

ENVIRONMENTAL LAW APPROXIMATION IN SOUTH EAST EUROPE NEWSLETTER



Issue 4

November 2008 - April 2009

Common environment and EU accession

On April 23, 2009, Olli Rehn, EU Commissioner for Enlargement, underlined in a speech the progress made by the South-Eastern European countries towards accession, praising the efforts made by the candidate countries and evoking the "network of Stabilisation and Association Agreements in place" in the region.

The Stabilisation and Association Process has proved to be flexible in helping the countries to build their capacity to adopt and implement EU law. Within this process and under the framework of the Regional Environmental Reconstruction Programme (REReP), many activities aiming at creating a cooperative, regional approach to environmental reconstruction in South Eastern Europe, and

assist the concerned countries in approximating laws with EU environmental legislation were implemented. Several targeted assistance activities have notably been organised by the Regional Environmental Center for Central and Eastern Europe (REC), including regional workshops, study visits, national capacity building events and conferences. Beneficiaries were mainly the ministries responsible for environmental law drafting in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo under UNSCR 1244, and participants in the various events have repeatedly cited the benefits of sharing experiences, best practices and case studies in the develop-



ment of national environmental legislation and policy. These activities have resulted in environmental law reforms and reinforced regional cooperation and their continuation is sought, which will be proposed through a new instrument for pre-accession assistance, the Regional Environmental Network for Accession (RENA).

Inside this issue:

Page 2:

- Strengthening Forest Law Enforcement and Governance
- Fighting against environmental crime

Page 3:

- Contact Information
- News in brief

Strengthening Forest Law Enforcement and Governance



Illegal logging, and associated illegal trade and corruption, directly undermines sustainable economic growth and environmental conservation.

In recent years, the European Community has strengthened efforts to achieve sustainable forest management by sharpening its focus on illegal logging. In 2003 the EU adopted the Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) completed in December 2005 with the adoption of the Regulation No. 2173/2005 concerning a FLEGT licensing scheme and mandate for negotiating part-

nership agreements. In October 2008, implementation modalities of FLEGT licensing schemes for timber imports into the European Community were adopted through the Commission Regulation No 1024/2008 of 17 October 2008 which aims to minimise the risk of illegally harvested timber and timber products being placed on the European market.

With a view to assisting European efforts, different projects on combating illegal logging in South-East Europe are implemented by the World Bank and the Regional Environmental Center for Central and East-

ern Europe (REC). The World Bank has funded the development of a Background Study on Illegal Logging and Other Forest Crimes in Montenegro. A World Bank Study on Illegal Logging in Albania was also published in November 2008 which led to the drafting in 2009 of an Action Plan of Combating Illegal Logging and Forestry in Albania. REC is funding similar studies for the Former Yugoslav Republic of Macedonia, Serbia, Kosovo under UNSCR 1244 and Bosnia and Herzegovina, and is planning to organise a regional conference on this topic in 2010/2011.

For more information, see <http://www.greenhorizon-online.com/index.php/Legal-Matters/>

“No more safe havens will be possible for those responsible for polluting our environment”

(Commission Vice-President Jacques Barrot)

Fighting against environmental crime

Two trainings on Environmental Crime, organized for judges, prosecutors, police officers and environmental inspectors from candidate or potential candidate countries were held in December 2008 and April 2009 as part of the Multi-Annual Work Programme of the Environmental Compliance and Enforcement Network for Accession (ECENA) for the period

2007-2010. This programme is financed by the European Commission, which is also part of ECENA. These trainings aimed at increasing the countries' capacities to solve problems connected to crimes against the environment.

The Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law was pre-

sented at the second training. The central objective of this new directive is to apply criminal sanctions to breaches of certain EU environmental legislation. It introduces minimum protection and includes clear definition of criminal offences and also provides for general obligations but leaves a large margin of discretion with regards to levels of penalties.

For more information, see http://www.rec.org/REC/Programs/environmental_policy/ecena/

Major policy developments in SEE

In 2008, the Croatian Parliament adopted the Water Management Strategy, the National Strategy and Action Plan for Protection of Biological and Landscape Diversity as well as the National Strategy for Chemical Safety. In addition, the Croatian Environmental Agency has developed an Environmental Information System management Programme 2009-2012 which has been adopted in April 2009.

Planned strategies in Montenegro for 2009 include the National Ecologic Action Plan, and National Strategies for the harmonization of regulations in the environmental protection area with the EU Law, in particular implementation plans for directives demanding more financial resources.

While Serbia is in the process of drafting a National Waste Management Strategy, a National Strategy and Action Plan for Preserving Biodiversity, and a Strategy for Development of Water Management, as well as an action plan for the implementation of the National Environmental Protection Program, Albania is preparing national plans for the implementation of Water Framework, Urban Waste Water and Nitrates directives.



Major legislative and regulatory developments in SEE

The Assembly of Kosovo (under UNSCR 1244) has approved the Law on Environment Protection in February 2009, which defines objectives for rational use of natural resources and reduction of pollution, and regulates permitting contents and procedures, functioning of environmental inspectorate, and penalties. Montenegro also adopted in 2008 a new Law on Environment, while Serbia Albania and the Former Yugoslav Republic of Macedonia are progressing in harmonization with the *acquis communautaire* through amendments to their current laws on environmental protection.

Since 2007, progress has been made in the nature protection sector, especially in Albania where 3 laws had been enacted (the Law amending the law dated 6.06.2002 on Protected Areas, the Law on protection of wild fauna and the Law on defining rules and procedures on international trade of Endangered Species of Flora and wild Fauna) as well as a set of regulation related to protected areas and wild fauna. New laws on nature protection were also adopted in Montenegro and Serbia in the past 2 years.

Croatia, Serbia and the Former Yugoslav Republic of Macedonia have adopted new laws on noise. In the latter country, the secondary legislation is in a public consultation phase.

As of April 2009, many new acts are in development: Albania is in the process of drafting a new law on Integrated Waste Management, the Former Yugoslav Republic of Macedonia has prepared a draft Law on Packaging and Waste Packaging and Serbia a draft Law on Water.

Newsletter designed and prepared by the Regional Environmental Center for Central and Eastern Europe, in the framework of the "REReP CARDS TASK II Environmental Law drafting in SEE" project, with funding by the European Union.

For more information, please visit the project website
<http://www.rec.org/REC/Programs/REREP/LawDrafting/Default.html>

Contact:
Miriam Markus-Johansson
 Project Manager/Lawyer
 Regional Environmental Center
 Ady Endre ut 9-11
 2000 Szentendre
 Hungary
 Tel: +36 26 504 000 ext. 317
 Fax: +36 26 311 294
 E-mail: MMJohansson@rec.org



News in brief

■ The **European Commission issued progress reports** on Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo under UNSCR 1244, Montenegro, Serbia, as well as Croatia and Turkey in November 2008. The reports are all available at http://ec.europa.eu/enlargement/how-does-it-work/progress-reports/index_en.htm

■ The Secretariat of the Regional Cooperation Council (RCC) hosted the **first Ministerial Conference on Combating Climate Change in SEE**, in Sarajevo in November 2008, as part

of the framework programme "Roadmap for Environmental Cooperation in South-Eastern Europe".

■ The Ministry of Tourism Environment of Montenegro announced the **adoption of the National Environmental Policy of Montenegro** at the end of 2008. This document defines key directions of environment-related activities in all ministries as well as national priorities. The National Program for elimination of ozone-depleting substances, and the Plan for final elimination of chlorofluorocarbon hydrate (CFC) were also adopted.

■ The Commission's overview of **EU regionally relevant activities in the Western Balkans 2008/09** published in February 2009 highlights concrete EU-supported activities and initiatives across a wide range of sectors implemented in 2008 and planned for 2009.

■ Serbia has adopted its **National Program for integration with the EU (NPI)** in October 2008. It is planned that 13 environmental laws and 96 by-laws will be adopted and both the Waste Management Strategy and the National Environmental Action Plan will be revised by the end of 2009.