

The South-East European candidate countries are facing the challenge of establishing necessary coordination structures prior to their EU accession. In many cases this involves a **paradigm shift** from a hierarchical, legalistic, and centralised yet ineffective planning to more inclusive, accountable and network modes of cooperation and coordination.

The booklet discusses **approaches and lessons learnt** from the work with Serbian line ministries in setting up the EU Accession Negotiation groups (interministerial coordination) and in strengthening the internal coordination of European Union affairs within the ministries (intraministerial coordination).

The objective is to provide guidance for decision makers in line ministries of other candidate countries when preparing for negotiations. Furthermore, it offers planning tools and describes the different phases of preparation for negotiations, thus, giving practical examples when dealing with negotiations.



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ORGANISING INTERINSTITUTIONAL COORDINATION

THE PREPARATION OF
LINE MINISTRIES
FOR THE EU ACCESSION NEGOTIATION PROCESS

SUPPORT TO THE
EU INTEGRATION PROCESS IN SERBIA



DISCUSSION BOOKLET
PRACTITIONER SERIES ON THE
EU ACCESSION NEGOTIATION PROCESS

ORGANISING INTERINSTITUTIONAL COORDINATION

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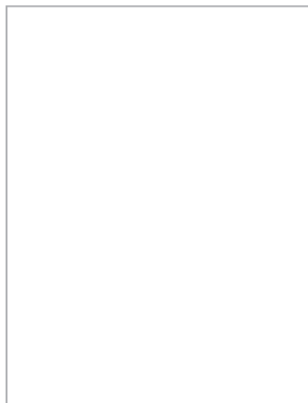
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List of Acronyms

ABS	Accreditation Body of Serbia
ASG	Analytical Support Group
BMZ	German Federal Ministry for Economic Cooperation and Development
CAP	Common Agriculture Policy
CFCU	Sector for Contracting and Financing Programs from EU Funds
CMO	Common Market Organisation
CNT	Core Negotiating Team
DMBIC	Department for Multilateral and Bilateral International Cooperation
DMPM	Directorate of Measures and Precious Metals
EU	European Union
EU COM	European Commission
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
IACS	Integrated Administration and Control System
IGC	Intergovernmental Conference
ISS	Institute for Standardisation of Serbia
MAFWM	Ministry of Agriculture, Forests and Water Management
MCI	Ministry of Culture and Information
MCUP	Ministry of Construction and Urban Planning
MEDEP	Ministry of Energy, Development and Environmental Protection
MFIN	Ministry of Finance
MFITT	Ministry of Foreign and Internal Trade and Telecommunications
MoH	Ministry of Health
MoI	Ministry of Interior
MoE	Ministry of Economy
MoT	Ministry of Transport
NALED	National Alliance for Local Economic Development
NARD	National Agency for Regional Development
NBS	National Bank of Serbia
NF	National Fund - Sector for Management of EU Funds
NG	Negotiating Group
NPAA	National Program for the Adoption of <i>acquis</i>
NPARD	National Programme for Agriculture and Rural Development
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SCCI	Serbian Chamber of Commerce and Industry
SEIO	Serbian European Integration Office
SIEPA	Serbian Investment and Export Promotion Agency
TNA	Training Needs Analysis

PREFACE

Similarly to what could be witnessed in countries of Central and Eastern Europe, the South-East European candidate countries are facing the challenge of establishing necessary coordination structures prior to their accession. In many cases this involves a paradigm shift from a hierarchical, legalistic, and centralised yet ineffective planning to more inclusive, accountable and network modes of cooperation and coordination. Strong coordination¹ capabilities are the key, and therefore, need to be the particular focus of any capacity building process in a candidate country. Serbia is no exception to this and the negotiating process has so far benefitted from a stable overall coordination body at the centre of the government.

Almost a year before Serbia's EU accession negotiations began, the project "Support to the EU Integration Process of the Republic of Serbia", implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), started to cooperate with the Serbian European Integration Office (SEIO) in charge of coordinating the Accession Negotiations in Serbia. Initially, the project focussed on the overall set-up of horizontal structures and procedures for EU Accession Negotiations at the central government level in order to assure a timely horizontal coordination and cooperation framework for the negotiations.² The decision of the European Council on the 28th June 2013 marked the official launch of the accession negotiations with Serbia, with screening starting at the end of September 2013. As a result of the project's support, by mid-September 2013 the Government of Serbia adopted Acts³ that outlined the institutional and procedural framework for the accession negotiations (see Annex 1).

On the basis of these Government Acts, the project focused as a next step on assisting the negotiating groups (NGs), which were established for each of the 35 negotiating of the *acquis communautaire* chapters (see Annex 2). This was, when the line ministries shifted into the focus as they are responsible for negotiating those chapters that are within their sectoral realm.

Therefore, the booklet discusses approaches and lessons learnt from the project's work with Serbian line ministries in setting up the NGs (*interministerial coordination*) and in strengthening the internal coordination of European Union (EU) affairs within the ministries (*intraministerial coordination*).

The intention of this booklet is to provide guidance for decision makers in line ministries of other candidate countries when preparing for negotiations by means of presenting the experiences gained during the pre-screening and screening phase with the Serbian ministries of agriculture, finance and economy. It allows an insight into why certain structural decisions were necessary, emphasising the coordination needs during the negotiation process.

Furthermore, the booklet provides useful planning tools and describes the different phases of preparation for negotiations, thus, giving practical examples when dealing with negotiations.

There is no one size fits all solution when preparing for negotiations. Particularly, when dealing with the different institutional set-ups that each country has. However, the approaches and outcomes can be quite similar even if the contexts and contents are not the same.

¹ See Antonopoulos, E. and Bachtler, J. (2014). „The Role of EU Pre-accession Assistance in the Establishment of National Coordination Structures for EU Funding: The Case of Croatia“, *Journal of Contemporary European Research*, 10 (2), p. 185.

² Results of the initial project work are summarised in GIZ (2013). *Structures and Procedures—Action Plan for the EU Accession Negotiation Process in Serbia*, Belgrade: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

³ For more information on Government Acts see: http://www.seio.gov.rs/documents/national-documents_70.html

For example, Chapter II describes three different ways in which the establishment and organisation of an *intraministerial* coordination unit (EU Secretariat) at line ministries can be achieved, taking into account the status quo of coordination units at the ministries as well as their specific role in the negotiation process.

Chapter III concentrates on approaches for preparing NGs for screening taking into account the different levels of complexity regarding stakeholder involvement through *interministerial* coordination. This includes some uniform preparations applicable to every NG as well as highlighting cases where additional intense preparation may be needed due to specific analytical requirements of a negotiating chapter.

During the whole advisory process, experts were governed by the logic of Capacity WORKS, the management model of GIZ (see Annex 3). This model is based on five success factors needed to cover the most important aspects of every complex task or undertaking, which are: Strategy, Cooperation, Steering Structure, Processes and Learning & Innovation. Hence, it helps to translate and apply similar methods and tools to different countries, even though they might opt for alternative institutional structures for negotiations.

This booklet is part of a practitioners' series⁴ on the EU accession negotiation process which is produced within the framework of the project "Support to the EU Integration Process of the Republic of Serbia" (implemented during September 2012 until March 2015) and the follow-on project "Support to the EU Negotiation Process", implemented during April 2015 until March 2017.

Belgrade, 16th December 2014

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Deputy Project Leader*

⁴ The first booklet of the series is GIZ (2014), *Advisory Model for Supporting Line Ministries in Setting Up Structures and Procedures for EU Accession Negotiations*, Belgrade: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

I. INTRODUCTION: Preparing the EU Negotiation Process within Line Ministries

EU accession negotiations are a highly demanding process for the whole administration over an extended period of time. They typify forceful dynamics of institutional and administrative change. For EU accession to be successful it is crucial for a candidate country to have a minimum political consensus, political commitment and, above all, an institutional framework in place that is strong, stable and capable of shouldering the multiple burdens of the accession process.

The EU accession process of a candidate country consists of two parallel processes:

1. the **EU association process**, based on the Stabilisation and Association Agreement (SAA), deals with the entire *acquis communautaire*, its implementation and the harmonisation of the national legal system. It goes well beyond the end of negotiations.
2. the **EU accession negotiation process**, based on the Intergovernmental Conference (IGC), deals with specific problems in the transposition of the 35 chapters of the *acquis*. It starts with the screening and ends with the official closing of the negotiations.

The two processes are **closely interlinked** and as long as both move forward, they will increasingly merge into a single process. However, they should be regarded as separate processes, based on their different legal bases and dealing with different tasks. In recent years, the negotiation process has become more focused on implementation and performance, which is closely monitored, thus shifting away from the more transposition-led negotiations of previous enlargements⁵. Hence, the following chapters concentrate on the negotiation process and its challenges for the central public administration.

The negotiation process can be divided into two phases:⁶

1. **Screening:** the candidate country is examined in each policy field (chapter) of the *acquis* to determine how well aligned it is with EU legislation. At the explanatory screening, EU Commission (EU COM) officials present the *acquis* and answer questions from the candidate country delegation. At the bilateral screening, the candidate country explains the status quo of the harmonisation of each sector with the *acquis*. On the basis of this, the EU COM presents the findings to the EU Member States in the form of a screening report, which recommends whether negotiations are opened directly for the respective chapter or certain conditions have to be first met by the country (opening benchmarks).⁷
2. **Negotiations:** upon invitation, the candidate country has to submit its negotiating position for each chapter. Likewise, the EU adopts a common position setting interim or closing benchmarks for the chapter. Interim benchmarks have been introduced in 2012 in order to monitor more closely the progress of the candidate country. They have to be fulfilled before a closing benchmark is set. Negotiations are not concluded until each and every chapter is officially closed and all the benchmarks are met.

Before negotiations are launched, it is crucial to have the **structures and procedures** at the central government level already decided upon and communicated within the public administration – *condicio sine qua non*. On this basis, the line ministries can start their preparations for the negotiations.

⁵ See GIZ (2014), *Coordination Requirements and Institutional Set-up in the EU Accession Process and Negotiations*, Backgroundpaper for the Regional Workshop of the Network of EU Integration Offices in SEE, 23–24 April 2014, Bečići, Montenegro. Sarajevo: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, p.10.

⁶ For detailed information on further steps of the negotiation process see <http://ec.europa.eu/enlargement/policy/steps-towards-joining/>

⁷ In cases where the EC does not recommend opening benchmarks, the EU Member States can decide for an opening benchmark to be set as happened in the chapter 11 negotiations of Croatia. See GIZ (2013), *Action Plan for Supporting the EU Integration Process within Chapter 11*. Belgrade: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, pp. 11–12.

The capacity and capability of the line ministries is crucial for the negotiations. While their existing expertise is highly relevant for negotiating each chapter, they are at the same time responsible for the implementation of the negotiations and therefore often subject to, as well as driver of, deep institutional and administrative change. Even though the focal point of the negotiation process in a candidate country is the Core Negotiating Team (CNT), it is the NGs that deal on the technical level with the 35 negotiating chapters. Usually, each NG is headed by the respective line ministry, which is responsible for large parts of its implementation (see Annex 4). Members of NGs come from the responsible institutions – which are again mostly line ministries. However, it is crucial to also include other stakeholders who are affected by a chapter's content in order to guarantee a well-balanced discussion on the negotiating position by integrating diverging interests and viewpoints from the candidate country.

This implies that line ministries are usually in charge of organising the preparations and the set-up of one or more NGs in due course before the formal launch of accession negotiations. The responsible line ministry needs to find appropriate solutions for the structure, steering mechanisms and the composition of its NGs. This is a complex task, which generates an additional workload and necessarily disturbs the daily routine within the Ministry. Disturbances may be aggravated if a ministry is ill-prepared for this task, for instance if it suffers from:

- an inadequate organisational structure,
- insufficient number of staff qualified for screening,
- inadequate analytical capacity,
- legal issues creating an obstacle to the transposition of the *acquis*,
- frequent changes in management,
- inadequate procedures for the coordination of activities.

Coordination in the ministries is a critical priority in order to achieve the best results during negotiations. This is justified by:

- The need for **optimal effectiveness** – in order to ensure that during the EU accession preparations and at the end of the negotiation process most national goals and results are achieved and implemented;
- The need for **optimal efficiency** – required by the need to achieve and implement goals and results with the adequate utilization of resources (human, financial, organizational) and according to the established timetable;
- The need for **optimal decision making** – crucial for the adequate and proportional involvement of different institutions and policy makers, for the rationalisation of stakeholders' involvement and participation, as well as for public opinion mobilisation.
- The need for **optimal communication** – to ensure a fair, balanced and credible interface platform with the EU COM and other European institutions, taking into consideration that specific goals and negotiation strategies are not necessarily identical between the different institutions of the candidate country ("**one voice approach**").

In order to achieve this, it is even more important to have a strong coordination unit in place at each line ministry, which can prepare the ground for the negotiations before they officially start and which can coordinate the process and the actors involved within the ministry.

In most cases in Serbia, line ministries already had established **EU units** from the ongoing association process. These units have a coordinating role within the ministries and are responsible for all EU related affairs. However, it is crucial for the negotiation process to reorganize these units (or establish them if not in place) in order to enable them to better coordinate the process, to link them with the strategic decision making in the ministry and to render support to the NGs and the political leadership of the ministry. Furthermore, the set-up or reorganization of a professional EU Secretariat can be used to initialise the negotiation process in the line ministries in cooperation with government institutions responsible for EU accession.

In terms of organisation, Chapter II focuses on the establishment (either from scratch or through internal reorganization) of coordinating **EU Secretariats** within line ministries. It starts by laying out the processes and common principles relied upon in establishing EU Secretariats.

This is followed by an account of approaches and lessons learnt from the project working with the Serbian Government institutions on the set-up or upgrading of EU Secretariats in three line ministries (agriculture, finance and economy). The three experiences reflect the different roles that line ministries are playing in the negotiation process – be it as a major player in the core negotiation process (finance), as a horizontal player with major *acquis* to cover (agriculture) or as a player with major stakeholder involvement and without an EU unit to build upon (economy). Moving on, Chapter III looks at the set-up and organisation of **negotiating groups** within the line ministries. Once again, the chapter starts by providing a general overview of the organization of NGs before moving on to discussing the lessons learnt in Serbia, presenting the steps taken in order to set up negotiating groups and prepare them for screening. It does all of this by looking at the set-up of NG 1 (under the responsibility of the Ministry of Economy) and NG 11 (under the responsibility of the Ministry of Agriculture).

Capacity WORKS, the management model of GIZ, was used as a logical framework throughout in order to assure a common approach and language amongst different actors and in different contexts. The grey textboxes indicate which questions can be guiding in each phase.

II. EU SECRETARIATS AT LINE MINISTRIES: Key Concerns related to Intraministerial Coordination

Most ministries have two or more NGs that they are responsible for as well as a multitude of staff representing the ministry in other NGs. With so many staff involved, it is challenging to maintain a “one voice” approach and to avoid diverging ideas when dealing with the EU. Therefore, strong coordination is needed.

- ✓ Which steering structure is appropriate for efficient coordination of EU accession negotiation at line ministries?
- ✓ Is the relevant context reflected in the composition of the steering structure?
- ✓ How shall different stakeholders participate in decision-making?
- ✓ On what information is decision-making based?

In order to enable **efficient coordination** of the EU negotiation process, firstly, a strong horizontal coordinating institution or body is needed at the centre of the government. Secondly, each line ministry, supported by this horizontal government institution or body, needs to set up effective organisational structures. This can be achieved by establishing a unit, which is in charge of coordinating all EU affairs within the ministry. In the case of Serbia, these units (EU Secretariats) were already established in most line ministries

during the SAA process. Therefore, most of these units had to be “upgraded” in order to efficiently take on the different tasks and responsibilities that the negotiation process would bring to the ministries. However, this section will set out common organisational principles applicable to all EU Secretariats, whether they

- o are located within an already existing organisational structure;
- o are newly created;
- o emerge from altering and upgrading an existing structure,

Before an EU Secretariat can be established in a ministry, the top hierarchical level of the ministry has to be made aware of the **coordination necessities and demands** that the negotiation process is bringing upon the line ministry. Amongst these is the need to:

- ✓ Coordinate the set-up and support the organisation of negotiating groups;
- ✓ Coordinate activities between NGs which are under a ministry’s direct responsibility;
- ✓ Coordinate activities among the ministry’s staff involved in NGs which are *not* under that ministry’s direct competence;
- ✓ Coordinate the provision of trainings for staff involved in the negotiating groups;
- ✓ Support the leadership of the ministry in their roles within the negotiation process;
- ✓ Keep an overview over all negotiation related positions which have implications for the ministry;
- ✓ Keep an overview over EU compatible policy preparation and monitor policy implementation within a ministry’s jurisdiction;
- ✓ Provide a link between the administration and political decision makers within a ministry.

With the consent of a ministry’s leadership, an **organisational concept** for an EU Secretariat can be developed, taking into account the existing capacities at the ministry, as well as budget or other constraints. This organisational concept should include:

1. the chosen strategy (objectives, options and approach),
2. identification of cooperation partners (internal and external beneficiaries and stakeholders),
3. main tasks of beneficiaries related to EU negotiations (based on government decisions),
4. main tasks of the EU Secretariat (general scope and list of specific services),
5. the steering structure of the EU Secretariat (and its position within the ministry hierarchy),
6. an approach to ongoing learning during the negotiations within the EU Secretariat and the ministry as a whole.

The identification of **cooperation partners** lies at the heart of the organisational concept since the EU Secretariat's coordination tasks are largely defined through their responsibilities. Most of the cooperation partners' duties can be derived from the horizontal negotiation structures and procedures, which should be defined through government acts well before the negotiations start, and which should stipulate the roles and responsibilities of the main actors of the negotiation process.

Internal partners of an EU Secretariat include political decision makers from the ministry, legislative department, finance department, other departments involved in EU Affairs, leadership of those NGs where a ministry has leadership. **External partners** refer to the CNT and Government body responsible for EU Integration, relevant governmental institutions from a ministry's network, the Parliament, cooperation partners from the field, leadership of NGs where ministry has no leadership, non-governmental bodies, EU Coordination Units of other relevant ministries, the national Mission in Brussels and the Delegation of the EU in the country.

Throughout the negotiation process an EU Secretariat is supposed to keep regular contact with all relevant stakeholders both within and outside of its ministry. The following table shows some examples of external and internal partners with tasks that can be supported or coordinated by the EU Secretariat.

Services of the EU Secretariat	Partners
• Policy advice related to all EU matters to the Minister's cabinet, Minister and State Secretary in charge	Minister's cabinet
• Organisational support to the Minister's cabinet on all issues related to EU Affairs	Minister's cabinet
• Support to developing internal rules of procedures for each NG	NGs of ministry
• Support to organisation of public consultations during the process of preparing negotiating position proposals	NGs of ministry
• Support to preparation of initial meetings of NG/sub-groups and keeping deadlines (agenda setting, logistical support)	NGs of ministry
• Support to distribution of information to members of NG (top-down) e.g.: formats for negotiation positions / Minutes	NGs of ministry
• Support to capacity development (training of NG members)	NGs of ministry, State Body/ Organisation responsible for European Integration
• Support to monitoring of the adoption of EU legislation and distribution of information within the ministry	State Body/ Organisation responsible for European Integration
• Support to gathering and forwarding relevant information for State Body/Organisation responsible for European Integration, i.e. screening documents and negotiation positions	State Body/ Organisation responsible for European Integration
• Support to horizontal monitoring of drawing up of negotiation positions	NGs of ministry
• Support to monitoring of all NG and sub-group activities	NGs, ministry's cabinet
• Support to contracting of outside experts and their invitation to participate in NGs	NGs of ministry
• Support to translating (provision of translation services) and editing of English documents	NGs of ministry
• To run the database of approved members of all the NGs	NGs of ministry
• Support to the ministry representatives who are members of other NGs in terms of monitoring and coordinating their activities, Assuring policy coherence across NGs.	Ministry staff that are members of other NGs, EU Secretariats at other ministries

When developing the organisational concept, one of the first questions is where to position the Secretariat in the organisational chart of the ministry. This should be addressed with the ministry leadership at an early stage. When discussing the positioning and organisation of an EU Secretariat within a line ministry, the following **principles** can be applied:

1. Independent Unit

- EU Secretariats need to have a very clear focus on coordination, avoiding replacing or taking over responsibilities which are assigned to other actors in the negotiation process;
- Should not be part of a Minister's cabinet but nevertheless very close: direct communication and reporting have to be in place as well as political support in order to assure efficient decision-making;
- Have a close link with relevant department for donor financial cooperation;

2. Ideally positioned at a very high horizontal level within the ministry

- clear definition of responsibilities and efficient procedures;
- clear communication within the ministry leadership about the mandate and purpose of the Secretariat;

3. Human resource capacities for coordination and management of the EU accession process at the strategic policy level. Specific characteristics that count in the preparation of a team to function as an EU Secretariat are:

- Intellectual and networking capacity;
- Working experience within the state administration and good experience with EU matters;
- Very good (English) language skills;

4. Decision making between NGs and EU Secretariats should be as quick as possible:

- Clear and efficient communication procedures should facilitate the coordination role between NGs and the EU Secretariats;
- Existence of an EU Secretariat creates the possibility to adopt unified internal rules and procedures of each NG which will influence efficiency and quality of work during the negotiation process;
- Other staff of the ministry can be involved on an ad-hoc basis to support the work of the NGs (staff working in other sectors like lawyers, translators etc.);
- A clear distinction should be made between the tasks and responsibilities of the leadership of each NG and the EU Secretariat in order to avoid confusion over who does what.

Once the organisational concept for an EU Secretariat is approved by the ministry leadership, the decision should be communicated within the ministry. First meetings of staff that are going to be involved in the negotiations can be organised. On this occasion, it is also useful to present to the staff that is going to be involved in the negotiations a **roadmap** and time schedule of the negotiations.

In the following section three different examples of organising an EU Secretariat are presented, which take into account the specific roles of each ministry in the negotiation process.

II.1 The Serbian Case – Project Experiences and Lessons Learnt

The cooperation between the Serbian ministries and the project in relation to the organisation of EU Secretariats started about a year before the explanatory screening. During the joint work with each ministry (work was undertaken with each ministry separately), firstly, a kick-off meeting was organised with the aim of identifying persons within the ministry responsible for the preparation and subsequent coordination and support of the EU accession negotiations. At this meeting, the development of an **Action Plan** was proposed which would outline for the whole ministry all the steps to prepare for the EU accession negotiations and to see the ministry through their course. Here, the nature and degree of involvement of higher (political) hierarchies was defined as well as the involvement of other stakeholders inside and outside the ministry. This Action Plan would henceforth serve as a compass for a then established EU Secretariat. During this first kick-off meeting, the scope and timing of work with the ministry as well as the outline of the Action Plan was agreed upon.

- ✓ For which processes are the cooperation partners responsible?
- ✓ How does transfer of process know-how between partners work?

As a next step, a **fact-finding mission** started with a team of experts with hands-on complementary experiences in accession negotiations related to specific chapters, e.g. experts with sectoral knowledge from countries having already started or completed negotiations, and with know-how of

organisational development. Via interviews, this team of experts looked at the level of preparedness of a ministry in terms of negotiation-related needs and identified necessary steps to be taken. In addition to the information gained through interviews the expert team also analysed documents and data from the government and administration, Training Needs Analyses (TNA), Progress reports of the EU etc. This helped the project to acquire a detailed insight into the state of preparations and preparedness of a line ministry, which has been designated to take over responsibility for a negotiating group.

The persons involved in the EU accession negotiation process within the ministry appointed to be responsible for internal coordination participated in the interviews throughout. A clear system of communication between the project and ministries ensured that all participants in the process were adequately informed throughout. After the initial fact-finding Missions, **first drafts of the Action Plan** were prepared and consisted of a description of the initial situation and overall conditions in the respective sector, a short description of the fact-finding process and a proposal for an action plan containing all consultancy processes, determining the division of tasks between the ministry and the consultant (activities, time plan, responsibilities, budget).

Parallel to these activities, the national government adopted the Government Acts including the rules of procedure for the horizontal organisation and coordination of accession negotiations at the central government level. These documents were the basis for the establishment of EU Secretariats within the ministries. The project and ministries focused on two main areas: on the organisational concept of an EU Secretariat—on how and to whom this unit is supposed to provide its services—and the set-up of negotiating groups and the provision of trainings for staff involved in the negotiating groups, organised by the EU Secretariat. Those activities were strongly interlinked, giving the EU Secretariat the leverage for its extended role.

Organisational concepts for each EU Secretariat were developed jointly with the ministry staff selected for each Secretariat. It took three workshops and several meetings with ministry representatives involved in the EU accession negotiation process in order to define who the main **cooperation partners** of the EU

⁸ See for instance GIZ (2013), *Action Plan for Supporting the EU Integration Process within Chapter 11*. Belgrade: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. And GIZ (2013), *Roadmap for Negotiating Chapter 22*. Belgrade: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

Secretariats were and what their needs and responsibilities are. The tasks, roles and procedures of those partners are described in detail in Annex 5. After the workshops, organisational concepts were jointly developed, taking into account the different contexts of each ministry in the negotiations and are presented in the subsequent sections.

The main discussions during the concept preparation phase focused on clearly defining and delineating **tasks of EU Secretariats** and those of the negotiating groups and NG leaderships. EU Secretariats were not intended to take over tasks and activities under the responsibility of the NGs and NG leaderships. Their function was mainly to provide coordination and support to the functioning of all negotiating groups (horizontal activities), much less in sharing the tasks of specific negotiating groups (vertical activities).

In order to have an activity overview and to identify resource needs, the project and ministry focused on the development of a detailed **time schedule** for all the activities of the negotiating groups in the screening phase. Once the time schedule was drafted, the EU Secretariat could identify the peaks of workload during the pre-screening and screening phase and schedule tasks according to their resources. The time schedule thus proved to be a handy planning tool (see example Annex 6) where all necessary activities of negotiating groups are listed for which a line ministry has responsibility in the negotiation process. It has the explanatory and bilateral screening meetings in Brussels as fixed points around which a sequence of mandatory activities follow. Thus, the schedule provides an **overview of the workload and responsibilities** in the pre-screening and screening phase and allows allocating and distributing the tasks amongst the actors. This schedule should be agreed upon at the earliest possibility with the leadership of the NGs and communicated to the members of the NG.

Once the concepts and time schedules were finalised, a **series of seminars for screening preparation** was launched for each NG with a team of international experts (see in more detail Chapter III). These workshops were used as an opportunity to inform the future members of NGs about the time schedule ahead and the role of the EU Secretariat. As these seminars were organised in cooperation with both, the EU Secretariat and SEIO, and their active participation was foreseen in the agenda, the EU Secretariat's position as a coordinator within the ministry as well as SEIO's position as coordinator of the overall negotiation process was empowered.

Case Study: Organisation and Development of the EU Secretariat at the Ministry of Agriculture, Forestry and Water Management

The specific model for an EU coordination unit, or EU Secretariat, within the Ministry of Agriculture, Forestry and Water Management (MAFWM) set out on the following pages envisaged that an **EU Secretariat was to be located within the existing organisational structure**. During November and December 2013, it was agreed that the most optimal solution, given existing budgetary and recruitment constraints, was to locate such an EU Secretariat within the existing Department for Multilateral and Bilateral International Cooperation (DMBIC). The DMBIC's role until then had been to coordinate all of MAFWM's EU-relevant tasks, which were in the realm of the pre-accession process. In this role, DMBIC was already closely cooperating with other MAFWM-units and directorates, with the central government body in charge for EU Integration – SEIO as well as other government institutions. With the negotiation process coming up, DMBIC took on the role of the EU Secretariat within MAFWM for the accession negotiations.

Doing so made it possible to draw on the **experience of its staff** with regard to EU-related issues and overall coordination. Since the requirements for the EU accession negotiation process were additional to the EU pre-accession process, the MAFWM administration, especially DMBIC, have a number of additional tasks on their "TO DO" list.

Strategy

The **purpose** of DMBIC in its capacity as MAFWM's EU Secretariat was to coordinate the entire negotiating process in the fields where the MAFWM was either responsible for leading negotiating groups or in some other way involved in the work of other negotiating groups. The EU Secretariat was not foreseen to deal with the specifics of one of the NGs, but was rather a mechanism to facilitate coordination at the horizontal level within the ministry and towards external partners of the ministry such as SEIO or the CNT.

Therefore, the EU Secretariat was to **support and facilitate the overall coordination** of MAFWM involvement in the EU accession negotiations, particularly:

- the three NGs that are headed by MAFWM:
 - ✓ NG 11: Agriculture and Rural Development,
 - ✓ NG 12: Food Safety, Veterinary and Phytosanitary Policy,
 - ✓ NG 13: Fisheries.
- the staff of MAFWM involved in 15 other NGs in which MAFWM does not have the lead but does participate;
- the Minister and State Secretary of MAFWM in their specific tasks.

The **specific objectives** of DMBIC as the ministry's EU-Secretariat were therefore:

- a. providing support and facilitating coordination for the Presidents of NGs and their Deputies, the Secretaries of the NGs and their Deputies;
- b. providing overall communication and coordination support with representatives of higher negotiation structures (CNT, SEIO);
- c. coordinating information with other responsible institutions where either: (i) MAFWM representatives were involved in the work of other NGs or (ii) representatives of other institutions were involved in the work of NGs led by MAFWM;
- d. coordinating and supporting communication with all other actors related to the process of negotiation (Coordination Body, Council of Coordination Body, National Assembly).

Cooperation

MAFWM is responsible for leading the negotiating groups dealing with accession negotiations in Chapters 11, 12 and 13, while its officials also participate in the work of 15 other negotiating groups led by other institutions.

In its capacity as the ministry's EU Secretariat, DMBIC was to cooperate with various stakeholders within and outside MAFWM during the negotiation process.

Its **main internal cooperation partners** were to be:

- the Presidents of the Negotiating Groups and their deputies,
- the Secretaries of the Negotiating Groups and their deputies,
- the Heads of sub-groups,
- ministry officials participating in NGs not headed by MAFWM,
- the Minister and their cabinet,
- other sectors and departments within the ministry involved in the EU accession negotiations.

Its **main external cooperation partners** were to be:

- the Presidents/Deputy Presidents of Negotiating Groups in which MAFWM officials participate but do not lead,
- the Secretaries/Deputy Secretaries of Negotiating Groups in which MAFWM officials participate but do not lead,
- EU coordination units in other ministries, particularly in those ministries which lead negotiating groups in which MAFWM officials participate,
- SEIO and CNT,
- Secretariat for Legislation,
- General Secretariat,
- Mission of the Republic of Serbia to the EU in Brussels,
- Delegation of the EU in Serbia

Steering structure

Under the **organisational structure** of MAFWM in existence at the time, DMBIC was subordinated to the Sector for International Cooperation, which, in turn, was subordinated to the Minister's Cabinet. Aside from DMBIC, the sector also consisted of the Group for Preparing EU Funded Projects and Group for Implementing and Monitoring Implementation of EU Funded Projects (see Annex 7).

According to the ministry's official organisation chart at the time of writing, DMBIC was supposed to consist of seven individuals, yet due to budget constraints, the Department was operating with five people: the Head of Department (at the time at the rank of Assistant Minister), three staff tasked with implementing operational activities and one person seconded to the mission of the Republic of Serbia to the EU, serving as MAFWM's main contact point in Brussels. Yet the new tasks will place additional demands on the Department, its staff and resources, which are already stretched. No additional budget has so far been foreseen for the fulfilment of the Department's "EU Secretariat" role, nor does it appear that extra resources are likely to be found.

Case Study: Organisation and Development of the EU Secretariat at the Ministry of Economy

The Ministry of Economy (MoE) differed from the other existing institutions involved in the EU accession process by virtue of the fact that it had to build its institutional capacities related to internal **coordination of EU affairs from scratch**. The following overview demonstrates how an EU Secretariat could be organised when the development of structures for the management of EU affairs in the ministry takes place under conditions of institutional turbulence. The importance of having a well-functioning organisational structure for the management of EU affairs during the negotiation period cannot be underestimated. The quality of the institutions, structures and procedures created would inevitably influence the timetable for membership and would have a strong influence on economic development and economic policy in the country.

Representatives of the MoE were responsible for negotiations in Chapters 1 (Free Movement of Goods), 6 (Company law) and 20 (Enterprise and Industrial Policy), **heading three NGs**. They were also members of 25 NGs led by other responsible institutions. Following the government's reorganisation during the summer of 2013 the existing Ministry of Finance and Economy was divided into the Ministry of Economy and the Ministry of Finance. Given that the MoE was at that point a newly organised institution, it was without management and administrative capacities related to the coordination of EU affairs, particularly as all staff of the former Ministry of Finance and Economy responsible for these issues remained at the Ministry of Finance.

In March 2014, Serbia held Parliamentary elections, after which a new government was formally appointed and an **internal organisational chart needed to be put in place**. While the internal organisation for the MoE envisaged a department for "EU Affairs", at the time of writing it had not yet been established. According to interviews held with representatives of the MoE involved in vertical coordination activities of different sectors related to EU affairs, there were only three positions planned for the coordination of the EU accession process within the entire ministry and the budget foreseen for EU coordination activities was limited.

Strategy

The internal organisational set-up did not foresee an EU Secretariat at a position within the ministry from which it could coordinate and facilitate strategic decisions related to the EU accession process and which could provide a link between the administration and political decision makers.

Cooperation

In order to carry out its coordinating role the EU Secretariat was to cooperate with various stakeholders within and outside of the Ministry during the negotiation process. Its **main cooperation partners** were to be:

Internal partners:

- Political decision makers from the ministry;
- Legislative Department;
- Finance Department;
- Other departments involved in EU Affairs;
- Presidents of the NGs and their deputies where the MoE has leadership;
- Secretaries of the NGs and their deputies where the MoE has leadership;

External partners:

- The CNT and SEIO;
- Relevant institutions from the MoE network (for example Directorate for Measures and Precious Metals (DMPM))
- Cooperation partners from the field of economic development (Accreditation Body of Serbia (ABS), Business Register, Serbian Investment and Export Promotion Agency (SIEPA), National Agency for Regional Development (NARD), National Alliance for Local Economic Development (NALED) etc.);
- Presidents of NGs and their deputies where the MoE has no leadership;
- Secretaries of NGs and their deputies where the MoE has no leadership;
- Other governmental bodies in charge of standardisation and privatisation, and non-governmental bodies like the Serbian Chamber of Commerce and Industry (SCCI), Trade Unions or association of companies;
- EU coordination units of other relevant ministries;
- Secretariat for Legislation,
- General Secretariat,
- Mission of Serbia to the EU;
- Delegation of the EU to Serbia.

Steering structure

By deriving mandates, roles and tasks of these cooperation partners in the negotiation process from the Government Acts the tasks of the EU Secretariat became apparent.

Taking into account the existing situation where, on the one hand, the MoE was a newly established institution without institutional memory on horizontal coordination of EU affairs while, on the other hand, the EU accession process was continuously advancing, the prompt setting up of an EU Secretariat was crucial in order to coordinate the ministry's EU affairs. The table in Annex 8 shows the **possible position** of the EU Secretariat within the MoE taking into account its horizontal role of coordination.



Case Study: Organisation and Development of the EU Secretariat at the Ministry of Finance

The Ministry of Finance (MFIN) has a **particularly important and unique role in EU accession negotiations**, being concerned with the financial implications of the process. In Serbia, the MFIN is present in all NGs and has therefore a horizontal role in the EU accession process. Furthermore, the State Secretary is part of the CNT and the ministry itself chairs five of the NGs: NG 4 (Free Movement of Capital), NG 16 (Taxation), NG 29 (Customs Union), NG 32 (Financial Control) and NG 33 (Financial and Budgetary Provisions). Additionally to this, the MFIN shared with the National Bank of Serbia (NBS) the leadership of two negotiating groups – NG 9 (Financial Services) and NG 17 (Economic and Monetary Policy).

The main MFIN responsibilities within the EU accession process were technically supported by the existing Department for European Integration, a line unit of the ministry's Sector for International Cooperation (see Annex 9, Table 1). This was combined with the performance of specific functions by the Department for Contracting and Financing of EU Funded Programmes (CFCU) and the National Fund – Department for Management of EU Funds (NF). However, existing EU accession coordination mechanisms within the MFIN

were weak in terms of formal establishment and their success was based on informal procedures and relationships. Taking into consideration direct and indirect financial implications arising from the EU accession process and accession negotiations, the MFIN necessarily assumed broader responsibilities in the EU accession process than other ministries.

Therefore, an upgrading of the existing Ministry of Finance Department for European Integration was deemed necessary, namely by enlarging its horizontal competences, formally ensuring direct relationships with Ministry of Finance State Secretaries and through the reinforcement of respective resources (human, financial, organizational). The concept, or model, laid out here dealt with the **upgrade/ establishment of a horizontal EU coordination unit at the MFIN.**

Strategy In order to fulfil the above mentioned tasks a **reinforcement and upgrade of the existing EU Secretariat within MFIN** along the following lines was deemed to be crucial:

1. To upgrade the EU related responsibilities to a higher level, from the existing, mainly technical level to an effective strategic one;
2. To reinforce the coordination of EU related technical responsibilities through the creation of a new *European Integration Secretariat*, with a mainly strategic, advisory capability, competent for the *performance of horizontal functions* within the MFIN;
3. To ensure that the new European Integration Secretariat received the human, financial and organizational capacities required to efficiently and effectively perform EU related strategic and technical coordination responsibilities;
4. To ensure that the new European Integration Secretariat had direct links and access to the (political) leadership of the MFIN, particularly the State Secretary in charge of EU affairs, thus serving as his/her back office. Efficient and effective performance of the *new Ministry of Finance European Integration Secretariat* was largely associated with the cooperation it was to develop with relevant stakeholders, within the ministry, within the ministry's network partners and outside the MFIN.

Cooperation

Identified **internal cooperation** involved:

- The Minister as a member of the Coordinating Body;
- State Secretary in charge of EU Affairs as member of the CNT;
- State Secretary in charge of the Budget;
- The Presidents of the NGs under MFIN leadership, their deputies;
- The Secretaries of the NGs under MFIN leadership and their deputies;
- CFCU;
- NF;
- Legislative Department;
- Budget Sector;
- Treasury Sector.

Identified **cooperation within the ministry's network partners** involved:

- CNT;
- SEIO;
- NBS;
- Relevant regulators;

Identified **external cooperation** involved:

- The Presidents of the NGs where the MFIN does not assume leadership and their deputies;
- The Secretaries of the NGs where the MFIN does not assume leadership and their deputies;
- EU coordination units of other relevant ministries;
- Secretariat for Legislation;
- General Secretariat;
- Mission of Serbia to the EU;
- Delegation of the EU to Serbia;
- Other non-governmental bodies.

Steering structure

For reinforcement and upgrading of the existing Ministry of Finance Department for European Integration **two alternative organizational solutions** were presented – each with specific advantages and disadvantages – to address the objective of strengthening the Ministry of Finance's strategic and technical capacities to coordinate EU issues and overcome challenges.

To reinforce and upgrade:

- 1) The existing Department for European Integration (see Annex 9, Table 1A), *or*
- 2) The existing Sector for International Cooperation as a whole (see Annex 9, Table 1B).

Both options implied to shift the organisational unit to the horizontal level in the systematization of the ministry. This was considered imperative for the unit in order to effectively and efficiently liaise with the aforementioned cooperation partners and to have a direct communication and support channel to the (political) leadership of the MFIN. It is important to stress that the implementation of the possible changes was to be gradual and incremental – namely in the context of priority goals to be achieved.

Different structural options for the European Integration Secretariat

Option 1) Arguments in favour of the first option included: (i) the possibility to clearly focus the new Department for European Integration on the *coordination* of the negotiation process, and thus to clearly separate the strategic coordination and support level from the operational and implementation level in the sectors; (ii) the creation of coherent professional profile requirements and specialisation for the entire team involved, improving intra-organisational cooperation conditions; (iii) the Department would, in the first option, have been smaller than in the second one and, thus, a more flexible core team (task force) of strategic policy advisors could have been created, which could adapt their procedures flexibly to the existing internal rules of procedures of the MFIN.

Arguments against this alternative included: (i) the efficient use of all EU, bi-lateral and multi-lateral funding sources required a coherent organisational design within the MFIN, not compatible with the separation of responsibilities; also, (ii) this option could possibly have weakened, as a consequence of the separation of responsibilities, the capacities and resources of the MFIN to directly intervene in foreign donor's funds access and management for financing its investments, projects and similar initiatives.

Option 2) Arguments for the second option included: (i) multi, bi-lateral and EU activities and funding were to be used to support the EU accession process, requiring the concentration of all these functional dimensions in the same unit; (ii) the current potential to access external financial resources could have been effectively maximised within the same unit; (iii) reshuffle of the whole sector increased flexibility in the use of scarce resources, created synergies and contributed to decrease the need for too many people.

Respective counter-arguments included the understanding that: (i) according to organisational development expertise, units mainly in charge of coordination and strategic policy advice should be separated from operational and implementing units which they coordinate; (ii) the performance of different, even if complementary tasks, could be a source of inefficiency; (iii) positive synergies in the use of scarce human resources might not have been achieved, as a result of incompatibility between professional profiles and requirements; (iv) the value of a significant organisation change within the MFIN in the EU framework could have been diminished.

The specification of organisational recommendations for the upgraded and reinforced existing Ministry of Finance Department for European Integration (including number of staff, respective tasks and responsibilities, internal organization, as well as functional and hierarchical arrangements) could only be made after the decision of the MFIN on which model to adopt. It is worth noting that option (1) would have required around eight full time people.

Processes

Identified priority goals for the "new Ministry of Finance European Integration Secretariat" included the **performance of the following functions**:

- *Strategic advice and technical support to the State Secretary* in charge of EU affairs, in regard to both their interrelated political responsibilities in the scope of the MFIN, as well as in what concerns their statutory membership of the CNT;
- *Strategic advice and technical coordination*, within the MFIN and within its "partner's network", in the fields of EU negotiation and the harmonisation processes;

- *Strategic advice and technical support to the integration of EU relevant dimensions in the Serbian national budget and treasury rules and procedures.*

These functions required common professional competences – particularly in-depth knowledge of national and EU policies, full integration in the Serbian EU negotiation system and negotiation technical capabilities. On the other hand, each one of them called for specific professional competences: the first one, flexibility to answer to diversified and often urgent demands; the second one, technical (legal) knowledge on the issues covered by each negotiation chapter and the capacity to understand corresponding interactions; the last one, evaluation of financial consequences (both in what regards expected incomes and expenses) of all EU negotiation and harmonisation processes.

III. ORGANISATION of Negotiating Groups: A Challenge for Interministerial Coordination

One of the preconditions for efficient EU negotiations is the establishment of negotiating groups for each negotiating chapter. **Negotiating groups are supporting structures which enable easier and better inter-institutional coordination.** They also shoulder the bulk of the negotiating work in the EU accession process. Consequently, organising them on a firm foundation from the very beginning is essential for the success of the negotiating process.

Each NG is usually responsible for negotiating one chapter of the *acquis*. In most cases, NGs are headed by line ministries or other institutions of the government, and their members primarily come from the public administration. Members of each NG are officials who have a good understanding of the relevant issues in their chapter of the *acquis*, both from the national and the EU point of view. In general, this is a role met by the staff of the relevant line ministries and thus the ministries have a major role in the negotiating groups. For this reason negotiating groups and sub-groups in chapters under the competence of a specific line ministry are led by the representatives of that ministry. In most cases the presidents of negotiating groups are higher ranking officials (i.e. state secretaries) responsible for a relevant area, whereas heads of specific sub-groups are officials who are expert in a particular area.

Experiences in the organisation of NGs are different but there are some **common elements** which are usually discussed. The structure of the NGs is based on the existing institutional structure but adjusted in accordance with the legal acts related to the structures and procedures of the overall negotiation process. However, some of the procedures concerning the functioning of negotiating groups are left to be developed and implemented by the appointed presidents of negotiating groups according to the specific needs of each chapter.

✓ Who is deciding on what and how?

Steering of the negotiation process on a day-to-day basis is the responsibility of presidents of negotiating groups. In terms of **organisational structure**, all negotiating groups include a *president*

of negotiating group and their *deputy*, who is supported by the *NG secretary and their deputy*; in some cases *heads of sub-groups* are also part of this structure.

Negotiating groups have the task of drafting and **preparing screening and negotiating documents** and other materials as necessary, with the support of the CNT. Screening represents the initial step in accession negotiations and is conducted separately for each negotiating chapter. In the first phase of *screening (explanatory)* the EU COM presents the most important regulations in the relevant *acquis* chapter. In the second phase of *screening (bilateral)* the candidate country presents its legislation and situation in the sector. **The objective of screening** is to determine the situation in a specific sector in the candidate country at the moment prior to the start of accession negotiations (the degree of alignment with the EU *acquis*), including the awareness of the administration regarding the *acquis* that it will have to implement. During the *screening* phase it is not expected from the candidate country to be harmonised with the *acquis* but it is important to demonstrate to the EU COM that the candidate country is familiar with the EU legislation and is aware of steps it will have to undertake in order to prepare for accession to the EU.

However, NGs cannot effectively negotiate the *acquis* without the involvement of actors from outside the central government. Each chapter of the *acquis* has different implementation requirements, some of them being more challenging than others. This is particularly true for those chapters that have implications on almost all the sectors—such as chapter 11 (Agriculture and Rural Development), 22 (Regional Policy and Coordination of Structural Instruments) and 27 (Environment).

Furthermore the accession negotiations have a strong impact on a country's development and it is important to include other relevant (non-government) **stakeholders** in the work of negotiating groups. This is one of the most discussed issues during the formation of NGs. Those stakeholders can, on the one hand

provide valuable inputs in the preparation of the screening and negotiating documents, while, on the other, they can benefit from the information regarding the negotiation process which they receive as members of the NGs.



The complete list of stakeholders who should be included in NGs depends first of all on the country's **strategy**. A maximal approach would officially and formally involve regional and local public administration as well as the private and non-governmental sector from the very beginning; a minimal approach would let them participate selectively at very specific points during the negotiation process. Having the country's strategy in mind, their involvement depends also on the openness of the executive level of each NG and on the readiness of the institutions, associations, companies, unions, academia, etc. to appoint their representatives to contribute to the overall accession negotiations.

In terms of covering a body of EU legislation, there are NGs which are more demanding and for this reason those negotiating groups are in most cases organised into sub-groups that will specialize in specific topics within the given chapter. The internal organisation of NGs into sub-groups is often in line with the structure of the relevant chapter of the *acquis* and should not be too complex in terms of the number of sub-groups. The internal structure is developed and decided upon by the leadership of each NG. As the negotiation process progresses, it might be necessary to adjust the internal structure by adding other sub-groups or perhaps merging some of the proposed sub-groups. Also, changes in EU legislation can happen during the negotiation process. Therefore the structure and scope of sub-groups should be flexible in order to adapt to the changes that could arise during the accession negotiations.

The following sections will discuss the setting up of NGs and preparing for screening based on experiences in Serbia. NG 1 and 11 serve as examples.

III.1 The Serbian Case – Project Experiences and Lessons Learnt

Within the framework of the project, two **sectoral action plans** for screening preparation were developed with MAFWM and the (at that time still combined) MFIN and MoE. These action plans outlined steps to be taken in the phase prior to the screening (pre-negotiations), during negotiations and as a Member State. The pre-negotiation phase involved the set-up of a negotiating structure and ensuing capacity modules of

- ✓ Which processes do we need to achieve the desired impacts?
- ✓ What are the most important processes (core processes)?

the NGs – sets of specific seminars for each Chapter, which were to be implemented. The action plans were jointly developed and agreed with the respective EU Units of the ministries, thus giving these EU Secretariats a role in the preparations of their ministry for the negotiations.

As already outlined, one of the first activities jointly organised between the project and line ministry (usually with representatives of members of NG leaderships and/or EU Secretariats) was the development of a detailed **NG screening timeline**, which consisted of all the activities of that particular ministry's NGs in the upcoming screening process. This timeline typically started with the formal steps to set-up of the NG and envisaged all upcoming tasks and capacity building activities of the NGs headed by that ministry.

III.1.1 Steps to set up Negotiating Groups

The institutional framework established during the EU Stabilization and Association Process (SAP) served as a foundation for the conceptualisation of the institutional setting for the EU accession negotiations as they are today in Serbia. The main feature of the SAP is 35 groups of experts, gathering civil servants from the ministries and governmental bodies in charge of policy areas subject to the respective EU Negotiating Chapters.⁹ During the negotiation process, these 35 groups of experts were turned into interministerial negotiation groups, each of them headed by a ministry or governmental body. With the assistance of the project, SEIO prepared and drafted six documents during the course of 2013, which became the **basis for the establishment of the EU accession negotiating structures and procedures**.¹⁰ As already mentioned, these Legal Acts stipulated **responsibilities and tasks** of each of the main actors in the negotiation process including the NGs. A detailed list of responsibilities of the NG President and NG derived from Government Acts is provided in Annex 5. However, the organisation and set-up of the NGs internal functioning was left to

Steps	Responsibility	Result
1. NG leadership appointment	Government Acts + Ministry	The leadership of each NG is announced by each ministry.
2. Division of institutional responsibilities	SEIO + responsible ministries via implementation of NPAA revision	Each ministry knows its responsibilities in each chapter of the <i>Acquis</i> .
3. NG meeting „zero“	Leadership of NG	All potential members of the NG are informed about the process ahead, the actors and their roles.
4. Decision regarding the organisation of the sub-groups	NG President	Organisational chart of the NG.
5. Proposing the staff of ministries as members of the NG subgroups	NG President	Provisional list of members of sub-groups.
6. Proposing other stakeholders to be included in the sub-groups	NG President	Provisional list of stakeholders compiled.
7. Invite other stakeholders to nominate their representatives	NG President	Invitation letter prepared by NG secretary and submitted to stakeholder institutions.
8. Completion of the list of sub-groups members	NG President and the respective ministries	Letter with the proposed list of members of the NG, signed by the president of the NG and submitted to SEIO.
9. Submission of completed lists of members to SEIO	NG President	Letter with the proposed list of members of the NG, signed by the president of the NG.
10. Appointment of heads of negotiation sub-groups	NG President	Letter of appointment signed by the president of NG and submitted internally via the NG secretaries to heads of sub-groups and their leaders in ministries.
11. Introductory meeting of the NG – meeting „1“	Leadership of NG	Presentation of the screening process timeline, discussion of unclear elements of the <i>acquis</i> and preparation for the explanatory screening session.

⁹ Background Paper for the Regional Workshop of the Network of EU Integration Offices in South East Europe, 23–25 April 2014, Bečići, Montenegro, Coordination Requirements and Institutional Set-up in the EU Accession Process and Negotiations, Case Study 4 – "Serbia and EU Accession Negotiations: The New Coordination Structure by Srđan Majstorović, page 44.
¹⁰ <http://www.seio.gov.rs/documents/national-documents,834.html>

Once the negotiating group/sub-groups were established and became familiar with the relevant tasks and activities, the individual processes for operating the negotiating group/sub-groups could be defined in more detail. The responsible persons as well as required cooperation partners were then clearly defined.

III.1.2 Preparation for screening

Jointly with the EU Secretariats, the NG leadership and SEIO, a schedule for assisting the **screening preparatory activities of the NGs** was developed. For this, teams of external experts from former EU candidate countries were engaged to accompany this process. Typically, those were consisting of a key expert with overall knowledge of a specific chapter and two or three experts with knowledge on the chapter's most sensitive specific issues. The number of experts involved in the process depended on chapter complexity.

- ✓ *Who are the main cooperation partners contributing to reach the objectives?*
- ✓ *How can stakeholders be activated?*

It was necessary to carefully plan expert missions in order to avoid overlapping of other NG activities and to set goals and outcomes of each mission. Timeframe and meeting lists were agreed with NG leaderships. Additionally, it proved important at the beginning of each expert mission to update the expert team on the state of the negotiation process and preparations in Serbia. This would help the transposition of experiences from their countries into the local process.

There was high demand for the EU Secretariats to coordinate and prepare NG members to reach the same level of general and specific knowledge about the negotiation process and needs of a particular chapter. Seminars were conceptualised covering specific NG related issues such as legislative framework, presentation of other countries' experience in relation to procedures, roles, tasks and functioning of NGs as well as practical screening exercises. Much importance was laid upon the interactive character of the seminars in order to give participants the opportunity to work on their own materials and to get to know NG members from other institutions, thus **strengthening interinstitutional cooperation**. SEIO as the responsible provider for all EU related trainings was closely involved in the development of the seminar agenda.

The NG schedule for human capacity development modules was organised in three phases, adapted to each NGs screening schedule (see Annex 10, Table 1):

1. **Fact finding mission and organisational set-up of NG** – the main goal of each fact finding mission was to assess the NG organisational situation and level of readiness for the screening. During this mission, meetings of the external key expert were held with the leadership of the NG. On the one hand, the key expert gained insights into the state of the art of the NG's organisation as well as the preparedness of the institutions with regard to the screening requirements. This information served as a basis on how to structure the capacity building modules for all the NG members. On the other hand, the key expert gave insights into how the NG was organisationally structured in the former candidate countries and discussed strategic topics and challenges regarding the screening process with the NG leadership.

This enabled the NG leadership to formalise the organisation of the NG's sub-groups. Fact finding missions usually took two days and consisted of a set of meetings between the project's staff, the project's experts and the main relevant NG stakeholders.

In this phase, the NG leadership was usually already known. It is important to note, that the fact finding mission also included stakeholders from outside the ministry. This would provide valuable insights into the ministry's capacity to liaise and cooperate effectively. At the end of the fact finding mission agreements on the main topics for the next mission in the form of a capacity building module were made and it was agreed that until then each member of the NG had to be formally appointed.

Following the fact finding mission, some NGs developed internal rules of procedure and decided on its means and rules of communication and relations to other stakeholders. Other NGs divided into smaller sub-groups covering different thematic subjects depending on the volume of *acquis* for which they were responsible.

2. **Pre-explanatory screening seminar** – the goal of these two-day seminars was to set the basics for all NG members in terms of the process, tasks and responsibilities lying ahead as well as possible pitfalls and challenges of former candidate countries, and transmitting practical exercises on the material which had to be prepared for the screening. In this phase members of the NG had to be already formally appointed and organised into sub-groups. During these seminars all participants were expected to develop a common understanding of the thematic scope and modalities of negotiation as well as the challenges and sensitive issues of the chapter.

In order to strengthen interinstitutional cooperation, the seminar had practical exercises on the material that had to be submitted for the explanatory screening. This included group work on screening tables, identification of benchmarks and transition periods. Furthermore, it dealt with the drafting of negotiation positions after the screening. While essential parts of the training were carried out by the expert team, the EU Secretariat and SEIO played a crucial role in presenting the overall framework of the negotiations of Serbia and the specific time schedule of the respective NG for screening.

This seminar proved to be important for the NGs in order to assure the same level of knowledge of *all* NG members regarding the tasks and responsibilities ahead. Often, the seminar was the first time for the sub groups and indeed the whole NG to meet all together, to familiarise and identify themselves with the joint tasks and, thus, to lay the grounds for interinstitutional cooperation. Generally, this seminar was held eight weeks before the explanatory screening, giving enough time to the NG for preparing the relevant screening materials.

3. **Pre-bilateral screening training** – the aim was to simulate the bilateral screening and enhance the presentation skills of the NG's rapporteurs at the bilateral screening as well as the content of each bilateral screening presentation. The expert team acted as both the EU COM asking questions related to the presentation as well as direct feedback providers to the presenters regarding their presentation skills as well as content related feedback.

Preconditions for this training were the appointment of official presenters of the NG at the bilateral screening and the delivery of the first draft of each screening presentation to the project's expert team one week before. The preparation of this two- to three- day training was coordinated by the EU Secretariat and/or the NG secretary who also used this exercise in order to draw up a timetable to be submitted to the EU COM as agenda for the bilateral screening.

This bilateral screening simulation obtained a very positive feedback from the participants. It assured that every presentation had the relevant information as well as avoided unintended overlaps of different presenters. Moreover, it contributed to the further integration of the NG's different actors and stakeholders and furthered the joint understanding amongst the NG members. If possible, it is advisable to hold this training in a place outside the capital in order to enhance these factors.



Case Study: Negotiating Group 1 – Free Movement of Goods

Chapter 1 (Free Movement of Goods) covers a wide range of different areas of **market products**. Most of the representatives of NG 1 are from government institutions but they also include other institutions responsible for quality infrastructure such as representatives of the SCCI, agencies, institutes and other business associations. The Government Acts stipulated 19 institutions on the national level to be involved as permanent members of NG 1!¹¹ It became clear quite quickly, that this vast array of institutions, which did not include many other stakeholders, had to be organised from the very beginning in an efficient and effective way and that strong coordination would be required throughout the process.

¹¹ 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, Road Traffic Safety Agency, Institute for Standardisation of Serbia, Accreditation body of Serbia, Ministry of Economy, Directorate of Measures and Precious Metals, Ministry of Health, Ministry of Interior, Ministry of Construction and Urban Planning, Ministry of Culture and Media, Ministry of Defence, Ministry of Education, Science and Technological Development, Republic Agency for Electronic Communications, National Secretariat for Legislation and the Serbian European Integration Office.

As an impact of the project's work with NG 1, the leadership of the group prepared and adopted **Internal Rules and Procedures**, which were based on the existing Government Acts. The leadership thus defined from the very beginning the basis of cooperation for all members of the NG and communicated them at the first meeting. This helped to bring on board also actors that were not as familiar with governmental procedures at the national level. Additionally, it provided important solution mechanisms in case of internal conflicts. The following sections outline some of the most important parts of these rules and procedures:

General organisation

Each institution that is a formal member of NG 1 officially nominated two representatives (the member and the deputy member) for participation in the work of the NG. The appointed members are at all times acquainted with the activities of NG 1 and required to ensure the flow of information between NG 1 and the relevant departments of their institution. The members of NG 1 had to represent the institutional official position and views. This fact was very much stressed with the other actors by the leadership of the NG since it was likely to become a point of contention further down in the process. In the event of changes of personnel, which occurred due to an inability to perform some duties, the President of NG 1 was to be informed on the need for changes in the composition of the Group.

Organisation of sub-groups in NG 1

Based on the project's experts' input, the leadership of NG 1 decided to organise themselves into **17 sub-groups** which were in accordance with the structure of Chapter 1. Sub-groups were formed in line with the negotiation subsections or related groups of products such as:

1. General and horizontal issues
2. Motor vehicles
3. Chemicals and Detergents
4. Medicines and Medical Devices
5. Cosmetic Products and Toys
6. Glass, textiles, footwear and wood (old approach directives)
7. Fertilizers
8. Safety of machinery and electrical equipment, personal protective equipment, ATEX and noise emitted by machines in the open
9. Pressure equipment, gas equipment and energy efficiency
10. Civilian explosives and pyrotechnics
11. Radio and Telecommunications Terminal Equipment
12. Marine equipment, cableways and interoperability of the railway
13. Construction Products
14. Packaging and packaging waste
15. Weapons
16. Cultural goods
17. Units of measurement, standards and pre-packaged products

Composition of Subgroups

- an appointed rapporteur as representative of the MoE in NG 1;
- a representative of a second-competence institution (if the area is covered by competencies of several institutions);
- a representative of the Institute for Standardization of Serbia (ISS);
- a representative of the ABS;
- a representative of the SCCI;
- a representative of the competent inspecting authority, as appropriate;
- one or more representatives of relevant departments of the MoE (as appropriate, e.g. *representative of the unit for programming technical support from the EU and other funds*);
- representatives of other bodies and organizations from governmental and non-governmental departments, experts, academics and others,

Management of Subgroups

The work of the sub-groups is managed by the

1. head of a sub-group from the MoE,
2. rapporteur—member of the negotiating group.

In cases where the area was also the competence of a second institution, the co-presidency approach was to be applied. The Head of the sub-group and at least three members of the sub-group from the ISS, ABS and SCCI were appointed by the President of the NG by formal decision.

The **Head of the sub-group** was responsible for the coordination of the work of the sub-group, the materials prepared by the sub-group, the formulation of open questions or issues in a specific field, defining the timetable of meetings, as well as the verification of harmonized materials for a specific sub-section, taking into account the consistency of the material for a whole sub-section of EU regulations. Each EU regulation that is on the potential screening list is institutionally empowered and has a responsible person who monitors that particular regulation. This person has the role of a **rapporteur** for screening and reporting during the process of preparing for EU membership.

The **rapporteur** for a specific EU regulation was responsible for the preparation of all materials necessary for the process of preparing for the screening and/or for drawing up the national tables of harmonisation, the plan of activities related to further transposition and implementation National Program for the Adoption of *acquis* (NPAA) etc., the preparation of responses to the EU COM questionnaire on screening, the preparation of presentations and the submission of translation of a domestic regulation by which harmonization with the relevant EU regulation was performed. The rapporteur for a specific EU regulation could include other institutions in the sub-group they ran. The list of regulations with a defined list of institutional responsibility was provided to the rapporteurs and to all members of the NG 1 (see Annex 11).

Depending on the decision of the negotiating group, the appointed representatives, NG 1 members and rapporteurs, were **members of the Delegation** for the explanatory and/or bilateral screening. In the event that the Delegation composition was more restrictive, it was essential that the members of the delegation were rapporteurs.

The **timetable of meetings** of the sub-groups was defined internally, in agreement with the Head of the sub-group. Participation in meetings was mandatory for all appointed members. Where appropriate, representatives of other stakeholders could be invited (economy, industry, local level, non-governmental organizations) to participate in the preparation of materials of sub-groups.

The **main task of the sub-groups** was to prepare professional contributions for NPAA revision, materials for screening and professional contributions in the process of developing negotiating positions. The full cooperation of all institutions/departments that have competence over the transposition/implementation of a specific regulation was mandatory.

Internal flow of documents and preparation of screening material

As soon as the EU COM provided the list of requested information, the NG was responsible for coordinating the preparation of all the materials. In the case of NG 1, the following materials had to be prepared:

- Form for analysing the issues relevant for the harmonisation with an EU legal act;
- Form of the financial aspects of the transposition/ implementation of an individual legal act or investment, NPAA responses to the screening questionnaire;
- Table of Concordance;
- A list of questions to the EU COM for the explanatory screening;
- Presentations for bilateral screening;
- Translation of laws and regulations included in the screening (translation provided by the competent institution);

In any NG, which involved a high number of different stakeholders, one of the **main challenges was harmonisation of all documents** between all sub-group members. Each institution was responsible for the provision of the material from its scope and which was to be prepared in accordance with the timetable of activities of the NG. Material confirmed at the level of the NG was submitted to the President of the NG for final verification and went into further procedure in accordance with the procedure laid down by the

Government of the Republic of Serbia. The President of the NG could at any time request amendments to the materials or their return into procedure. Any change made on a verified document was to be distributed to all stakeholders for review and comments, in accordance with internally defined deadlines.

Stakeholder Engagement and Public Information

Given that the preparatory process was the formation of the national position, the materials prepared within NG 1 *were not considered as public*. However, in cases where it was appropriate, the preparation of materials and the activities of NG 1 and the sub-groups involved stakeholders outside of public administration. The extent of stakeholder participation in the meetings was defined on a case-by-case basis, depending on the meeting agenda.

Competence over an EU regulation

- ✓ *Who is involved in the process?*
- ✓ *Which external resources might be worth acquiring?*

If it was necessary for the preparation of documents for screening, an EU regulation from the potential list of screening could be designated to the representatives of the institutions of second-instance competence, with all necessary powers to participate in the preparation of the materials, in

accordance with their own institutional procedures. In the event of a **conflict of competence** over an EU regulation, the Secretary of NG 1 would start the process of designating the competent institution by identifying the institutions that have competence over parts of the regulation and by sending the appointed institution representatives a request to declare on the question of competence (members of NG 1). In accordance with the submitted argumentation on the acceptance or rejection of competence, a meeting of the representatives of all relevant institutions or a meeting of NG 1 would be organised. In this phase of the competence conflict resolution, the representatives of SEIO were included. In case it was not possible to resolve a conflict of competence at the NG level, the issue of competence would be raised to the level of the CNT, in accordance with national procedures.

▶ Case Study: Negotiating Group 11 – Agriculture and Rural Development

Agriculture is one of the most extensive and comprehensive fields of negotiations. It is estimated that of around 150,000 pages of EU laws in total, one third is legislation which relates to the broad area of agriculture (chapters 11, 12 and 13). Consequently, the project devoted special attention to assisting MAFWM in preparing for the accession negotiations. Given the complexity of negotiations in Chapter 11, both MAFWM and the project determined that the establishment of an **Analytical Support Group (ASG)** was important for ensuring optimal outcomes in these negotiations. Preparations for the realisation of the negotiating tasks were focused on raising the negotiating capacities in all three agriculture-related negotiating groups, but in particular in NG 11.

General Organisation

The appointed leadership of NG 11 were representatives of MAFWM. As in all other NGs, the President of the NG was the State Secretary of the ministry. As stipulated in the Government Acts, NG 11 membership was comprised of 16 government authorities and organizations¹² Taking into account the size of Chapter 11 and the numerous policy areas it covers, MAFWM, advised by the project, decided to organise NG 11 into several sub-groups that were specialised for specific topics within the given chapter. Each sub-group consisted of experts from the ministry and other stakeholders specialised in a particular issue. The list of stakeholders who were included in the work of sub-groups consisted of representatives of MAFWM and other institutions from the sector (advisory service, agencies, statistical office etc.).

¹² 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 Standardization; 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.

Organisation of sub-groups in NG 11

Dividing NG 11 into sub-groups was not as straightforward as in other NGs due to the content of the *acquis*. Thus, for developing the structure of sub-groups MAFWM took the following considerations into account:

- ✓ the objective of the screening process,
- ✓ examples from most recent screening exercises conducted by the Republic of Croatia and the Republic of Montenegro: those provided an indication of the relevant areas that need to be covered in the screening and in later phases of accession negotiations,
- ✓ current content of the *acquis* in Chapter 11 and expected further developments in the Common Agricultural Policy (CAP)
- ✓ current level of compliance of the Republic of Serbia with CAP: according to the EU COM opinion on Serbia's application for membership of the EU, Serbia will have to make considerable and sustained efforts to align with the EU *acquis* and to implement it effectively in Chapter 11.

In this respect, the following structure of NG 11 was organised with an indication of topics to be covered by each of the five sub-group.

Sub-group	Issues covered
Direct payments and Integrated Administration and Control System (IACS)	Common rules on direct payments, single payment scheme, coupled support, specific support, complementary national direct payments, detailed rules for the implementation of single payment scheme, cross-compliance and IACS
Paying Agency and financial rules	Financing of CAP (1st and 2nd pillars), detailed rules as regards accreditation of paying agencies, clearance of the accounts of the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development, agro-monetary issues
-State Aids in agricultural sector -Trade mechanisms in agriculture -Intervention measures in agriculture -Farm Accountancy Data Network, agricultural statistics and price reporting	<ul style="list-style-type: none"> - state aid rules in agriculture, state aid to small and medium-sized enterprises in agriculture, deminimise aid - organization of agricultural markets: provisions on import-export licences, administration of import tariff quotas, system of securities, export refunds, Non-Annex I products, tariff nomenclatures for agricultural and processed products - organization of agricultural markets: provisions on public intervention and private storage; measures in cases of exceptional market conditions - Farm Accountancy Data Network Committees, liaison agencies, selection of holdings; price reporting and notifications to the EU COM
-Rural development -Organic agriculture -Quality policy and promotion	<ul style="list-style-type: none"> - support for rural development by the European Agricultural Fund for Rural Development, control procedures and cross-compliance in respect of rural development support measures - organic production and labelling of organic products, import of organic products quality schemes for agricultural products and foodstuffs; information provision and promotion measures
Common Market Organisation (CMO) – plant products CMO – animal products CMO – milk CMO – fruit and vegetables CMO – wine and spirits	<ul style="list-style-type: none"> - common and sector-specific provisions for the following sectors: arable crops, sugar, tobacco, seeds, floriculture, hops - common and sector-specific provisions for the following sectors: beef and veal, pig meat, sheep and goats, poultry meat, eggs, honey - milk package, school milk scheme, milk quota regime - marketing standards and requirements for placing on the market of fruit and vegetables and processed products, producer organisations, trade with third countries, school fruit scheme - support programmes, trade with third countries, production potential and controls in the wine sector, vineyard register, compulsory declarations, accompanying documents and register, categories of grapevine products, oenological practices and the applicable restrictions, traditional terms, labelling and presentation

Case Study: Organisation of an Analytical Support Group for NG 11

The importance of Analytical Support for Negotiations

Evidence based policymaking, based on objective evidence and knowledge capable of delivering desired policy outcomes, is crucial in modern governance and particularly within the EU context. Therefore, within the context of the EU accession negotiations, additional kinds of analytical support are needed in order to support the negotiators and their positions. This includes studies and analyses explaining both the existing situation in a candidate country and comparing it to that within the EU. Most crucially, analytical support is needed both to **formulate negotiating positions and, equally important, provide evidence-based argumentation** and backing for them. Compiling and using agricultural statistics is an important element of this, particularly when it comes to negotiations on financial matters relating to agriculture (e.g. national envelope for direct payments).

The existence of an analytical support network, acting as a think-tank for negotiators and decision-makers, is thus crucial. Such analytical support can include generating and analysing data, conceptualization, formulation and comparison of different policy and reform options and impact evaluation of different policy proposals and options. This means involving and orchestrating different institutions such as statistical offices, institutes and academia in order to generate the data that will have to be used for the negotiations.

While there is no single European model of providing analytical support when it comes to agriculture, in most EU member states activities related to **analytical support are the result of close cooperation between internal government institutions and external actors**, most often academic institutions. Within different European agriculture ministries, there is usually a policy making sector with analytical capacities. External support will typically come from universities and university researchers, specialized research institutes or private consulting companies. The balance between internally and externally provided analytical support may vary from country to country, but an exclusive reliance on just one or the other is rare and not to be recommended.

The initial situation in Serbia

The first fact finding visit showed that there was indeed a working, if limited, **system of agricultural analytical support**, but that it was mainly concentrated within MAFWM, which has a Department of Agricultural Policy and within it the Division of Analytics and Statistics, with limited and highly ad-hoc mobilisation of external support. External expertise did exist, primarily concentrated at the Faculty of Agriculture at the University of Belgrade and other universities, while specialised institutes had little or no ability to provide constructive support.

It was concluded that, from the point of view of the accession negotiations already under way, it was vital to **upgrade the level of analytical support available to NG 11**, and to decision makers within MAFWM, if the accession negotiations were to be completed efficiently and successfully. MAFWM's own capacities were extremely limited relative to the demands of the EU accession negotiations. In particular, weaknesses were evident when it came to different segments of the policy cycle, such as limited monitoring of policy implementation and evaluation of policy impact being almost non-existent. Staff fluctuations and turnover were aggravating this situation.

Piloting the Analytical Support Group

In light of this, the project took a two-phase approach. The first phase was assisted by experts from a 'new' EU member state with comparable experience of accession negotiations to examine the existing analytical support arrangements in relation to agriculture along with ways to upgrade it. During this time, these issues were examined jointly with MAFWM officials and local experts for agricultural policy. It became evident that MAFWM needed to establish a **network of reliable external partners** that would generate the data needed for screening as well as upgrade the ministry's own analytical capacities in order to identify missing data, set standards of data generation as well as processing and analysing data.

This **network for analytical support** – later called ASG – was to be comprised of a mix of MAFWM staff, data generating institutions in Serbia and local members of academia capable of providing analytical support on a flexible and fluctuating basis. The network was to be coached by international experts from former candidate countries who would support identifying the missing data and setting standards.

As hands-on practice for establishing this ASG, two central agricultural government documents were to be developed: the annual **Green Report** as well as the **National Programme for Agriculture and Rural Development** (NPARD). Producing a Green Report in line with EU standards was a recent requirement of domestic legislation, but more importantly the Report also gave a comprehensive overview of the state of Serbian agriculture and agricultural policy. Such an overview in turn provided NG 11 with crucial data needed during the bilateral screening, where the Serbian side had to present the state of the country's agricultural sector as well as its agricultural policy. Similarly, NPARD was, in the first instance, the implementing document of the National Strategy for Agriculture and Rural Development, recently adopted in Serbia.

On the basis of this document, Serbia planned its agricultural and rural development policy measures with a view to the start of negotiations, took formal government decisions as well as adjusting policy to EU requirements. More importantly, it was also a benchmark of the Montenegrin negotiations for opening Chapter 11. Therefore, the development of the National Programme was an important input for the bilateral screening of Chapter 11 and its development was also used as capacity building for members of NG 11.

The **process was carefully timed** around the screening calendar for negotiating Chapter 11 on Agriculture and Rural Development so that the workshops would deliver the inputs in time for preparing NG 11 for the bilateral screening. Furthermore, the process proved to be important in order to gather for the first time all the different actors of the Serbian institutional landscape concerned with data generation to get a joint understanding on the requirements of the data to be produced.

IV. CONCLUSIONS

The goal of this booklet is to share and present the project's experiences arising from its work with Serbian line ministries in preparing them to embark upon the process of EU accession negotiations. In particular, it intends to offer useful and practical advice to governments of those countries which will embark upon EU accession negotiations and will inevitably face the same challenges as Serbia in establishing effective and efficient coordination mechanisms capable of shouldering the burdens of this demanding process.

Models which can simply be copied from one institutional framework to another are rare, if they exist at all. However, this practitioners' booklet shows that in the context of EU accession negotiations, and possibly others' as well, the **approach of how to go about it** and which guiding questions to ask at what stage are very similar when setting up *interministerial* coordination structures such as negotiation groups or *intra*ministerial coordination structures such as EU Secretariats.

Intraministerial coordination

When looking at the experiences gained from setting up the EU Secretariats within the line ministries, the common approach becomes evident. However, while the importance of establishing EU Secretariats (either *de facto* or *de jure*) was in all three ministries perceived as necessary by both the technical and managerial level, varying initial conditions in the ministries together with differing roles within the EU accession negotiations ultimately resulted in different structural and procedural outcomes.

Taking into consideration the structural outcome, the MAFWM concluded that the existing EU unit could *de facto* take on this role and had enough horizontal leverage in order to coordinate and prepare the ministry's actors in the negotiation process. This worked well, as they also assigned each of their existing staff to follow closer one of the three negotiation groups of the ministry in particular. During the course of screening, the staff of the EU Secretariat was even formally appointed Deputy Secretary of the negotiation groups.

This was different to the MFI and MEC, which had favoured a *de jure* EU Secretariat at the horizontal level of the ministry. It is clear that for changing the organisation chart of any ministry, not only the technical and managerial level but also the political leadership needs to be won over. However, both institutions had to meet several political challenges as they first split into two separate ministries and their political leadership also changed twice in less than a year. This made the whole process lengthy and repetitive in terms of awareness raising for the needs of the ministries during negotiations. Up until the time of writing, none of the ministries had taken a decision on the subject. Nevertheless, it is to be expected that once the screening process is finished and the second phase of the negotiations starts, the issue will surface again as coordination will become more pressing and any lack of it will become more visible on the government level.

This is particularly true for the MFI as good coordination is especially important for their role in the negotiation process, which goes beyond chairing specific negotiating groups. The MFI has, after all, a horizontal role in the negotiations, being the institution which takes part in all negotiating groups, is represented in a future core negotiating team, and with regards to the overall financial impacts of the negotiation process.

At the procedural level, the EU Secretariat set-up in MAFWM began just after the adoption of the Government Acts, two months before the negotiation groups started preparing for screening. This proved to be a good timeframe as it gave enough time for the staff of the EU Secretariat to get acquainted with the government acts and to think about how to organise within the ministry and meet the different requirements stipulated in the acts. In this way, the EU Secretariat was able to be ahead of the process, driving and leading the setting up and preparation of the negotiating groups within their ministry and, thus, becoming an important source of information and partner for the negotiating groups, culminating in the appointment of its staff as their Deputy Secretaries.

Interministerial coordination

To an even greater extent than the EU Secretariats, the preparation of the negotiating groups for screening has followed an almost identical pattern. Preparations of the negotiating groups have to be conducted two

fold: in terms of the organisational level as well as content-wise on the level of human capacity development.

One of the interesting lessons learnt during the project's work with Serbian line ministries is that even though the Government Acts establish the general coordinating framework of the negotiating process, there is an additional need for the negotiating groups to determine the scope and complexity of the negotiating task for their internal organisation. This is particularly true for those negotiation groups which involve many different stakeholders also from outside the ministry and which therefore have a higher need for coordination.

It proved helpful to begin with the internal organisational set-up (sub groups as well as internal rules and procedures) of the negotiation groups before starting the content-related preparations for screening. At the same time, additional analytical support has to be organised in order to provide evidence-based inputs to the negotiation process.

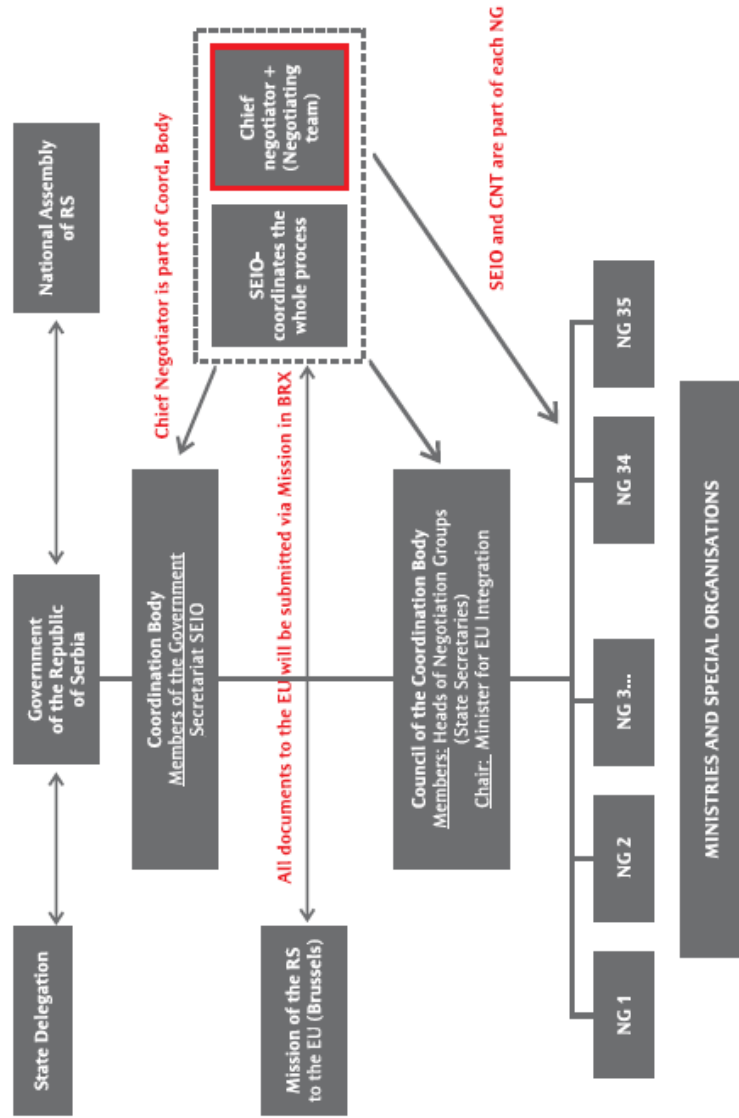
Once these structures are set, the preparations can proceed to the content and, thus, to the human capacity development. This entails in particular the training of each and every member of the negotiating group in terms of the overall framework of the negotiations but very quickly as well in the deeper understanding of their chapter and the responsibilities of the institution they are representing. The series of seminars, which is explained in Chapter III of this booklet, proved to be a very successful approach in terms of its applicability across the negotiating groups. It is, thus, safe to assume that it can be replicated to other institutional contexts of accession negotiations. Whether or not this hypothesis is true, we are happy to discuss.

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ANNEXES

Annex 1 – Structure of Negotiation Coordination in Serbia



ORGANISING INTERINSTITUTIONAL COORDINATION:
THE PREPARATION OF EURE MINISTRIES FOR THE EU ACCESSION NEGOTIATION PROCESS

Annex 2 – Chapters of the *acquis*¹³

- Chapter 1: Free movement of goods
- Chapter 2: Freedom of movement for workers
- Chapter 3: Right of establishment and freedom to provide services
- Chapter 4: Free movement of capital
- Chapter 5: Public procurement
- Chapter 6: Company law
- Chapter 7: Intellectual property law
- Chapter 8: Competition policy
- Chapter 9: Financial services
- Chapter 10: Information society and media
- Chapter 11: Agriculture and rural development
- Chapter 12: Food safety, veterinary and phytosanitary policy
- Chapter 13: Fisheries
- Chapter 14: Transport policy
- Chapter 15: Energy
- Chapter 16: Taxation
- Chapter 17: Economic and monetary policy
- Chapter 18: Statistics
- Chapter 19: Social policy and employment
- Chapter 20: Enterprise and industrial policy
- Chapter 21: Trans-European networks
- Chapter 22: Regional policy and coordination of structural instruments
- Chapter 23: Judiciary and fundamental rights
- Chapter 24: Justice, freedom and security
- Chapter 25: Science and research
- Chapter 26: Education and culture
- Chapter 27: Environment
- Chapter 28: Consumer and health protection
- Chapter 29: Customs union
- Chapter 30: External relations
- Chapter 31: Foreign, security and defence policy
- Chapter 32: Financial control
- Chapter 33: Financial and budgetary provisions
- Chapter 34: Institutions
- Chapter 35: Other issues

¹³ See http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index_en.htm

Annex 3 – Capacity WORKS Success Factors - Description

Capacity WORKS, the management model of GIZ, is based in particular on five success factors to be considered in order to cover the most important aspects of every complex task, project or programme. Capacity WORKS helps to develop a common understanding of the task, especially when many stakeholders are involved, NGOs are comprised of many actors from inside and outside the public administration. Therefore, it is also useful when establishing a coordinating structure such as an EU Secretariat.

The five Success Factors (SF)¹⁴ of Capacity WORKS can be considered as 'lenses' through which the consultancy processes are observed, analysed and – if necessary – supported by relevant methodological approaches and tools. The five-fold perspective ensures the consideration of the most relevant aspects of complex project implementation.

Success factor Strategy

The success factor strategy describes the relationship between the objective and the resources available. The strategic orientation is often a result of negotiation and a selection from various options to do the "right things". The strategy guides and motivates actors to pursue the targeted objectives.

Success factor Cooperation

Cooperation is mainly dealing with the question who is cooperating with whom and how. In particular it is important to clarify who shall be integrated into the project (who is inside?) and which external partners are additionally needed. Different types of cooperation have to be defined as well as the roles of the actors involved.

Success factor Steering structure

Steering is based on communication and interaction between the actors involved. The primary functions of the steering structure include in particular strategy, decision-making, planning, coordination, conflict and risk management, supervision and results-based monitoring. Therefore the selection of a particular form of steering structure is crucial for the success of a project.

Success factor Processes

Processes are designed to bring about the agreed changes. Successful projects support the key strategic processes through measures that optimise their quality, stability and speed. Processes are based on a clear definition with corresponding responsibilities and the consideration of learning.

Success factor Learning and Innovation

The aspect of learning and innovation should be integrated in each project through developing appropriate structures, establishing optimised processes and institutionalising rules and qualities that support continuous learning and all four levels:

- a) Learning by individuals,
- b) Learning by organisations,
- c) Learning in networks and cooperation systems,
- d) Learning in the policy field.

¹⁴ For more information on Capacity WORKS see: <http://www.giz.de/en/ourservices/1544.html>

TABLE 1 - NEGOTIATION CHAPTERS HEADS AND TEAM MEMBERS (Continues)

	Ministry of Labour, Employment and Equal Opportunities Policy	Ministry of Foreign Affairs	Ministry of Finance	Ministry of Agriculture, Forestry and Rural Management	Ministry of Energy, Development and Environmental Protection	Ministry of Transport	Ministry of Economy	Ministry of Interior	Ministry of Education, Science and Technological Development	Ministry of Justice and Public Administration	SEIO	National Bank of Serbia	Serbian Intellectual Property Office	Government General Secretariat	Public Procurement Office	Ministry of Justice and Administration	
Chapter 1 • Free Movement of Goods							1										
Chapter 2 • Freedom of Movement for Workers	1																
Chapter 3 • Right of Establishment and Freedom to Provide Services	1																
Chapter 4 • Free Movement of Capital			1														
Chapter 5 - Public Procurement															1		
Chapter 6 – Company Law							1						1				
Chapter 7 • Intellectual Property Law																	
Chapter 8 – Competition Policy																	
Chapter 9 - Financial Services												1					
Chapter 10 – Information Society and Media	1																
Chapter 11 • Agriculture and Rural Development				1													
Chapter 12 • Food Safety, Veterinary and Phytosanitary Policy				1													
Chapter 13 - Fisheries				1													
Chapter 14 • Transport Policy						1											
Chapter 15 • Energy					1												
Chapter 16 • Taxation			1														
Chapter 17 - Economic and Monetary Policy												1					
Chapter 18 • Statistics													1				
Chair	2	4	1	5	3	2	3	1	2	1	2	2	1	1	1	1	1
Participation	6	11	0	18	10	8	5	16	8	10	5	18	7	8	2	0	1

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

TABLE 11 – NEGOTIATION CHAPTERS HEADS AND TEAM MEMBERS (Continues)

	Ministry of Labour, Employment and Social Policy	Ministry of Energy and Internal Trade and Internationalization	Ministry of Foreign Affairs	Ministry of Finance	Ministry of Agriculture, Forestry and Rural Management	Ministry of Energy Development and Environmental Protection	Ministry of Transport	Ministry of Economy	Ministry of Interior	Ministry of Education, Science, Technological Development	Ministry of Justice and Public Administration	SEJO	National Bureau of Statistics	Serbian Services Office	Serbian Intellectual Property Office	Government Finance Secretariat	Public Procurement Office	Kosovo and Metohija Office
Chapter 19 – Social Policy and Employment	1																	
Chapter 20 – Enterprise and Industrial Policy				1														
Chapter 21 – Trans-European Networks					1													
Chapter 22 – Regional Policy and Cohesion Structural Instruments											1	1						
Chapter 23 – Judiciary and Fundamental Rights											1							
Chapter 24 – Justice, Freedom and Security									1									
Chapter 25 – Science and Research										1								
Chapter 26 – Education and Culture										1								
Chapter 27 – Environment						1												
Chapter 28 – Consumer and Health Protection		1																
Chapter 29 – Customs Union				1														
Chapter 30 – Economic Relations with Foreign Countries																		
Chapter 31 – Foreign, Security and Defense Policy			1															
Chapter 32 – Financial Control				1														
Chapter 33 – Financial and Budgetary Provisions				1														
Chapter 34 – Institutions																		
Chapter 35 – Miscellanea-ecous												1				1		1
Chair	2	4	1	5	3	2	2	3	1	2	1	2	2	1	1	1	1	1
Participation	6	4	6	17	8	6	3	14	9	10	8	17	3	7	0	3	2	1

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

ORGANISING INTER-INSTITUTIONAL COORDINATION:
THE PREPARATION OF EURE MINISTRIES FOR THE EU ACCESSION NEGOTIATION PROCESS

Annex 5 – Stipulated Roles and Responsibilities in the Negotiation Process

The content of presented concepts in the Brochure is based on the Governmental Acts that were adopted by the Serbian Government in September 2013. Therein, the roles, tasks and responsibilities of different actors in the Serbian public administration involved in the accession negotiations are stipulated; in particular: SEIO and the CNT, Presidents of NGs and their Deputies, Secretaries of the NGs and their Deputies, and members of NGs.

Identifying the responsibilities of the aforementioned actors allow deriving necessary areas of support and coordination by an EU Secretariat as well as outlining tasks and responsibilities for defining processes and procedures during the period of EU accession. The different roles and tasks can be clustered along three categories:

1. Roles
2. Managing and steering
3. Information and communication

2.1.1. Presidents of NGs / Deputy-Presidents of NGs

Functional Roles:

- Member of Coordination Body Council;
- President of NG heads the delegation of Serbia for screening meetings in Brussels, while the Deputy President of the NG is a member of the delegation;
- 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 President of the Negotiating Group shall participate in the activities of the body concerned;

Managing and steering:

- Organizes the work of the NG in consultation with the CNT members responsible for the chapter/field for which the NG is formed;
- May organize activities of the NG by the sub-chapters, which make an integral part of the negotiation chapter for which the NG was formed;
- May entrust a member of the NG to manage jobs related to a certain sub-chapter;
- 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. Upon 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;
- May convene additional NG meetings depending on the scope of activities within the chapter or open questions after the preparatory meeting;

Information and communication:

- Forwarding documentation (screening lists, questions, additional questions, etc.) related to explanatory screening session to all NG members;
- Responsible for forwarding NG meeting Minutes to all members of the NG, CNT and SEIO within 2 days of the meeting taking place;
- Forwards, without delay, the Minutes of sub-group meetings received from sub-group heads to all members of the NG, CNT and SEIO;
- 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 member of the Negotiating Team responsible for the chapter concerned;

- Inform the Head of CNT, the relevant Minister or member of the government and the Minister of EU Affairs about any open issues regarding the participation of the Serbian delegation in the screening meeting;
- 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 and the member of the Government in charge of affairs of the European integration;
- The President of the Negotiating Group shall organize activities of the Negotiating Group in consultations with members of the Negotiating Team in charge of the subject for which the negotiating group had been formed;

2.1.2. Secretaries of NGs/ Deputy-Secretaries of NGs¹⁵

Functional Roles:

- Member of the delegation to EU screening meetings;

Managing and steering:

- Submitting to SEIO the final list of the members of the delegation not later than 7 days before commencement of the meeting within the screening;

Information and communication:

- Preparation of Minutes of screening meetings together with NG President, CNT member, SEIO and Mission representatives no later than 2 days after the meetings;
- Forwarding signed Minutes of screening meetings to all NG members and SEIO;
- Forwarding to SEIO final version of all addenda documents for screening no later than 2 working days before the deadline fixed for the submission of addenda concerned to the EU;
- 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 SEIO the information on their permanent representatives in the negotiating group;

2.1.3. Heads of Sub-Groups¹⁶

Functional Roles:

- The Heads of Sub-Groups are responsible for coordinating the work of their sub-groups in an effective and competent manner;

Managing and steering:

- Heads of the Sub-Groups prepare and lead their sub-groups' meetings, including introductory meetings;
- Coordination and participation in drafting, negotiation positions, screening documents etc;
- Harmonisation of positions when developing negotiation positions;

Information and communication:

- Close communication with the President of the NG;
- Inform group members about relevant information provided to the ministry by SEIO;
- Cooperate with CNT members involved in NG work;

¹⁵ The distinction between having an EU Secretariat additional to the NG Secretaries is that the EU Secretariat should support the coordination of all NGs headed by the MinEco and while NG Secretaries and their deputies are formal functions within each individual NG as defined by the Government Act mentioned above

¹⁶ According to the Croatian Experience .

- Inform members about progress in accession negotiations;
- Inform the Secretary of the NG about sub-group activities;
- Forwarding of Minutes of sub-group meetings to the NG head within 2 days of the meeting held;¹⁷

2.1.4. SEIO and CNT

Functional Roles:

- The CNT is in charge of the overall negotiations during all phases of the negotiating process;
- 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;
- CNT *gives instructions* to the NGs when preparing addenda for the bilateral screening; *grants approval* for all addenda that are to be submitted to the EU within screening;
- The CNT members proposed by the CNT Head are present in / part of the Serbian delegation to screening meetings;
- SEIO appoints a representative to the Serbian delegation to the screening meetings;
- SEIO provides expert, administrative and operational support to the CNT;

Managing and steering:

1. CNT shall participate in the activity of negotiating groups;
2. The ministry, special organization or Government service whose representative manages the activities of the Negotiating Group shall propose 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; any proposal of the members of the delegation *shall be established in consultations with the Negotiating Team*;
3. The Negotiating Team shall perform technical and expert revision of the negotiating positions and the accompanying documents in English language;
4. CNT shall issue opinions and suggestions to the negotiating group on the occasion of examination of optimum solutions for preparing the negotiating position, taking into account the report on the screening by the European Commission and other relevant documents;
5. CNT shall examine draft negotiating positions and coordinate them with the negotiating groups, if necessary, before they are submitted to the Government;
6. CNT approves all addenda submitted to the EU within the screening;
7. Should the competent body of the National Assembly decide to examine a 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;
8. 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 official trips;
9. Head of CNT is consulted when appointing secretary and deputy-secretary of the intergovernmental conference;

Information and communication:

- 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 candidate status for European Union membership;

¹⁷ Government Act, Screening, Article 4, Paragraph 7

- CNT shall inform the diplomatic Missions of the Republic of Serbia in member states of the EU and to the EU itself on positions of the Government on issues concerning accession negotiations;
- CNT 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;
- 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;
- CNT, SEIO and NG Head coordinate together with the Intergovernmental Conference Secretary the preparation of the joint Minutes of bilateral screening meetings between the Republic of Serbia and EU;
- The Ministry of Foreign Affairs—the Permanent Mission of the Republic of Serbia to the European Union shall forward the documentation (screening lists, questions, additional questions, etc.) to the Office immediately upon receipt. The Office shall submit to the CNT 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;
- SEIO receives signed Minutes of screening meetings and forwards them to CNT, government members and the Secretariat for Legislation of the Republic of Serbia;
- SEIO forwards addenda documents to the Mission in Brussels which in turn will pass them on to the European Commission;
- The negotiating positions and the accompanying documents shall be submitted to the European Union by the CNT through the Permanent Mission of the Republic of Serbia to the European Union;

2.1.5. Ministries

Functional Roles:

- Minister participates in work of the Coordination Body for the Process of Accession of the Republic of Serbia to the EU if necessary – if items discussed by CB are in the competence of the ministry

Managing and steering:

- Responsible for proposing 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 review of information to be presented at the meeting of bilateral screening, before the addenda are submitted to the EU;
- 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;
- Responsible for expert proof-reading and translating the negotiating position(s) into English;
- 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;

Information and communication

- Responsible for information submission of permanent representatives of NG to the NG Secretary and to the SEIO;
- 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 organised during the screening accordingly *informing the CNT*, the Office and the competent state administration bodies, professional services and other competent authorities and organizations; Any proposal of the members of the delegation shall be *established in consultations* with the CNT;

2.1.6. Negotiating Groups

Task and Responsibilities:

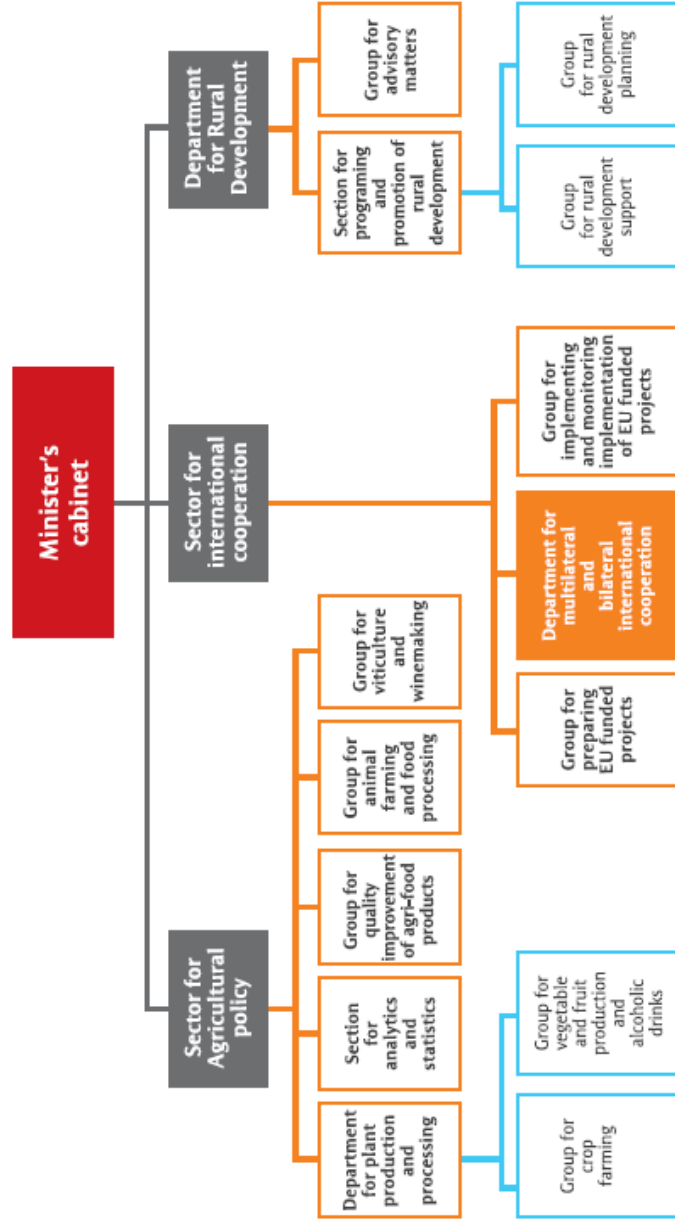
- Participation in the process of analytical review of legislation (screening);
- NGs draft negotiation position proposals for the negotiating chapters that they are responsible for according to deadlines and format provided by CNT;
- NGs participate in the drawing-up, revision and monitoring of the implementation of the NPAA;
- The Negotiating Group shall perform the activities regarding division of competences for monitoring European Union regulations;
- 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;
- NGs shall prepare addenda for bilateral screening before the commencement of explanatory screening, based on available documents and instructions – the addenda shall be supplemented following explanatory screening if necessary;
- 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;
- 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;

Information and communication

- NGs participate in the drafting of proposals for planning communication activities for the negotiating chapters which they are responsible for;
- Responsible for consulting the interested public *during* the process of preparing negotiating position proposals;
- 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 negotiating group shall prepare Minutes of each meeting held, including conclusions, terms and assignments for their implementation;
- 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;

Annex 6 – Example of Screening Timeline Prepared for Ministry of Economy
(See foldable supplement at the end of the booklet)

Annex 7 – Ministry of Agriculture, Forestry and Water Management Organisational Chart



Annex 8 – Ministry of Economy Organisational Chart

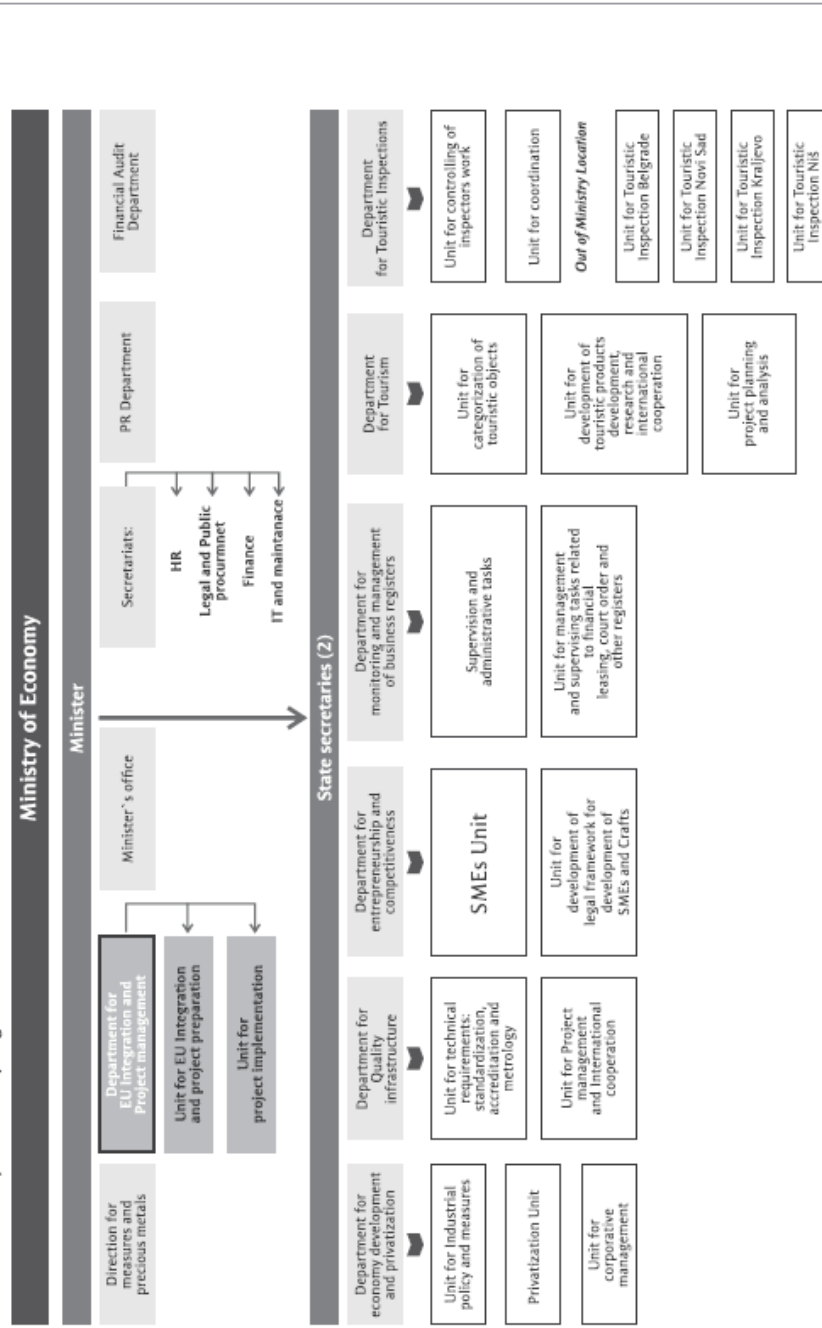


Table 1A: Organisational solution as new Ministry of Finance European Integration Secretariat

Table 5A – ORGANISATION CHART RECOMMENDATIONS – Alternative 1 – SERBIA MINISTRY OF FINANCE

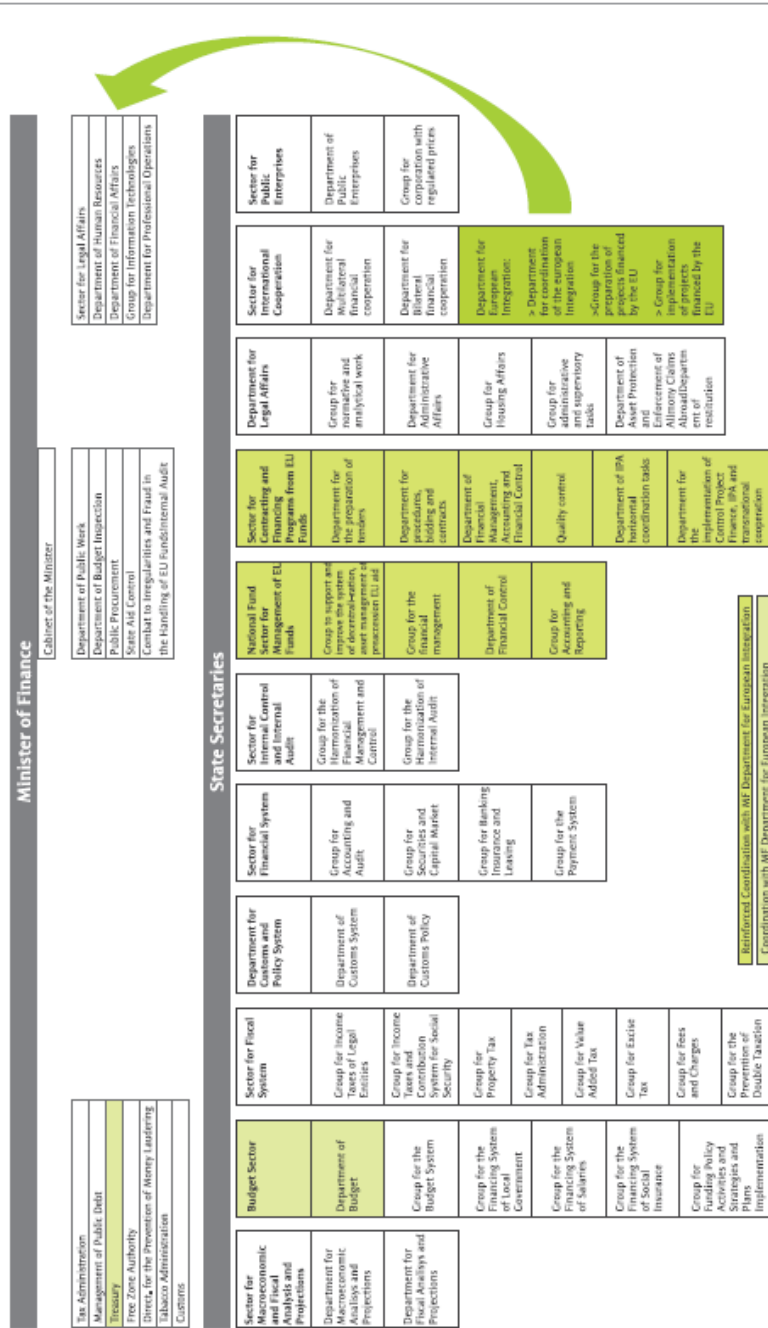


Table 1B: Organisational solution as new Ministry of Finance European Integration Secretariat

Table 5B - ORGANISATION CHART RECOMMENDATIONS - Alternative 2 - SERBIA MINISTRY OF FINANCE

Minister of Finance

Cabinet of the Minister

Tax Administration
Management of Public Debt
Treasury
Free Zone Authority
Directorate for the Prevention of Money Laundering
Tobacco Administration
Customs

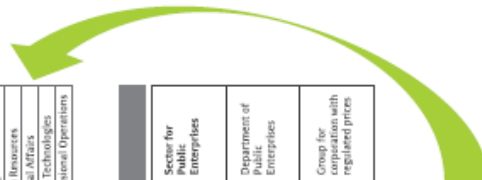
Department of Public Work
Department of Budget Inspection
Public Procurement
State Aid Control
Combat to Irregularities and Fraud in the Handling of EU Funds/Internal Audit

Sector for Legal Affairs
Department of Human Resources
Department of Financial Affairs
Group for Information Technologies
Department for Professional Operations

State Secretaries

Sector for Macroeconomic and Fiscal Analysis and Projections	Department for Macroeconomic Analysis and Projections	Department for Fiscal System	Sector for Fiscal System	Department for Customs and Policy System	Sector for Financial System	Sector for Internal Control and Internal Audit	National Fund Sector for Management of EU Funds	Sector for Contracting and Financing Programs from EU Funds	Department for Legal Affairs	Sector for International Cooperation	Sector for Public Enterprises
	Group for Income Taxes of Legal Entities	Group for Income Taxes and Contribution System for Social Security	Group for Property Tax Administration	Department of Customs System	Group for Banking Insurance and Lending	Group for the Harmonization of Management and Control	Group to support and improve the system of decision-making processes EU aid	Department for the preparation of tenders	Group for administrative and analytical work	Department for Multilateral financial cooperation	Department of Public Enterprises
	Group for Income Taxes and Contribution System for Social Security	Group for Income Taxes and Contribution System for Social Security	Group for Tax Administration	Department of Customs Policy	Group for Securities and Capital Market	Group for the Harmonization of Internal Audit	Group for the financial management	Department for auditing and control	Department for Administrative Affairs	Department for Bilateral financial cooperation	Department of Public Enterprises
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax		Group for Accounting and Reporting	Department of Financial Control	Department of Financial Control	Quality control	Group for Housing Affairs	Department for European Integration	Group for cooperation with regulated prices
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Department for coordination of the European Integration	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for the preparation of projects financed by the EU	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for implementation of projects financed by the EU	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for implementation of projects financed by the EU	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for implementation of projects financed by the EU	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for implementation of projects financed by the EU	
	Group for the Financing System of Social Insurance	Group for the Financing System of Social Insurance	Group for Value Added Tax					Department of IPA horizontal coordination tasks	Group for administrative and supervisory tasks	-> Group for implementation of projects financed by the EU	

Beneficial Coordination with MF Department for European Integration
 Coordination with MF Department for European Integration



Annex 10 – Example for Capacity Building Sequence of NGOs

2014	Chapter 1	Chapter 4	Chapter 9	Chapter 11	Chapter 16	Chapter 22
February	Fact Finding/ NG Setup					
March				Explanatory Screening		
April				Simulations: Screening Presentation		
	Seminar: Screening Exercises					
May				Bilateral Screening		
June		Seminar: Screening Exercises			Fact Finding/ NG Setup	
	Explanatory Screening					
July					Seminar: Screening Exercises	
August	Simulations: Screening Presentation					
						Seminar: Screening Exercises
September	Bilateral Screening		Fact Finding/ NG Setup			
October		Explanatory Screening				Explanatory Screening
					Explanatory Screening	
November		Simulations: Screening Presentation				
December		Bilateral Screening	Seminar: Screening Exercises			Simulations: Screening Presentation
2014	Chapter 1	Chapter 4	Chapter 9	Chapter 11	Chapter 16	Chapter 22
January			Explanatory Screening			Bilateral Screening
February					Simulations: Screening Presentation	
			Simulations: Screening Presentation			
March					Bilateral Screening	
			Bilateral Screening			

ORGANISING INTER-INSTITUTIONAL COORDINATION: THE PREPARATION OF EURE MINISTRIES FOR THE EU ACCESSION NEGOTIATION PROCESS

Annex 11 – Division of Responsibilities of Regulations and Directives in NG 1

Name	Competent authority	Basic EU acts
3.1. FREE MOVEMENT OF GOODS		
3.1.1. Horizontal issues	MoE	Decision (EC) 768/2008, Regulation (EC) 765/2008, and 764/2008
3.1.1.1. Standardization	MoE, JSS	Regulation (EC) 1025/2012
3.1.1.2. Accreditation	MoE, ABS	Regulation (EC) 765/2008
3.1.1.3. Conformance assessment	MoE	Decision (EC) 768/2008
3.1.1.4. Metrology	MoE, DMPM	Directive 2004/22/EC, Directive 2007/45/EC, Directive 2009/23/EEC, Directive 2009/34/EC
3.1.1.5. Market surveillance - product safety	MFITT (Market Inspectorate)	Regulation (EC) 765/2008, Directive 2001/95/ECA Proposed Regulations (on market surveillance of products (COM(2013) 75A proposal for a Regulation on consumer product safety (COM(2013)78)
3.1.2. Old approach directives		
3.1.2.1. Motor vehicles	MOT, RTSA	Directives 2007/46/EC, Regulation (EC) 1060/2008, Directive 2002/24/EC, Directive 2003/37/EC
3.1.2.2. Chemicals and Detergents	MEDEP	Regulation (EC) No 1907/2006, Regulation (EC) No 1272/2008, Regulation 648/2004, Regulation 907/2006, Directive 1999/45/EC, Directive 2006/8/EC
3.1.2.3. Pharmaceutical products, medical devices, medical devices for active implantation and <i>in vitro</i> medical devices for diagnostics	MOH	Directives 2001/83, 2003/94 and 2004/9, Regulation (EC) No 273/2004, Directive 2004/10/EC, Directive 2004/9/EC, Directive 93/42/EEC, Directive 90/385/EEC, Directive 98/79/EEC
3.1.2.4. Cosmetic products and toy safety	MOH	Regulation (EC) No 1223/2009, Directive 2009/48/EC
3.1.2.5. Glass	MoE	Directive 69/493/EEC
3.1.2.6. Textile	MoE	Regulations No 1007/11, Directive 96/73/EC and 2008/121/EC
3.1.2.7. Footwear	MoE	Directive 94/11/EC
3.1.2.8. Fertilizers	MAFWM	Directive 2003/2003/EC, Directive 1069/2009
3.1.2.9. Wood	MoE	

3.1.3. New approach directives		
3.1.3.1. Low-voltage electrical equipment	MoE	Directive 2006/95/EEC
3.1.3.2. Simple pressure vessels	MEDEP	Directive 2009/105/EC
3.1.3.3. Safety of machinery	MoE	Directive 2006/42/EC, Directive 2000/14/EC- noise emission by machines
3.1.3.4. Civilian explosives and equipment and protection systems in potentially explosive environments (ATEX)	Mol MoE	Directive 93/15/EEC- Civilian explosives, Directive 2007/23/EC- pyrotechnics, Directive 94/9/EC
3.1.3.5. Elevators	MoE	Directive 95/16/EC
3.1.3.6. Pressured equipment	MEDEP	Directive 97/23/EC, Directive 87/404/EEC
3.1.3.7. Hot water boilers (boilers), appliances burning gas and cooling devices	MEDEP	Directive 92/42/EEC, Directive 2009/142/EC, Directive 2009/125/EC
3.1.3.8. Radio and Telecommunications Terminal Equipment	MFITT	Directive 1999/5/EC
3.1.3.9. Electromagnetic compatibility	MoE	Directive 2004/108/EC
3.1.3.10. Recreational vessels	MOT	Directive 94/25/EC
3.1.3.11. Marine Equipment	MOT	Directive 96/98/EC
3.1.3.12. Cableways for transport of people Interoperability of railway	MOT	Directive 2000/9/EC, 2008/57/EC
3.1.3.13. Construction Products	MCUP	Regulation 305/2011/EU
3.1.3.14. Packaging and packaging waste	MEDEP	Directive 94/62/EC
3.1.3.15. Personal protection equipment	MoE	Directive 89/686 EEC
3.1.4. Procedural issues		
Procedures for information and notification	MoE	Directives 98/34/EC and 98/48/EC, Regulation (EC) 764/2008
Checking the external borders	MFIN – Custom administration	Regulation (EC) 765/2008
Weapons	Mol	Directive 91/477/EEC and 2008/51/EC
Cultural assets	MCI	Directive 93/7/EEC Change with 2001/38/EC and new Directives 52013PC0311

