautaire* (based on VAT, based on gross national income (GNI) and on the account of correction for the Great Britain) as well as to allocate certain funds for contributions to the capital and reserves of the European Investment Bank (EIB). Also, after the admission to the membership in the EU the income from customs duties (traditionally the EU's own income) shall become a direct source of the EU budget (the member state shall keep a smaller portion of the funds, about 10%, from the administrative costs). In accordance with the experiences of the states that became the member states of the EU in 2004, it is expected that the Republic of Serbia will be paying about 1% of its GDP into the EU budget.

On the side of inflow of funds from the EU budget to the budget of the Member State, the income from cohesion policy is the most significant one, followed by the income from the common agricultural policy (these two policies only include as much as about 80% of the total expenditures of the EU budget). The funds from both the above mentioned sources are shared among member states on the basis of *state envelopes*, namely based on allocations negotiated in the course of the negotiations on the multiannual financial framework of the EU. To use a major portion of funds from these two sources- applicable for the funds of cohesion policy and the funds of rural development- co-financing with national funds is necessary, which produces additional financial implications for the budget of the member state. Depending on the area, projects may be financed up to 75-85% at maximum from the EU funds, while the rest of funds shall be provided from the budget of the member state, namely from other project users. (In accordance with the experiences up to now, it is expected that the state shall co-finance 35% of the resources from structural funds and funds for rural development on average and about 25% of resources from the Cohesion Fund). It is estimated that the new member states (Enlargement 2004) allocated on average 0.3% of GDP to co-finance projects. According to the reasoning of *state envelopes*, namely allocations, the resources from some internal policies and financial compensations on which the Member State has the right within the first two or three years of its membership in the EU are also shared.

The member state may withdraw funds from the EU budget based on its participation in common policies of the European Union. **Transfers from the budget may be distributed to transfers not related to projects and their amounts automatically become income of the budget of the member state and to transfers depending on projects, so that their inflow shall depend on absorption capacities of the Member State, namely on its capabilities to prepare and implement projects.**

Direct budgetary assistance, allocations for agriculture and transfers based on internal policies belong to the



first group. EU programmes, transfers from structural funds, the Cohesion Fund and funds for rural development belong to the second group.

Regarding the transfers related to (development) projects, they shall imply the EU financial contribution to the implementation of EU common policies in various areas (traffic, environment, energy, research and development, employment, education, etc.) and shall be subject to the strict rules of management, financing and to time limitations, i.e. to the periods until which the funds must be utilised. The rules of financing shall imply that projects are co-financed from the EU budget in the amount of up to 85% of their value, while the remaining amount is financed from the state budget. Likewise, the rules of financing require that before the payment from the EU budget is effected the state must pre-finance project activities and after it is confirmed that the activities have been carried out in accordance with the rules of management the payment from the EU budget will be effected. There is no doubt that such a system of financing shall produce additional financial implications for the budget of the member state.

In case of some common policies of the EU a Member State may also withdraw funds from the EU budget based on funds received from tenders issued by the European Commission. Funds for research and development are an example of the distribution of funds based on *bid quality*.

The experiences of states that became member states of the EU in 2004 indicate that the foreseen net financial position, namely the difference between the scope of funds allocated to a certain state and the scope of prescribed payments by the state concerned into the EU budget was considerably positive in all cases. As for the real net financial position, i.e. the difference between actually withdrawn funds from the EU budget and the payments into this budget, it largely depended on absorption capacities of the state, namely on its capacity to prepare projects, provide national co-financing and on efficiency of national structures to use funds.<sup>3</sup> As a rule, the new member states had positive real net financial positions in relation to the EU budget, which means they had withdrawn from the budget of the EU more funds than they had paid into it. The positive average real net financial position within the period from 2005 to 2009 amounted to 0.41% of GDP in Slovenia and to even 3.15% in Lithuania.

Although, as a rule, the new member states are net recipients of the funds from the EU budget as a whole, the process of accession to the EU has a negative net financial result for the budgets of the member states in an average annual amount between 1% and 1.5% of GDP, while the highest pressure on the budget is expected within the first years of the membership.

**Based on the experience of the member states and the current budget, certain conclusions may be drawn:**

- In respect of GDP, net grantors pay from 0.09% (Ireland) to 0.53% (Denmark), while net recipients get from 0.04% (Spain) to 5.33% (Lithuania). It is expected that Serbia will be a net recipient after the accession;
- In certain member states of the EU the limitation of allocations for cohesion policy within the period from 2014 to 2020 in the amount of 2.5% of gross national income will have impact on the decrease of allocations for the states concerned compared with the budget for the period of 2007 to 2013;
- Transfers intended for projects shall depend on absorption capacities of the member state, namely on its capacity to prepare and implement projects and if the funds are not used within a fixed time period, they are to be returned to the EU budget;

<sup>3</sup> "The experience in the implementation of the current budget of the EU indicates that many Member States have been encountering difficulties in absorption of considerable financial resources that must be used within a limited time period. Delays in preparation of projects, contracting and payments are key obstacles not to use the resources. In addition, fiscal policies in many Member States aggravated allocations from the national budgets to finance those projects. In order to improve absorption capacities, in the proposal of the budget for the period from 2014 to 2020 the EC stated: allocations for cohesion policy should be at the level of 2.5% of gross national income; co-financing by the EU should be increased in certain cases from 5 to 10%; precise conditions should be defined concerning improvement of administrative capacities", Multiannual Financial Framework 2014-2020, the European Commission.

- Although, as a rule, new member states are net recipients of funds from the EU budget as a whole, the accession process to the EU has a negative financial result for the budgets of the member states, and the greatest pressure on the budget is expected within the first years of the membership;
- Budget planning, namely availability of financial resources shall effect the fulfilment of certain criteria during the negotiations, thus also effecting possible transitional periods in certain chapters.

## VI Draft Treaty and Other Matters Concerning the Negotiations

After all negotiating chapters are temporarily closed the European Council shall decide on the completion of the negotiations and proceed with the final drawing up the Treaty of Accession<sup>4</sup> which represents an international treaty between the member states of the European Union, on the one hand and the candidate state, on the other. The representatives of the Member States and institutions of the European Union shall participate in the preparation of the text of the draft Treaty of Accession, on one hand (within the Working Group of the Council for Preparation of the Treaty of Accession) and representatives of the candidate state, on the other. The Treaty of Accession shall contain all issues agreed during the negotiations.

Before the Treaty of Accession is signed, the European Commission shall issue an Opinion on the membership and the completion of the negotiations, which must be approved by the European Parliament, and the Council shall unanimously decide on the acceptance of a new candidate state.

After signing, the Treaty of Accession must undergo the ratification process in Member States, and in the state acceding to the EU a referendum on the membership may be arranged in accordance with the national constitutional and legal solutions, although there were examples of states that did not hold referendums on the membership in the EU (Bulgaria, Romania, Cyprus). It is common practice to set a date on which the state shall become a member, provided the ratification process would have been completed by then.

### The Structure of the Treaty of Accession of the Republic of Serbia to the European Union

The Treaty of Accession to the European Union between member states of the European Union and a candidate state shall consist of the following:

- The Treaty of Accession of the country to the European Union;
- The act on the conditions of state accession to the European Union and harmonisation with the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty Establishing the European Atomic Energy Community;
- Final act.

The act on the conditions of state accession to the European Union and adjustments to the founding treaties represents an essential element of the Treaty and it shall consist of several parts – principles, adjustments of the treaties, permanent provisions, temporary provisions (containing the provisions on transitional terms), provisions concerning the application of the mentioned acts, as well as annexes and protocols.

## VII Proposal of the Delegation and a Tentative Assessment of Costs for the Activities of the Delegation

By a specific act the Government shall appoint the members of each individual delegation taking part at the meetings of the intergovernmental conference on accession of the Republic of Serbia to the European Union, as well as at the meetings within the framework of screening.

<sup>4</sup> According to the experience gained up to now, the drawing up the Treaty of Accession shall start within the period from year and a half to 2 years before the completion of the accession negotiations.

By the specific act on establishment of the Negotiating Team for negotiations on the accession of the Republic of Serbia to the European Union the Government prescribed that the Negotiating Team was in charge of conducting the negotiations related to all chapters and in all phases of the negotiations.

By the specific act the Government shall appoint the members of the delegation of the Republic of Serbia for each meeting of the intergovernmental conference on the accession of the Republic of Serbia to the European Union.

The jobs of the secretary and the deputy secretary of the intergovernmental conference on the accession of the Republic of Serbia to the European Union shall be performed by the representatives of the Permanent Mission of the Republic of Serbia to the European Union. The secretary and the deputy secretary of the intergovernmental conference on the accession of the Republic of Serbia to the European Union shall be appointed in consultations with the Head of the Negotiating Team.

At the screening meetings (explanatory and bilateral), the delegation of the Republic of Serbia shall be headed by the president of the negotiation group. In addition to the president of the negotiation group, the delegation shall also include the deputy president of the negotiation group, the secretary of the negotiation group, the members of the Negotiating Team to be appointed by the Head of the Negotiating Team, the representatives of the Office, the representatives of the Mission, the representatives of competent bodies of the state administration and agencies of the Government, as well as the representatives of other competent bodies and organisations. A representative of the Permanent Mission of the Republic of Serbia to the European Union shall also be a member of the delegation, performing the jobs of the secretary of the delegation of the Republic of Serbia at the meetings of the intergovernmental conference.



## Text No. 2

### The Conclusion Accepting the Analysis of the Activities in the Process of the Negotiations on the Accession of the Republic of Serbia to the European Union

Pursuant to 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 and 72/12), at the proposal of the Serbian European Integration Office,

the Government has adopted

#### CONCLUSION

The Analysis of the Activities in the Process of Negotiation on the Accession of the Republic of Serbia to the European Union, which shall be an integral part hereof, shall be acknowledged.

The public administration authorities, having their representatives at the negotiation groups for the negotiations on the accession of the Republic of Serbia to the European Union shall be entrusted with ensuring the participation of such representatives at the trainings on the negotiations on the accession of the Republic of Serbia to the European Union, to be organised with the support of Project "Support to the European Integration Process in Serbia".

This conclusion shall, for the purpose of the implementation, be submitted to all of the ministries, special organisations and departments of the Government, and for the purpose of information – to the National Assembly and the National Bank of Serbia.

05 Number

Belgrade,

Government

Prime Minister,

## Analysis of the Activities in the Process of the Negotiations on the Accession of the Republic of Serbia to the European Union

In March 2012, the European Council granted the official candidate status to Serbia for the EU membership. In December of the same year, the European Council supported the conclusion of the General Affairs Council in accordance with which the General Affairs Council would commence the accession negotiations based on the report to be presented by the European Commission in the spring of 2013. In April 2013, the Commission filed the report proposing the initiation of the negotiations for the accession of the Republic of Serbia to the European Union. On 28 June 2013, the European Council passed the decision on opening benchmarks on the accession of the Republic of Serbia to the European Union, holding intergovernmental conference not later than January 2014.

The initial negotiation stage – screening (hereinafter: Screening), will, according to the announcements of the European Commission, start in September 2013, cover all of the negotiation chapters, and last until March 2015.

### *The process of the negotiations on the accession to the European Union*

The process of the accession to the European Union shall de-facto be comprised of two parallel processes:

- The process of the association to the European Union based on the Stabilisation and Association Agreement, the basic objective of which shall be to ensure the framework for the process of the harmonisation of the national legislation with the acquis, as well as its implementation. The key institutional features of the association process shall cover Stabilisation and Association Council (SAC), Stabilisation and Association Committee and stabilisation and association sub-committees, and stabilisation and association parliamentary committee;
- Negotiation Process on the Accession to the European Union, carried out within the intergovernmental conference on the accession of the Republic of Serbia to the European Union, in which the candidate state should reach an agreement with the European Union member states on the conditions of its accession to the Union. Currently, the process is organised within 35 acquis negotiation chapters.

These two processes are closely related and as the negotiations on the accession to the European Union progress, they will further be merged into one process. However, they should be observed as separate processes, based on different legal bases and with different tasks. While the association process shall refer to the complete acquis, the harmonisation and implementation thereof within the national legal order until the date of the accession to the European Union membership, the negotiation process shall predominantly deal with the specific issues concerning the acquis transfer and it shall be executed by finalising the negotiations approximately up to two years before accessing the European Union membership.

## EU Accession Negotiations

### *Negotiation Process Stages*

After the European Council political decision that a candidate country may start with the negotiation for accessing the EU, the EU shall adopt the Negotiating Framework. This is the EU document determining the principles, essence, and procedures for negotiating. Based on such document, the first intergovernmental conference meeting shall be convened, which shall be a formal beginning of the negotiations. At such meeting, the EU and the candidate state shall present their expectations regarding the forthcoming negotiations. The negotiations will formally be carried out in the form of the meetings of the above intergovernmental conference, where, as a rule, at least one meeting will be held on a semi-annual basis at the ministerial level and one meeting at the level of the deputy (Head of the Negotiating Team). The frequency of such meetings may be adjusted to the frequency of the actual negotiation requirements.

After the formal opening benchmarks, the stage of the legislation analytical review (the so-called **screening**)

begins, which shall be the stage of the verification and evaluation on the extent to which the candidate state legislation is harmonised with the *acquis*. The screening process shall be performed for each of the negotiation chapters. There is a possibility, as in Montenegro case, that the screening of chapter 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security) begins even before holding the first intergovernmental conference meeting.

In the first stage of the screening process, the European Commission shall present the *acquis* divided in the negotiation chapters (explanatory screening). In the next stage (bilateral screening), the candidate state shall present its legislation, provide its evaluations of the harmonisation of its regulations with the *acquis*, and plans to achieve the complete harmonisation. The screening meeting duration for individual chapters shall be different and it shall last from minimum one day, up to the whole week for an individual stage within some chapters. **The whole screening process shall last for around a year and a half.**

The screening objective shall be to observe the differences between the candidate state regulations and the *acquis*. The screening shall serve, both to the European Union and to the candidate state, as a basis to determine the time period to be necessary to harmonise the national legislation with the *acquis*. The screening shall be a good basis for the development of the state country negotiation positions, especially those where it is necessary to define transition periods for the harmonisation and implementation of a certain number of the EU regulations, while, for the European Commission, this is an indicator of the candidate state's willingness to open individual negotiation chapters.

After performed screening, the **screening report** shall be made for each negotiation chapter by the European Commission. When preparing this report, the documents and information provided by the candidate country both at the screening and after the screening will be used. The report shall include the European Commission assessment on achieved level of the candidate state's legal order harmonisation level with the *acquis* and the implementation level, as well as the assessment of the extent to which the plans for the future harmonisation are realistic.

Based on the screening report, the Council shall adopt the document called Outcome of screening where the EU evaluates whether the candidate state has reached sufficient level of the harmonisation with the *acquis*, thus, the negotiations on actual chapter may start. In case the EU evaluates that the candidate state has not reached the required level yet, it shall determine the opening benchmarks which should be met by the candidate state as a prerequisite for opening of negotiations within such chapter. The opening benchmarks under the individual chapters may take various forms, such as requirements for adopting strategies and action plans, requirements for meeting contractual commitments with the EU, above all, the implementation of the Stabilisation and Association Agreement, and the requirements on adopting laws and by-laws. The opening of negotiations on the chapter for which the opening benchmarks have been determined may be commenced only after the Council's decision that the candidate state has met such benchmarks.

When the agreement is reached at the Council that the candidate state has met the satisfactory level of the harmonisation with the *acquis*, the Council shall invite the candidate state to propose the negotiation position for given chapter.

In its negotiation position for individual chapter, the candidate state shall present the achieved harmonisation level with the *acquis*, the remaining harmonisation scheme, and the overview of the existing and future administrative capacities for the implementation. In addition, in its negotiation position, the candidate state shall also define the requirements for the transition periods and/or exemptions within those segments where it deems that, due to reasonable grounds, it will not be able to fully transfer the EU legal order within the national framework at the time of the anticipated accession to the EU. The candidate state may, during the negotiations, submit the EU the supplement and/or change of the negotiation positions.

Based on the candidate state negotiation position for certain chapter, the Council shall adopt European Union common position as a response to the candidate state's position. In such document, the EU may state that the candidate state has reached a satisfactory harmonisation level with the *acquis* in this chapter and that further negotiations concerning such chapter are not necessary. In such case, the chapter shall be closed on a temporary basis. In the majority of cases, the EU will state that the harmonisation level is not at the level which

would ensure temporary closing of the chapter, and it will determine the benchmarks the candidate state must meet before closing benchmarks. Within individual significant chapters, especially chapters 23 and 24, interim benchmarks will be determined in such stage, and only after they are met, the closing benchmarks will be defined. Besides, the EU will, as a rule, with such document, require additional information and analyses from the candidate state, especially in the fields where the transition periods and/or exemptions are required.

The negotiation process which essentially means the process of the harmonisation of both parties shall be made in the communication between competent EU institutions and those of the candidate state, and formally the negotiations on individual chapters will be opened and temporarily closed within the intergovernmental conference meeting. A significant negotiation principle shall be that all of the chapters shall be closed on a temporary basis, which means that "nothing is agreed until everything is agreed".

The negotiations shall be finalised when the agreement is reached between the candidate state and the EU in all of 35 chapters and when this is acknowledged by the European Council, which is also the act of the formal negotiations completion. Until that very moment, there is a possibility of chapter re-opening in case the candidate state fails to meet assumed commitments, which shall be continually overseen by the European Commission. Before the very end of the negotiations, the anticipated date of the state's EU accession will be determined, because this is, among all, necessary for the closing of the chapters within the negotiations having financial implications.

During the negotiations, the European Commission shall report to the Council on meeting the membership criteria and the assumed commitments of the candidate state by the negotiation chapters, and it shall also prepare regular reports on the state progress within the accession process on an annual basis. It shall also report to the European Parliament on the negotiation flow on a regular basis.

Since the compliance with the political criteria shall be monitored during the complete accession process, in case grave violations of the rule of law and democratic principles are determined in the candidate state, the Council may, at the proposal of the European Commission, or one-third of the member states, make decision on temporary termination of the negotiations and conditions under which they would continue.

After the formal negotiation completion, Treaty of Accession shall be drawn up. After signing thereof, which shall approximately be half a year after the formal negotiation completion, the ratification process shall begin both in the candidate state and in all of the member states. The ratification process will last between a year and a half and up to two years. The agreement in terms of the candidate state accession shall also be provided by the European Parliament.

#### *Institutional Framework for the Negotiations on the Accession to the European Union*

With the aim of the efficient participation of the Republic of Serbia in the process of the negotiations on the accession to the European Union, it shall be necessary to prepare the institutional framework for the process coordination.

In the period 2006-2009, Serbia set up a comprehensive structure appropriate for the stabilisation and association process (SAP), the basic objective of which shall be to ensure the framework both for the process of the harmonisation of the national legislation with the *acquis* and for its application. The basis of this institutional structure shall include: a) the system of the bodies for the coordination of the process of the association to the European Union – Coordination Body, Coordination Body Expert Group and 35 sub-groups, b) the European Integration Government member, c) the Serbian European Integration Office, and d) the Permanent Republic of Serbia Mission to the European Union – Ministry of Foreign Affairs. On several occasions, the European Commission and other partners from the European Union have confirmed the adequacy of this structure established for the purpose of the association process.

The institutional structure established for the association process will be the framework of the institutional structure for the negotiations on the accession to the EU. When the negotiations on the accession of the Republic of Serbia to the European Union are opened, it shall be necessary that the above structure is updated and supplemented with the establishment of the Negotiating Team.



When the institutional negotiation framework is prepared, it shall be appropriate to consider the international practice of the candidate states in the previous enlargements and specific characteristics of the candidate states. Regarding this, it shall be possible to apply the following principles - the use of the existing structures and procedures to the highest possible extent (including necessary adjustments); balanced relation between expert and political level; maximum possible resistance of the institutional structure, especially of the Negotiating Team, to the political changes (the structures shall last longer than regular electoral period); clear segregation of the responsibilities among various institutions involved in the process (including clear procedure definition); institutional memory of all of the institutions involved in the process; involvement of interested public, and systematic engagement of all those who may contribute to the process quality; coordinated communication with the EU institutions and member states (according to "one vote" system).

In accordance with the above mentioned, with the aim of efficient negotiation process management, it shall be necessary, in addition to the adjustment of the existing structures, to establish **the Negotiating Team**. The Negotiating Team shall be the body responsible for managing the accession negotiation under all of the chapters and in all stages of the negotiations on the accession of the Republic of Serbia to the European Union. The Negotiating Team will exercise the horizontal coordination of performing the operations by competent institutions within the negotiation process. The current practice is such that such body is, as a rule, comprised of the Head of the Negotiating Team and approximately 15-20 members. It shall be suitable that the Government appoint the experts for individual fields, who will be responsible for various negotiation chapters. At the same time, appropriate representatives of the ministries which will have a special role during the negotiations should be appointed in the Negotiating Team due to the financial implications of this process, as well as due to the necessity to ensure the political support in the member countries within the process (the ministries competent for funding and foreign affair issues).

Within the negotiation framework, the European Union shall prescribe that the negotiations will formally be performed in the form of the intergovernmental conference on the accession of Serbia to the European Union, and that the agreed issues at the technical negotiation level will formally be acknowledged in the form of the intergovernmental conference session. The Government shall, in its special act, determine the delegation structure for each meeting of the intergovernmental conference on the accession of the Republic of Serbia to the European Union.

When designing the complete structure to participate in the accession negotiations, it shall be suitable to be in compliance with the principle of maximum application of already established structures for the accession process coordination, including certain adjustment in accordance with the negotiation process requirements.

The most important bodies for the process of the negotiation on the accession have, according to the current decisions, covered:

The ministries, special organisations and departments of the Government, and other institutions shall, in accordance with defined competence, have the key role in the negotiations on the accession. Starting from the complexity of the process and significant relation of the solutions in individual negotiation chapters, as well as with the aim that the Republic of Serbia represents the principle of uniformity to the European Union, while observing the principle of maximum application of already established structures for the accession process coordination, the establishment of additional bodies for the negotiation process coordination is proposed. At the same time, it shall be necessary that the organisation of the operation and all of the activities of the above bodies are adjusted to the further steps in the European integrations process and to the requirements within the process of the negotiations on the accession of the Republic of Serbia to the European Union.

Starting from the above mentioned, according to new decisions, the **Coordination Body for the process of the accession to the European Union** will consider the most important issues and guide the activities within the scope of the government administration bodies regarding the process of the accession of the Republic of Serbia to the European Union. Expert and administrative and technical support to the Coordination Body Operation will be provided, as it has been the case up to now, by the Serbian European Integration Office.

According to new solutions, the Expert Group will be set up as the **Coordination Body Council** which will perform the expert activities regarding current issues within the process of the accession of the Republic of Serbia to the European Union. The Council operation will be managed by the Government member in charge of

the European integration activities. In case the Government member in charge of the European Integrations is unable to manage it, he shall be replaced by the European Integration Office Director or the Head of the Negotiating Team for managing the negotiations on the accession of the Republic of Serbia to the European Union, in the capacity of the Council Chairperson. The members of this body shall include: the chairs of the negotiation groups (preferably in the rank of state secretaries); state secretaries from the ministries which do not manage the negotiation groups; Deputy Director and Coordinator for the European Union Funds at the Serbian European Integration Office, and a representative of the Republic Legislation Secretariat.

At the same time, it shall be necessary that the current sub-groups of the Expert Group become the **negotiation groups for the negotiations within 35 negotiation chapters**. The Chair and members of the Coordination Body Council, and the chairs, deputy chairs, secretaries, and deputy secretaries of the negotiation groups will be appointed, as it has been the case up to now, by the Government in a special decision.

For the purposes of the negotiations on the accession to the European Union, the Government has established a new body – **Negotiating Team for Negotiations on the Accession of the Republic of Serbia to the European Union**. The Negotiating Team will participate in the coordination and development of the negotiation positions on the accession of the Republic of Serbia to the European Union, in accordance with the special Government decision. This interim Government working body will be in charge of the negotiations on the accession of the Republic of Serbia to the European Union, under all chapters and within all of the stages of the negotiations. The Negotiating Team will perform the activities in accordance with the basis for the negotiations and entering into the Treaty of Accession of the Republic of Serbia to the European Union determined by the Government. The body will report to the Government for its activity. For the purposes of executing the tasks, the Negotiating Team will communicate with the institutions of the European Union, European Union member states, and the states having the candidate status for the European Union membership. The Negotiating Team will be comprised of the Head of the Negotiating Team and the Negotiating Team members, appointed by the Government in a special decision. The Negotiating Team members shall, by their role, be: the state secretary at the ministry in charge of funding; the state secretary at the ministry in charge of foreign affairs, and the Head of the Permanent Diplomatic Mission of the Republic of Serbia to the European Union – Ambassador.

**The Serbian European Integration Office**, performing expert, administrative, and operational activities required by the Government relating to the coordination of the operation of the ministries, special organisations, and departments of the Government concerning the European integration processes, especially the association process (also including the preparation and implementation of the National Programme for the Adoption of *Acquis* – NPAA), will, within the negotiation process, also have additional duties in sense that such administrative service will provide the expert and administrative and technical support to the Negotiating Team. To that effect, it shall be suitable to ensure the establishment of an additional internal unit within the structure of the Serbian European Integration Office to provide the expert and administrative and technical support to the Negotiating Team.

**The Permanent Mission of the Republic of Serbia to the European Union**, being an integral part of the Ministry of Foreign Affairs, will be a basic channel for the communication of Serbia with the European Union institutions and also an important communication channel with the European Union member states. Starting from a significant role the Mission will have within the negotiation process, it shall be suitable to strengthen and adjust its structure to the negotiation requirements and to appropriate structure elements for the purpose of the coordination of the accession process which will be established. It shall be necessary to increase the number of the experts who would, from other public administration authorities and the Government departments, be sent to work at the Mission with the aim of monitoring the negotiations in the appropriate fields. It shall be necessary to implement such sending taking into consideration the timetable presented by the European Commission as regards the screening which will, according to the European Commission announcements, last in the period from September 2013 to March 2015.

The Government will, in its special decision, appoint **the delegation structure for each meeting of the intergovernmental conference on the accession of the Republic of Serbia to the European Union**.

It shall specifically be necessary to emphasise that **the National Assembly of the Republic of Serbia** will also have an important role in the process of the EU accession negotiations.

Besides the structure for the negotiation, it shall be necessary to also set the procedure applied during the screening of the harmonisation of the Republic of Serbia regulations with the *acquis* and the implementation thereof and preparing the negotiation positions in the process of the negotiations on the accession of the Republic of Serbia to the European Union. When preparing the documents governing the above mentioned issues, the principles and requirements defined by the European Union with regard to all of the candidate countries for the European Union membership and the experiences of the countries which have completed the European Union accession process, shall be taken into account. Starting from the above mentioned, for the purpose of considering and decision making by the Government, the following proposals of the acts establishing the institutional framework and defining the procedure in the negotiation process have been prepared:

- The proposal of the basis for negotiations and conclusion of the Treaty of Accession of the Republic of Serbia to the European Union;
- The Proposal of Decision on establishing the Coordination Body for the process of the accession of the Republic of Serbia to the European Union;
- The Proposal of the Conclusion on remunerations for activities in the Negotiating Team for conducting negotiations on accession of the Republic of Serbia to the European Union;
- The Proposal of the Conclusion on guidance and coordination of the activities of the state administration bodies in the process of implementation of an analytical review and assessment of harmonisation of the regulations of the Republic of Serbia with *acquis communautaire* of the European Union and their implementation (*Screening*);
- The Proposal of the Conclusion on guidance and coordination of the activities of the state administration bodies in the procedure of preparing the negotiating positions in the process of negotiations on the accession of the Republic of Serbia to the European Union;
- The Decision on Establishing the Negotiating Team for Accession of the Republic of Serbia to the European Union was passed by the Government at the session held on 3 September.

As regards the prepared Proposal of the conclusion directing and harmonising the operation of the public administration authorities in the process of the screening, having regard to the requirement to ensure harmonised and efficient participation of the Republic of Serbia in the above stage of the negotiations on the accession to the European Union, which is the issue of general significance, it shall be suitable to specify the organisation, operation method, act drawing up and adoption procedure, and other issues significant for the screening implementation. At the same time, as regard the Proposal of the conclusion directing and harmonising the operation of the public administration bodies in the process of preparing the negotiation positions in the process of the negotiations on the accession of the Republic of Serbia to the European Union, it shall be necessary that the Government also determines the organisation, operation method, and the procedure of preparing the negotiation positions of the Republic of Serbia in the process of the negotiations on the accession of the Republic of Serbia to the European Union.

During the process of the analytical review and evaluation of the harmonisation of the Republic of Serbia regulations with the *acquis* and their implementation (**screening**), and the **first stage of the negotiations on the accession to the European Union**, it shall be suitable that the candidate state demonstrates an appropriate degree of understanding the *acquis* and has a clear picture on the method and terms for achieving complete harmonisation of the national legislation with the *acquis* and regular application of the harmonised regulations. Therefore, it shall be desirable that the negotiation groups for the negotiation preparation begin the preparations for the screening process without any delay, which would ensure as rapid and clearer identification of any potential open issues and as better preparation for this negotiation stage as possible. The institutions involved in the negotiation group activity shall have a basic competence for any issues during the screening stage, and the negotiation groups shall be essential in the process in terms of the inter-institutional cooperation, especially the Negotiating Team whose task shall be to ensure the horizontal harmonisation within all of the areas. In its activity, the negotiation group shall ensure to achieve cooperation with the Negotiating Team, especially with the Negotiating Team member in charge of respective negotiation chapter.

The ministries, specific organisations, and departments of the Government which shall harmonise their positions within the negotiation groups shall have a key role in the **negotiation position** development. At the same time, the Negotiating Team, whose task shall include horizontal monitoring of the preparation of negotiation position in terms of the whole process, shall have a special role in the preparation of negotiation position. It is planned to also provide for the possibility of involving other institutions and experts external to the public administration in the negotiation group activity, with the aim of ensuring an adequate expertise level. Having regard that the negotiation results shall be reflected to the whole society and economy, when preparing the negotiation positions, it will also be necessary to implement consultation process with the interested public, including commercial and non-governmental organisations. At the same time, it is planned to present the negotiation positions to the public after their adoption by the Government, Negotiating Team, and negotiation group.

The negotiations for the accession of the Republic of Serbia to the European Union will be implemented in the **English language** which requires the complete documentation to be provided by the Republic of Serbia to the European Union during the negotiations shall be in the English language. Therefore, the issue of expert revision of the translation of the documentation prepared for the purpose of submission to the European Union during the negotiations shall accordingly be a significant issue, where it shall be necessary that the negotiation groups and/or the bodies participating in the negotiation group activity, accept the terms and nomenclature rules already determined within the process of the coordination of the translation of the *acquis*.

For the purpose of the efficient and successful negotiations on the accession of the Republic of Serbia to the European Union, the administration, prepared for the negotiation process in an appropriate manner, shall be a prerequisite. Starting from the above, with the support of the Project "Support to the European Integration Process in Serbia" implemented in cooperation with German International Cooperation Organisation (GIZ) (Project Implementation Agreement was signed by the representatives of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Serbian European Integration Office of the Government of the Republic of Serbia in Belgrade on 29 May 2013), a series of the trainings on any important issues regarding the negotiation process will be organised. The training will begin in the first half of September 2013 and it will be intended for any relevant participants in the negotiation process, including, above all, the negotiation group chairs and members. Starting from the complexity of the forthcoming process, it shall be suitable to ensure the mandatory participation at the trainings of the representatives of any relevant institutions within the structure of the negotiation groups, which will be involved in the process of the accession negotiations.

### Text No. 3

## The Decision on Establishment of the Coordination Body for the Process of the Accession of the Republic of Serbia to the European Union

Pursuant to Article 25 paragraph 1 of the Regulation on Principles for Internal Organisation and Job Classification at Ministries, Special Organisations and Government Departments (*Official Gazette of RS*, No 81/07 - consolidated version, 69/08, and 98/12),

the Government has adopted

### Decision on Establishment of the Coordination Body for the Process of Accession of the Republic of Serbia to the European Union

1. For the purpose of coordination of the process of accession of the Republic of Serbia, the Coordination Body for the Process of Accession of the Republic of Serbia to the European Union (hereinafter: Coordination Body) shall be established.
2. The Coordination Body shall consider the most important issues and guide the operations within the scope of the public administration in the process of accession of the Republic of Serbia to the European Union.
3. The Coordination Body structure shall include:
  1. Government President;
  2. Government First Vice-President;
  3. Government Vice-President and Minister of Labour, Employment, and Social Policy;
  4. Government Vice-President and Minister of External and Internal Trade and Telecommunications;
  5. Minister in charge of foreign affairs;
  6. Minister in charge of the European integrations;
  7. Minister in charge of finance;
  8. Minister in charge of agriculture, forestry, and water management;
  9. Minister in charge of environment.

The European Integration Office Director and Head of the Negotiating Team for Accession of the Republic of Serbia to the European Union shall participate in activities of the Coordination Body.

The Coordination Body activity shall be managed by the Government President, and he shall be replaced by the Coordination Body member assigned by the Government President.

Other Government members, Director of the Republic Secretariat for Legislation and the Government Secretary-General, and the National Bank of Serbia Governor may participate in the Coordination Body activity if the topics within their competence are discussed.

**4.** Expert and administrative and technical support to the Coordination Body operation shall be provided by the European Integration Office.

**5.** The Coordination Body shall pass the Rules of Procedure.

**6.** The Coordination Body Council which will perform the operations regarding current issues within the process of accession of the Republic of Serbia to the European Union shall be set up.

The Coordination Body Council shall comprise:

1. Government member in charge of the European integrations, Chair;
2. members:
  - European Integration Office Director;
  - Negotiating Team Head;
  - Negotiating Groups chairs;
  - state secretaries from the ministries whose representatives do not manage the Negotiating Groups;
  - Representative of the National Bank of Serbia;
  - Deputy Director and Coordinator for the European Union funds at the European Integration Office;
  - Representative of the Republic Secretariat for Legislation.

In case the Government member in charge of European Integration is unavailable, he shall be replaced by the European Integration Office Director or the Head of the Negotiating Team for negotiations on accession of the Republic of Serbia to the European Union, depending on the topic discussed.

In the work of the Coordination Body Council a representative of Civil Society Cooperation Office shall participate.

Guidelines for the work of the Coordination Body Council shall be provided by the Coordination Body.

The Chair and members of the Coordination Body Council shall be appointed by the Government in a special decision.

The Coordination Body Council shall meet as appropriate.

The work of the Coordination Body Council shall, upon invitation of the Chair, involve members of the Negotiating Team for accession of the Republic of Serbia to the European Union.

In the event it is necessary to include other authorities and organisations in the activity of the Coordination Body Council, the Chair may invite the representatives of such authorities and organisations to take part in the session of the Coordination Body Council.

**7.** The following Negotiating Groups are hereby established to negotiate the accession of the Republic of Serbia to the European Union, and to perform other activities set forth in item 9 hereof, as follows:

1. Negotiating Group on Movement of Goods – the Chair, Deputy Chair, Secretary and Deputy Secretary of

the Negotiating Group shall be appointed from among the representatives of the Ministry of Economy.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Agriculture, Forestry and Water Management; Ministry of Energy, Development and Environmental Protection; Ministry of Transport; Transport Security Agency; Serbian Standardisation Institute; Serbian Accreditation Body; Ministry of Economy - Directorate for Measures and Precious Metals; Ministry of Health; Ministry of the Interior; Ministry of Construction and Urban Planning; Ministry of Culture and Information; Ministry of Defence; Ministry of Education, Science, and Technological Development, Serbian Agency for Electronic Communications; Republic Secretariat for Legislation and Serbian European Integration Office.

2. Negotiating Group on Movement of Workers – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Labour, Employment and Social Policy.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Economy; Ministry of the Interior; Ministry of Health; Ministry of Education, Science and Technological Development; Ministry of Youth and Sports; National Employment Service; Serbian Fund for Pension and Disability Insurance; Social Insurance Institute; Republic Secretariat for Legislation and Serbian European Integration Office.

3. Negotiating Group on Establishment and Freedom to Provide Services – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign and Internal Trade and Telecommunications.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Economy; Ministry of Education, Science and Technological Development; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Construction and Urban Planning; Ministry of Transport; Ministry of Justice and Public Administration; Ministry of Health; Ministry of Energy, Development and Environmental Protection; Ministry of Culture and Information; Ministry of Labour, Employment and Social Policy; Ministry of Youth and Sports; Ministry of Agriculture, Forestry and Water Management; Serbian Geodetic Authority; Agency for Business Registers; Serbian Agency for Regional Development; Serbian Geodetic Authority; Republic Secretariat for Legislation and Serbian European Integration Office.

4. Negotiating Group on Free Movement of Capital – the Chair and Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Finance, and Deputy Chair and Deputy Secretary shall be appointed from among the representatives of the National Bank of Serbia.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: Ministry of Finance, the National Bank of Serbia; Ministry of Interior; Ministry of Construction and Urban Planning; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Economy; Ministry of Agriculture, Forestry, and Water Management; Ministry of Justice and Public Administration; Securities Commission; Republic Secretariat for Legislation and Serbian European Integration Office.

5. Negotiating Group on Public Procurement – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Public Procurement Office.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Energy, Development and Environmental Protection; Ministry of Labour, Employment and Social Policy; Ministry of the Interior; Ministry of Defence; Ministry

of Economy; Serbian Commission for the Protection of Rights in Public Procurement Procedures; State Audit Institution; Republic Secretariat for Legislation and Serbian European Integration Office.

6. Negotiating Group on Company Law – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Economy.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Defence; Serbian Agency for Business Registers; Serbian Securities Commission; Serbian Agency for Regional Development; National Bank of Serbia; Republic Secretariat for Legislation and Serbian European Integration Office.

7. Negotiating Group on Intellectual Property Rights – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Serbian Intellectual Property Office.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Education, Science, and Technological Development; Ministry of Finance; Ministry of Economy; Ministry of the Interior; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Agriculture, Forestry and Water Management; Ministry of Justice and Public Administration; Ministry of Health; Ministry of Defence; Serbian Public Prosecution Office; Republic Secretariat for Legislation and Serbian European Integration Office.

8. Negotiating Group on Competition – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign and Internal Trade and Telecommunications.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Commission for Protection of Competition; Ministry of Finance; Ministry of Economy; Ministry of Culture and Information; Commission for State Aid Control; Ministry of Justice and Public Administration; Ministry of Agriculture, Forestry, and Water Management; Ministry of Natural Resources, Mining, and Land-use Planning; Ministry of Construction and Urban Planning; Ministry of Energy, Development and Environmental Protection; Ministry of Education, Science and Technological Development; Ministry of Transport; Ministry of the Interior; Ministry of Defence; Ministry of Labour, Employment and Social Policy; Ministry of Regional Development and Local Self-Government; National Bank of Serbia; Serbian Energy Agency; Serbian Agency for Electronic Communications; Serbian Regional Development Agency; Serbian Investment and Export Promotion Agency; Republic Secretariat for Legislation Civil Society Cooperation Office and Serbian European Integration Office.

9. Negotiating Group on Financial Services – the Chair and Secretary of the Negotiating Group shall be appointed from among the representatives of the National Bank of Serbia, and Deputy Chair and Deputy Secretary shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the National Bank of Serbia; Ministry of Finance; Ministry of Economy, Serbian Securities Commission; Serbian Deposit Insurance Agency; Serbian Agency for Business Registers; Republic Secretariat for Legislation and Serbian European Integration Office.

10. Negotiating Group on Information Society and Media – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign and Internal Trade and Telecommunications.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Culture and Information; Ministry of Transport; Ministry of Education, Science and Technological Development; Ministry of Finance; Ministry of Defence; Ministry of Economy; Ministry of the Interior; Ministry of Justice and Public Administration;



Serbian Broadcasting Agency; Serbian Agency for Electronic Communications; Serbian Statistics Office; Commission for Protection of Competition; Serbian Institute for Standardisation; Republic Secretariat for Legislation; Civil Society Cooperation Office; Serbian Geodetic Authority and Serbian European Integration Office.

11. Negotiating Group on Agriculture and Rural Development – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Agriculture, Forestry and Water Management.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Agriculture, Forestry and Water Management; Ministry of Health; Ministry of Energy, Development and Environmental Protection; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Finance; Ministry of Economy; Ministry of Foreign and Internal Trade and Telecommunications; Serbian Geodetic Authority; Serbian Institute for Standardisation; Serbian Statistics Office; Serbian Intellectual Property Office; Republic Secretariat for Legislation; European Union Funding Management System Audit Office; Civil Society Cooperation Office; Social Inclusion and Poverty Decrease Team; and Serbian European Integration Office.

12. Negotiating Group on Food Safety, Veterinary and Phytosanitary Policy – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Agriculture, Forestry and Water Management.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Agriculture, Forestry and Water Management; Ministry of Health; Ministry of Education, Science and Technological Development; Ministry of Energy, Development and Environmental Protection; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Finance; Ministry of Economy; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Interior; European Union Funding Management System Audit Office; Serbian Statistics Office; Serbian Institute for Standardisation; Republic Secretariat for Legislation and Serbian European Integration Office.

13. Negotiating Group on Fisheries – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Agriculture, Forestry and Water Management.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Health; Ministry of Finance; Ministry of Economy; Serbian Institute for Standardisation; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

14. Negotiating Group on Transport Policy – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Transport.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of the Interior; Ministry of Labour, Employment and Social Policy; Competition Protection Commission; Transport Security Agency; Directorate for Railways; Ministry of Education, Science and Technological Development; Ministry of Energy, Development and Environmental Protection; Ministry of Construction and Urban Planning; Ministry of Finance; Ministry of Economy; Ministry of Defence; Serbian Institute for Standardisation; Civil Aviation Directorate of the Republic of Serbia; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

15. Negotiating Group on Energy – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Energy, Development and Environmental Protection.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Education, Science and Technological Development; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Defence; Ministry of Finance; Ministry of Agriculture, Forestry and Water Management; Ministry of Finance; Serbian Institute for Standardisation; Energy Agency of the Republic of Serbia; Radiation Protection and Nuclear Safety Agency; Competition Protection Commission; Serbian Directorate for Commodity Reserves; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

16. Negotiating Group on Taxation – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Labour, Employment and Social Policy; Ministry of Economy; Ministry of Health; Republic Secretariat for Legislation and Serbian European Integration Office.

17. Negotiating Group on Economic and Monetary Policy – the Chair and Secretary of the Negotiating Group shall be appointed from among the representatives of the National Bank of Serbia, and Deputy Chair and Deputy Secretary shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the National Bank of Serbia; Ministry of Finance, Ministry of Economy; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

18. Negotiating Group on Statistics – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Serbian Statistics Office.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the National Bank of Serbia; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Finance; Ministry of Economy; Ministry of Education, Science and Technological Development; Ministry of Agriculture, Forestry and Water Management; Ministry of Regional Development and Local Self-government; Republic Secretariat for Legislation; Social Inclusion and Poverty Decrease Team and Serbian European Integration Office.

19. Negotiating Group on Social Policy and Employment – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Labour, Employment and Social Policy.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Economy; Ministry of Youth and Sports; Ministry of Education, Science and Technological Development; Ministry of Health; Ministry of Energy, Development, and Environmental Protection; Energy Agency; National Employment Service; Commissariat for Refugees and Migrations; Social Insurance Authority; Serbian Statistics Office; Republic Secretariat for Legislation; Human and Minority Rights Office; Commissioner for the Protection of Equality; Human and Minority Rights Office; Civil Society Cooperation Office; Serbian Social Protection Authority; Social Inclusion and Poverty Decrease Team and Serbian European Integration Office.

20. Negotiating Group on Enterprise and Industrial Policy – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Economy.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Regional Development and Local Self-Government; Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Education, Science and Technological Development; Ministry of Natural Resources, Mining

and Spatial Planning; Ministry of Youth and Sports; Ministry of Agriculture, Forestry and Water Management; Ministry of Construction and Urban Planning; Ministry of Energy, Development and Environmental Protection; Ministry of Health; Ministry of Culture and Information; Ministry of Labour, Employment and Social Policy; Ministry of Defence; Ministry of the Interior; Serbian Statistics Office; Public Procurement Office; Development Fund; Serbian Standardisation Institute; Serbian National Employment Service; Serbian Agency for Regional Development; Agency for Business Registers; Serbian Investment and Export Promotion Agency; Republic Secretariat for Legislation and Serbian European Integration Office.

21. Negotiating Group on Trans-European Networks – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Transport.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Education, Science and Technological Development; Ministry of Energy, Development and Environmental Protection; Ministry of Economy; Ministry of Finance; Ministry of Defence; Ministry of Construction and Urban Planning; Ministry of Foreign and Internal Trade and Telecommunications; Serbian Civil Aviation Directorate; Transport Security Agency; Energy Agency of the Republic of Serbia; Serbian Statistics Office; Serbian Institute for Standardisation; Directorate for Railways; Republic Secretariat for Legislation and Serbian European Integration Office.

22. Negotiating Group on Regional Policy and Coordination of Structural Instruments – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Serbian European Integration Office

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Economy; Ministry of Regional Development and Local Self-Government; Ministry of Justice and Public Administration; Ministry of Agriculture, Forestry and Water Management; Ministry of Transport; Ministry of Construction and Urban Planning; Ministry of Education, Science and Technological Development; Ministry of Energy, Development and Environmental Protection; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Labour, Employment and Social Policy; Serbian Statistics Office; Republic Secretariat for Legislation; European Union Funding Management System Audit Office; Civil Society Cooperation Office; Government General Secretariat and Social Inclusion and Poverty Decrease Team.

23. Negotiating Group on Judiciary and Fundamental Rights – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Justice and Public Administration.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of the Interior; Ministry of Foreign Affairs; Ministry of Regional Development and Local Self-Government; Ministry of Defence; Ministry of Culture and Information; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Health; Ministry of Labour, Employment and Social Policy; Ministry of Education, Science and Technological Development; Ministry of Finance; Ministry of Economy; Anti-Corruption Agency; Commissariat for Refugees and Migrations; Office for Human and Minority Rights; High Judicial Council; State Prosecutors Council; Republic Secretariat for Legislation; Public Procurement Office; Civil Society Cooperation Office; Commissioner for the Protection of Equality; Church and Religious Communities Cooperation Office; Supreme Court of Cassation; Serbian Public Prosecution Service; Judicial Academy; Human and Minority Rights Office; Social Inclusion and Poverty Decrease Team and Serbian European Integration Office.

24. Negotiating Group on Justice, Freedom and Security – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of the Interior.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Justice and Public Administration; Ministry of Foreign Affairs; Ministry of Finance; Ministry of Economy; Ministry of Agriculture, Forestry and Water Management; Ministry of Health; Ministry of Defence; Ministry of Labour, Employment and Social Policy; Security and Intelligence Agency; Commissariat for Refugees and Migrations; Serbian Public Prosecution Service; Anti-Corruption Agency; Civil Society Cooperation Office; Supreme Court of Cassation; Human and Minority Rights Office; Republic Secretariat for Legislation and Serbian European Integration Office.

25. Negotiating Group on Science and Research – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Education, Science and Technological Development.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Youth and Sports; Ministry of Finance; Ministry of Economy; Ministry of Health; Ministry of Agriculture, Forestry and Water Management; Ministry of Culture and Information; Ministry of Defence; Science Promotion Centre; Innovation Fund; Serbian Radiation Protection and Nuclear Safety Agency; Republic Secretariat for Legislation and Serbian European Integration Office.

26. Negotiating Group on Education and Culture – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Education, Science and Technological Development.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Culture and Information; Ministry of Finance; Ministry of Economy; Ministry of Youth and Sports; Republic Secretariat for Legislation; Civil Society Cooperation Office; Social Inclusion and Poverty Decrease Team and Serbian European Integration Office.

27. Negotiating Group on Environment – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Energy, Development and Environmental Protection.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Finance; Ministry of Economy; Ministry of Natural Resources, Mining and Spatial Planning; Ministry of Agriculture, Forestry and Water Management; Ministry of Transport; Ministry of Construction and Urban Planning; Ministry of Health; Ministry of the Interior; Ministry of Justice and Public Administration; Ministry of Education, Science and Technological Development; Serbian Geodetic Authority; Civil Aviation Directorate of the Republic of Serbia; Transport Safety Agency; Serbian Hydrometeorological Service; Serbian Statistics Office; Serbian Geodetic Authority; Serbian Standardisation Institute; Serbian Nature Protection Office; Republic Secretariat for Legislation; Civil Society Cooperation Office and Serbian European Integration Office.

28. Negotiating Group on Consumer and Health Protection – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign and Internal Trade and Telecommunications.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Health; Ministry of Energy, Development and Environmental Protection; Ministry of Finance; Ministry of Economy; Ministry of Interior; Ministry of Justice and Public Administration; Ministry of Agriculture, Forestry and Water Management; Ministry of Labour, Employment and Social Policy; Ministry of Construction and Urban Planning; Ministry of Education, Science and Technological Development; Ministry of Agriculture, Forestry and Water Management; Civil Society Cooperation Office; Serbian Radiation Protection and Nuclear Safety Agency; Serbian Energy Agency; Serbian Institute for Standardisation; National Bank of Serbia; Republic

Secretariat for Legislation and Serbian European Integration Office.

29. Negotiating Group on the Customs Union – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Foreign and Internal Trade and Telecommunications; Ministry of Economy; Ministry of Agriculture, Forestry and Water Management; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

30. Negotiating Group on External Relations – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign and Home Trade and Telecommunications.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Foreign Affairs; Ministry of Finance; Ministry of Economy; Ministry of the Interior; Ministry of Agriculture, Forestry and Water Management; Ministry of Defence; Export Credit and Insurance Agency of the Republic of Serbia a.d.; Transport Safety Agency; Republic Secretariat for Legislation and Serbian European Integration Office.

31. Negotiating Group on Foreign, Security and Defence Policy – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Foreign Affairs.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Defence; Ministry of the Interior; Ministry of Justice and Public Administration; Ministry of Finance; Ministry of Economy; Ministry of Education, Science and Technological Development; Security Information Agency; Republic Secretariat for Legislation and Serbian European Integration Office.

32. Negotiating Group on Financial Control – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the State Audit Institution; National Bank of Serbia; Ministry of Interior; Republic Secretariat for Legislation; European Union Funding Management System Audit Office and Serbian European Integration Office.

33. Negotiating Group on Financial and Budget Provisions – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Ministry of Finance.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the National Bank of Serbia; Ministry of Economy; Ministry of Regional Development and Local Self-government; Serbian Statistics Office; Republic Secretariat for Legislation and Serbian European Integration Office.

34. Negotiating Group on Institutions – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of the Serbian European Integration Office.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Foreign Affairs; Ministry of Justice and Public Administration; Ministry of Finance and Republic Secretariat for Legislation.

35. Negotiating Group on Miscellaneous – the Chair, Deputy Chair, Secretary and Deputy Secretary of the Negotiating Group shall be appointed from among the representatives of Kosovo and Metohija Office

and the Government General Secretariat.

The Negotiating Group membership shall comprise the representatives of the following government authorities and organisations: the Ministry of Foreign Affairs; Ministry of Finance; Ministry of Justice and Public Administration; Ministry of Interior; Kosovo and Metohija Office; Commissariat for Refugees and Migrations; European Integration Office; Office for Expert and Operational Activities in the Negotiation Process; Republic Secretariat for Legislation and Cabinet of the President of Serbia.

**8.** The chairs, deputy chairs, secretaries, and deputy secretaries of the Negotiating Groups shall be appointed by the Government in a special decision.

The Negotiating Group Chair shall be appointed by the Government among the state secretaries of a competent ministry or incumbent civil servants.

In the event it is necessary to include other authorities and organisations in the activity of the Negotiating Group, the Negotiating Group Chair may invite the representatives of such authorities and organisations to take part in the activity of such Negotiating Group.

**9.** The Negotiating Group shall perform the activities regarding:

1. participation in the process of analytical review of legislation (screening);
2. drafting negotiation position proposals for appropriate chapters of the negotiations on the European Union accession;
3. drawing-up, revision, and monitoring of the implementation of the National Programme for the Adoption of the Acquis;
4. division of competences for monitoring European Union regulations;
5. drafting proposals for planning communication activities for appropriate chapters of the negotiations on the European Union accession.

The Negotiating Group shall also perform other operations regarding the process of accession of the Republic of Serbia to the European Union.

**10.** Upon the entry into force of this Decision, the Decision on the Establishment of Coordination Body for the Process of the European Union Accession (Official Gazette of RS, number 93/12) shall no longer apply.

**11.** This Decision shall enter into force on the day following its publication in the Official Gazette of the Republic of Serbia.

05 Number

Belgrade

Government

Prime Minister,

## Text No. 4

### Decision on Establishing the Negotiating Team for Accession of the Republic of Serbia to the European Union

Pursuant to Article 33 paragraphs 2 and 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 and 72/12),

the Government has adopted

### Decision on Establishing the Negotiating Team for Accession of the Republic of Serbia to the European Union

1. The Negotiating Team for Accession of the Republic of Serbia to the European Union (hereinafter: the Negotiating Team) shall be established, for the period until the signing of the Treaty of Accession of the Republic of Serbia to the European Union.
2. The Negotiating Team shall participate in the development of the negotiation positions on accession of the Republic of Serbia to the European Union, in accordance with the special Government decision and it shall be in charge of the negotiations on accession of the Republic of Serbia to the European Union, under all chapters and within all stages of the negotiations on accession of the Republic of Serbia to the European Union.

The Negotiating Team shall perform the activities from paragraph 1 of this item in accordance with the basis for the negotiations and entering into the Treaty of Accession of the Republic of Serbia to the European Union determined by the Government.

For the purposes of executing the tasks, the Negotiating Team shall communicate with institutions of the European Union, European Union member states, and the states having the candidate status for the European Union membership.

3. The Negotiating Team shall comprise of:
  1. Head of the Negotiating Team;
  2. State secretary at the ministry in charge of finance;
  3. State secretary at the ministry in charge of foreign affairs;
  4. Head of Permanent Diplomatic Mission of the Republic of Serbia to the European Union – Ambassador;
  5. Other members of the Negotiating Team.
  6. Head and members of the Negotiating Team shall be appointed by the Government by a special decision.
4. The Negotiating Team shall participate in the activity of the negotiation groups for the negotiations on accession to the European Union, within the screening of the Republic of Serbia legislation harmonisation with the EU aquis and its implementation, and consider all acts significant for the negotiations on accession of the Republic of Serbia to the European Union.

The Negotiating Team shall submit reports to the Government on the status of negotiations after every meeting of the intergovernmental conference between the Republic of Serbia and the European Union, and special reports if required by the Government.
5. Expert organisations and experts may be engaged for the purpose of solving certain complex issues relating to the Negotiating Team tasks.
6. The Serbian European Integration Office shall provide expert, administrative and technical support to the Negotiating Team activity, as well as material and other conditions for its activity.
7. The Negotiating Team shall inform the diplomatic mission of the Republic of Serbia in member states of European Union and to the European Union on positions of the Government on issues concerning accession negotiations.

Secretary and Deputy Secretary of the intergovernmental conference on accession of the Republic of Serbia to the European Union shall be appointed in agreement with the Head of the Negotiating Team.
8. The Ministry of Foreign Affairs shall directly inform the Negotiating Team of all relevant information from the European Union, member states, and the states having the candidate status for the membership in the European Union.
9. Head and members of the Negotiating Team shall be remunerated for their work, and the amount shall be determined by a special act of the Government.
10. This Decision shall enter into force on the day following that of its publication in the Official Gazette.

05 Number

Belgrade,

Government

Prime Minister,



## Text No. 5

### The Conclusion on Guidance and Coordination of the Activities of the State Administration Bodies in the Process of Implementation of Analytical Review and Assessment of Harmonisation of the Regulations of the Republic of Serbia with the Acquis Communautaire of the European Union and their Implementation (Screening)

Pursuant to Article 61 of the Law on State Administration (*Official Gazette of RS*, 79/05, 101/07 and 95/10) and Article 43 paragraph 3 of the Law on Government (*Official Gazette of RS*, 55/05, 71/05 – corrigendum, 101/07, 65/08, 16/11, 68/12 – CC and 72/12), under proposal of the Serbian European Integration Office,

the Government has adopted

## CONCLUSION

1. On guidance and coordination of the activities of the state administration bodies in the process of implementation of an analytical review and assessment of harmonisation of the regulations of the Republic of Serbia with *acquis communautaire* of the European Union and their implementation (hereinafter referred to as: „the Screening“).
2. In accordance with the act of the Government on establishment of the Coordinating Body for the process of accession of the Republic of Serbia to the European Union and the act of the Government on the establishment of the Negotiating Team for accession of the Republic of Serbia to the European Union, the following are to participate in the process of preparing the negotiating positions:
  1. Ministries, special organizations and agencies of the Government and other authorities and organizations in accordance with their competences;
  2. Negotiating groups for preparation and negotiations on the accession (hereinafter referred to as: “the negotiating groups”);
  3. Negotiating Team for accession of the Republic of Serbia to the European Union (hereinafter referred to as: “the Negotiating Team”).

3. The negotiating groups shall start the preparation of the documentation for the screening immediately after the Negotiating Team and the Serbian European Integration Office (hereinafter referred to as: „the Office“) provide them with available documents and instructions.
4. The ministries, special organizations and Government services, as well as other authorities or organizations participating in the procedure of preparing the negotiating position within the negotiating group shall submit to the secretary of the negotiating group and to the Office the information on their permanent representatives in the negotiating group.

In accordance with the act of the Government on establishment of the Coordinating Body for the process of accession to the European Union, the president of the negotiating group may invite the representatives of other authorities and organizations who are not members of the negotiating group to participate in the activities of the negotiating group, depending on the subject examined by the negotiating group.

In addition to their permanent representatives, the ministry, special organization and Government services, namely other authority or organization shall also include other representatives in the activities of the negotiating group, depending on the subject examined by the negotiating group, and under a proposal of the negotiating group other expert organizations and distinguished experts may also be engaged.

The president of the negotiating group shall organize the activities of the negotiating group in consultations with the members of the Negotiating Team in charge of the subject for which the negotiating group had been formed.

The members of the Negotiating Team shall also participate in the activities of the negotiating group related to the process of negotiations on the accession of the Republic of Serbia to the European Union, who are in charge of the subject for which the negotiating group had been formed.

The president of the negotiating group may organize the activities of the negotiating group according to the sub-chapters making an integral part of the chapter subject to the negotiations for which the negotiating group had been formed. The president of the negotiating group may entrust a member of the negotiating group to manage the jobs concerning a certain sub-chapter within the framework of the negotiating group.

The negotiating group shall prepare minutes of each meeting held, including conclusions, terms and assignments for their implementation. The president of the negotiating group shall forward the minutes of the meeting of the negotiating group to all members of the negotiating group, to the Negotiating Team and the European Integration Office within 2 working days from the date of the meeting.

The member of the negotiating group managing the jobs related to a certain sub-chapter shall forward to the president of the negotiating group the minutes of the meeting of the part of the negotiating group in charge of the sub-chapter concerned within 2 working days from the date of the meeting and the president of the negotiating group shall forward the minutes of the meeting of the negotiating group to all members of the negotiating group, to the Negotiating Team and the Office without delay.

The competence to monitor the regulations of the European Union within the framework of the negotiating group shall be established in accordance with the law, using the data on division of responsibilities entered into the electronic data base monitoring the National Programme for the Adoption of the *Acquis Communautaire* of the European Union (NPAA).

The negotiating groups shall submit the entire documentation concerning the screening to all members.

The Ministry of Foreign Affairs – the Permanent Mission of the Republic of Serbia to the European Union (hereinafter referred to as: “the Mission“) shall forward the documentation (screening lists, questions, additional questions, etc.) to the Office immediately upon receipt.

5. The Office shall submit to the Negotiating Team and to the president of the negotiating group in charge of the concrete subject the documentation received from the European Commission in its original form.

6. Upon the receipt of the documentation regarding the session of explanatory screening, the president of the negotiating group shall without delay convene a preparatory meeting of the negotiating group and forward the documentation to all members of the negotiating group. Depending on the scope of activities related to a certain chapter, and if there are open issues after the preparatory meeting, the president of the negotiating group may convene additional meetings of the negotiating group.

In cooperation with the Negotiating Team the negotiating group shall define all issues concerning the participation of the delegation of the Republic of Serbia at the meeting of explanatory screening and define questions related to *acquis communautaire* of the European Union requiring explanations at the meeting of explanatory screening.

If there are open issues after the preparatory meeting of the negotiating group concerning the participation of the delegation of the Republic of Serbia at the screening meeting, the president of the negotiating group shall immediately inform about it the member of the Government in charge of the European integration, the member of the Government responsible for the concrete issue and the Head of the Negotiating Team, with the aim to define solutions.

7. The minutes of the meeting of explanatory screening shall be prepared by the president of the negotiating group, the member of the Negotiating Team in charge of the chapter concerned, the secretary of the negotiating group, and by the representatives of the Office and the Mission, not later than 2 working days upon the end of the meeting. The minutes shall be signed by the president of the negotiating group and the member of the Negotiating Team responsible for the chapter concerned.

The secretary of the negotiating group shall forward the signed minutes referred to in paragraph 1 of this point to all members of the negotiating group and the Office. The Office shall forward the minutes to all members of the Negotiating Team, the members of the Government and to the Secretariat for Legislation of the Republic of Serbia.

8. The negotiating groups shall prepare addenda to be submitted to the European Union for the requirements of bilateral screening, in accordance with the instructions of the Negotiating Team. The addenda shall contain an analytical review of harmonisation level of the regulations of the Republic of Serbia with *acquis communautaire* of the European Union presented by the European Commission at the meeting of explanatory screening, with a special review of the state of implementation and application of regulations, plans for follow-up steps in taking over *acquis communautaire* of the European Union, information on institutional framework and foreseen activities in respect of its strengthening, framework deadlines for the implementation of foreseen activities as well as an assessment of required financial resources.

The addenda may separately contain an announcement of the possibility to request a transitional period, as well as other open issues and problems.

The Negotiating Team shall grant approval for all addenda submitted to the European Union within the screening.

The addenda for bilateral screening that was approved, translation and expert and language revision of the translation of the addenda into English shall be prepared by the negotiating groups, in accordance with the terminology prescribed in special acts of the Government and Evronim terminology database.

If necessary, the negotiating group and the Negotiating Team shall inform the line minister, the member of the Government in charge of European integrations or the Coordinating Body for the process of accession to the European Union about open issues during the screening.

The negotiating groups shall prepare the addenda for bilateral screening before the commencement of explanatory screening, based on the available documents and instructions. The addenda shall be supplemented if some new knowledge is gained during explanatory screening or if the European Union made new requirements, until the time of submission of the addenda to the European Union.

9. The ministry, special organization or Government service whose representative manages the activities of the negotiating group, under the approval of the Negotiating Team, shall propose an act to the Government containing the positions to be represented by the delegation of the Republic of Serbia at the screening, as well as a review of information to be presented at the meeting of bilateral screening, before the addenda are submitted to the European Union.

A proposal of the act referred to in paragraph 1 of this point shall contain:

1. Basic elements of a chapter to be negotiated;
  2. Achieved level of harmonisation with *acquis communautaire* of the European Union;
  3. Data on implementation and application of regulations;
  4. Institutional framework;
  5. Plan in respect of further harmonisation and implementation and application of regulations;
  6. Possible difficulties in entry (taking over) and application of regulations;
  7. Possible requests for transitional periods.
10. The secretary of the negotiating group shall forward the final versions of the addenda to the Office not later than 2 working days before the deadline fixed for the submission of the addenda concerned to the European Union.

The Office shall forward the addenda to the Mission without delay, which shall further send them to the European Union.

11. The ministry, special organization or Government service whose representative manages the activities of the negotiating group shall propose the members of the delegation to the Government for the meetings to be organized during the screening accordingly informing the Negotiating Team, the Office and the competent state administration bodies, professional services and other competent authorities and organizations.

The delegation shall consist of: the president of the negotiating group, the deputy president of the negotiating group, the secretary of the negotiating group, the members of the Negotiating Team proposed by the Head of the Negotiating Team, the representatives of the Office, the representatives of the Mission, the representatives of the competent state administration bodies and Government services, as well as of other competent authorities and organizations.

The delegation of the Republic of Serbia shall be headed by the president of the negotiating group at any screening meeting.

The secretary of the intergovernmental conference shall be a member of all delegations participating at the meetings within the framework of the screening.

Any proposal of the members of the delegation shall be established in consultations with the Negotiating Team. After the delegation had been formed, any change of a member of the delegation may only be made in the procedure prescribed for the appointment of the members of the delegation.

The secretary of the negotiating group shall submit to the Office the final list of the members of the delegation not later than 7 days before the commencement of the meeting within the screening, which is to be forwarded to the European Union. A list of the members of the delegation to have presentations at bilateral screening shall be determined at the meeting of the negotiating group and submitted to the European Union.

- 12.** In cooperation with the Mission the Office shall render assistance in respect of organization of trips of the delegation members. The funds for trips and accommodation of the delegation members shall be provided in accordance with the regulation of the Government governing business trips.
- 13.** The minutes of bilateral screening meeting shall be prepared by the president of the negotiating group, the member of the Negotiating Team in charge of the chapter concerned, the secretary of the negotiating group, and by the representatives of the Office and the Mission, not later than 2 working days after the end of the meeting.  
  
The minutes shall be signed and submitted in compliance with the procedure defined in point 7 of this Conclusion.
- 14.** In cooperation with the president of the negotiating group, the members of the Negotiating Team and the representatives of the Office, the secretary of the intergovernmental conference shall coordinate the joint minutes of bilateral screening meeting between the European Union and the Republic of Serbia.
- 15.** If during the screening with the European Union, the delegation of the Republic of Serbia shall undertake an obligation to submit some additional addenda these addenda are to be prepared in accordance with item 8 of this Conclusion.
- 16.** This Conclusion is to be published in the Official Gazette of Republic of Serbia.

05 Number

Belgrade,

Government

Prime Minister,



## Text No.6

### The Conclusion on Guidance and Coordination of the Activities of the State Administration Bodies in the Procedure of Preparing the Negotiating Positions in the Process of Negotiations on the Accession of the Republic of Serbia to the European Union

Pursuant to Article 61 of the Law on State Administration (*Official Gazette of RS*, No 79/2005, 101/2007 and 95/2010) and Article 43 paragraph 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 and 72/12), under the proposal of the Serbian European Integration Office,

the Government has adopted

## CONCLUSION

1. On guidance and coordination of the activities of the state administration bodies in the procedure of preparing the negotiating positions in the process of negotiations on the accession of the Republic of Serbia to the European Union.
2. In accordance with the Act of the Government on establishment of the Coordinating Body for the process of accession to the European Union and the Act on the establishment of the Negotiation Team to conduct negotiations on the accession of the Republic of Serbia to the European Union, the following are to participate in the process of preparing negotiating positions:
  1. Ministries, special organizations and agencies of the Government and other bodies and organizations in accordance with their competences;
  2. Negotiating groups for preparation and negotiations on the accession (hereinafter referred to as the negotiating groups);
  3. Negotiating Team to conduct negotiations on the accession of the Republic of Serbia to the European Union (hereinafter referred as the Negotiating Team).

3. The ministries, special organizations and agencies of the Government, as well as other competent bodies or organizations participating in the procedure of preparing the negotiating positions within the negotiating group shall submit to the secretary of the negotiating group and to the European Integration Office the information on their permanent representatives in the negotiating group.

In addition to their permanent representatives in the negotiating group, the ministry, special organization and agency of the Government, namely other competent body or organization shall also include additional representatives in the activities of the negotiating group, depending on the subject examined by the negotiating group, and on the proposal of the negotiating group, other expert organisations and distinguished experts may be also engaged.

The president of the negotiating group shall organize the work of the negotiating group in consultations with the members of the Negotiating Team in charge of the subject for which the negotiating group had been formed.

The members of the Negotiating Team shall also participate in the work of the negotiating group related to the process of negotiations on the accession of the Republic of Serbia to the European Union, who are in charge of the subject for which the negotiating group had been formed.

The president of the negotiating group may organize the activities of the negotiating group according to the sub-chapters making an integral part of the chapter subject to the negotiations for which the negotiating group had been formed. The president of the negotiating group may entrust a member of the negotiating group to manage the jobs concerning a certain sub-chapter and within the framework of the negotiating group.

The negotiating group shall prepare minutes of each meeting held, including conclusions, terms and assignments for their implementation. The president of the negotiating group shall forward minutes of the meeting of the negotiating group to all members of the negotiating group, to the Negotiating Team and the European Integration Office within 2 working days.

The member of the negotiating group managing the jobs related to a certain sub-chapter shall forward to the president of the negotiating group the minutes of the meeting of the part of the negotiating group in charge of the sub-chapter concerned within 2 working days and the president of the negotiating group shall forward the minutes of the meeting of the negotiating group to all members of the negotiating group, to the Negotiating Team and the European Integration Office without delay.

The competence to monitor the regulations of the European Union within the framework of a negotiating group shall be established in accordance with the law, using the data on the division of responsibilities registered into the electronic data base monitoring the National Programme for the Adoption of the *Acquis Communautaire* of the European Union (NPAA).

4. The negotiating group shall prepare a draft of the negotiating position for the chapter it is in charge of within the fixed deadline and according to the manner established by the Negotiating Team, taking into account the report on the screening by the European Commission and other relevant documents. The Negotiating Team shall issue opinions and suggestions to the negotiating group on the occasion of examination of optimum solutions for preparing the negotiating position.

The president of the negotiating group shall inform the Head of the Negotiating Team about open issues in the procedure of preparing the negotiating positions and, if necessary, the competent member of the Government the member of the Government in charge of affairs of the European integration.

During the preparation of negotiating position, the negotiating group shall consult the interested public.

The negotiating group shall adopt a draft of negotiating position for the negotiations on the chapter it is in charge of on the basis of coordinated positions of all members of the negotiating group as well as of the representatives of other bodies and organizations involved in the activities of the negotiating group during the preparation of negotiating position.



The Negotiating Team shall examine a draft of negotiating position and coordinate it with the negotiating group, if necessary, before it is submitted to the Government.

5. The ministry, special organization or agency of the Government whose representative manages the activities of the negotiating group shall make a coordinated proposal of negotiating position to the Government.

After the negotiating position had been adopted by the Government, the negotiating group and the Negotiating Team shall present to the interested public the fundamental solutions contained in the negotiating position.

The Government shall submit the negotiating position to the competent body of the National Assembly.

Should the competent body of the National Assembly decide to examine the negotiating position and invite the representatives of the Government to the meeting, the competent member of the Government, the president of the negotiating group and the Head of the Negotiating Team shall participate in the activities of the body concerned.

6. Translation and expert proof-reading of the translation into English of the adopted negotiating position and the accompanying documents shall be performed by the ministries, special organizations and agencies of the Government, namely by the bodies or organisations within the activities of the negotiating group in accordance with the nomo-technical rules and the terminology prescribed in special acts of the Government and Evronim terminology database.

The Negotiating Team shall perform technical and expert revision of the negotiating position and the accompanying documents in English language.

The negotiating positions and the accompanying documents shall be submitted to the European Union by the Negotiating Team through the Permanent Mission of the Republic of Serbia to the European Union.

7. If it becomes necessary to prepare an amendment or supplement to the negotiating position during the negotiations in the respect of preparation of compliant acts, the procedures contained in points 2 – 6 of this Conclusion shall be applied.

If it becomes necessary to provide additional clarifications of the negotiating positions during the negotiations, the Government shall adopt the required clarifications in order to communicate them to the European Union.

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

05 Number

Belgrade,

Government

Prime Minister,