



ReSPA

Regional School
of Public Administration

WORKSHOP ON

*TRANSPOSITION OF THE EU
LEGAL ACTS INTO NATIONAL
LEGAL ORDERS OF (PRE-)
CANDIDATE COUNTRIES*

Provisional Programme

20 - 22 July 2015

Danilovgrad, Montenegro

Background

Any European country that wants to join the European Union has to meet the key criteria for accession: political, economic, legal and administrative. One of the most challenging is the candidate's adoption, implementation and enforcement of all current EU rules (the "acquis").

The approximation of law is an obligation of membership in the European Union which means that countries aspiring to join the European Union must align their national laws, rules and procedures in order to give effect to the entire body of EU law contained in the acquis. As the obligation to approximate continues after accession, the pre-accession approximation process becomes an opportunity for countries to organise their institutions and procedures and to train their staff for the daily processes and responsibilities of European Union law making, implementation and enforcement.

According to the Stabilization and Association Agreement this approximation starts on the date of signing of the Agreement on the basis of a programme to be agreed between the Commission and the acceding country. The National Programme for the adoption of the acquis (NPAA) is primarily aimed at meeting the approximation obligations but it also represents a tool for the development of guidelines for the implementation of all the reforms that have to be met on the way to full membership in the EU. Nevertheless, at the same time it serves as a roadmap by which the acceding country realistically assesses its capacities and the capacities of its society as a whole to implement all that is included in the adjustment to EU criteria.

This workshop tends to tackle the issues directly related to the topics described:

- the importance of understanding EU legislation;
- what are the techniques of transposition and implementation of the EU legal acts;
- technical tools that enable us to keep track of the work already done and the one ahead of us during the pre-accession harmonization process;
- how to most efficiently coordinate the preparation and implementation of the NPAA;
- how to use the NPAA as a tool to enhance the negotiations process;
- methods of involvement of civil society in the harmonization process.

Objectives

The workshop's key objective is for all participants to understand and recognize the importance of the legal harmonization process. An objective is to improve practical skills they will use in their work environment in the light of newest developments in the EU legal system. The participants will obtain sufficient understanding of all the challenges and get familiar with effective ways of coping with requirements of quality and successful acceptance of the *acquis*.

Furthermore, the importance and the role of the NPAA as the central steering mechanism not only in the legal harmonization process but in the area of European integration will be explained.

Content

The topics which shall be covered (from theoretical and practical aspects) during the training/workshops are:

- EU institutional framework and division of competencies;
- sources of the EU law;
- transposition and implementation of EU legal acts during the pre-accession period and once a Member State of the European Union;
- the role and importance of compatibility statement and of table of concordance;
- the role of the NPAA in the legal harmonization process;
- the methodology of involvement of civil society as one of the key accession political criteria for proper legislative process.

Methodology

The workshop trainers will use power point presentations for all of the topics envisaged in the programme. This will enable the participants to follow the intensive analysis as well as participate in the discussions for each block of presentation will have certain time allocated for interaction amongst trainers and participants of the training/workshops.

During the workshop several practical exercises will be conducted to putting into practice theory learnt before. This will enable both, trainers and participants, to learn from each other.

Target Group

The target group are civil servants/practitioners from the Departments for Legal Harmonization from the relevant national EUI coordinating institution and/or civil servants in charge of drafting regulations from the most relevant line Ministries (agriculture, sustainable development, economy, etc.) from Albania, Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia. Participants should be part of the national bodies that draft legislation or examine drafts of legislation as to their conformity with the EU law. The target groups are also civil servants from the relevant national EUI coordinating institution and/or Departments for European integration from line ministries in charge for the preparation and implementation of the NPAA.

Trainers

Kristian Turkalj currently works as a senior justice expert mostly in the Western Balkans countries. Previously he worked for the International Legal Department of the Ministry of Foreign Affairs of Croatia until 2000, where he was responsible for Croatia's bilateral and multilateral treaties. Since 2001 he has been a member of the Mission of the Republic of Croatia to the European Union, dealing with issues related to justice and home affairs. From 2005 he has important role in Croatia's EU accession. He was appointed as

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence.

the negotiator for Chapter 23 “Judiciary and fundamental rights” and Chapter 24 “Area of Freedom, Security and Justice”. In 2008 he was appointed as a director-general in the Croatian Ministry of Justice. He holds a PhD in EU affairs and a Master Degree in International and Public and Private Law and is a graduate of the Zagreb Faculty of Law. He also studied at the Oslo University Faculty of Law, the Law School of North Dakota University and the Asser Institute in the Hague. He has researched and published multiple articles and is a lecturer at the Diplomatic and Judicial Academies, as well as a member of the Croatian Academy of Legal Sciences.

Gordana Vidovic Mesarek has worked in the Ministry of Foreign and European Affairs since 2002. She is Head of the Department for Coordination of Acquis Transposition and Notification. During the pre-accession period she was in charge for the coordination of the preparation and monitoring the implementation of Croatia’s NPAA. Since then she has also monitored the transposition and implementation of the EU law into the national legislation. Beside this today she is also in charge of coordinating the notification of national laws and regulations to the European Commission. She actively participates at round tables and workshops related to the implementation and transposition of the EU law into the national legislation, and have been involved in passing on its knowledge to many of the Western Balkan countries.

A G E N D A

Day 1 – Monday, 20 July 2015

- 9.30 – 9.45 **Welcome remarks/presentation of the speakers and participants**
- 9.45 – 11.00 **EU institutional framework and division of competencies (Turkalj)**
- 11.00 – 11.15 Tea/coffee break
- 11.15 – 12.30 **Sources of the EU law – Practical exercise + first part of PPP (Turkalj)**
- 12.30 – 13.30 Lunch break
- 13.30 – 14.45 **Sources of the EU law – continuation (Turkalj)**
- 14.45 – 15.00 Tea/coffee break
- 15.00 – 16.00 **Harmonization of legislation with the EU – Croatian experience (Turkalj, Vidović Mesarek)**

Day 2 – Tuesday, 21 July 2015

- 9.00 – 11.00 **Transposition and implementation of EU legal acts – legal alignment (before and after the accession to the EU) – (Vidović Mesarek)**
- 11.00 – 11.15 Tea/coffee break
- 11.15 – 12.30 **Transposition and implementation of EU legal acts - Practical exercise Vidović Mesarek, Turkalj)**
- 12.30 – 13.30 Lunch break
- 13.30 – 14.45 **Transposition and implementation of EU legal acts - Practical exercise Vidović Mesarek, Turkalj)**
- 14.45 – 15.00 Tea/coffee break
- 15.00 – 16.30 **Instruments for harmonization (Vidović Mesarek)**

Day 3 – Wednesday, 22 July 2015

- 9.00 – 11.00 **NPAA – content, preparation, monitoring, role in the legal harmonization process (Vidović Mesarek)**
- 11.00 – 11.15 Tea/coffee break
- 11.15 – 12.30 **NPAA – Croatian experience (Vidović Mesarek)**

12.30 – 13.30 Lunch break

13.30 – 15.00 **Methodology of involvement of civil society – key accession political criteria for proper legislative process (Turkalj)**

End of Workshop