

DRAFT Report

24-25 June 2009
Budapest, Hungary

Assistance in Environmental Law Drafting in South Eastern Europe¹, TASK II

8th meeting of the Environmental Law Approximation Network (ELAN)

Scope and Objectives

- To communicate the major outcomes of the project under TASK II (participants in regional activities will provide brief reports and share impressions)
- To familiarise ELAN members and Turkey with major achievements on environmental law transposition between May 2007-May 2009 (major laws passed, programs adopted and other major progress toward EU accession – lessons learned and practices to be shared)
- To present the outcomes of the tasks I and III of the project and focus on synergies
- To discuss and decide on actions to ensure the sustainability of ELAN beyond the project completion
- To promote further use of electronic tools developed and updated under Task II

DAY 1 – 24 June 2009

The 8th meeting of the Environmental Law Approximation Network (ELAN) was opened by Mr. Radoje Lausevic, Deputy Executive Director (REC) who recalled the first meeting of the network in 2002 under the REReP framework, and noted the evolution of the ELAN network, in parallel to the ECENA network, since then. He expressed hopes that the work initiated under this framework will continue and that new funding and the experts' commitment will allow the network to survive.

Mrs. Slavitz Dobrova, Desk Officer, DG Environment (European Commission), greeted all participants and noted with regret that not all entities of Bosnia and Herzegovina were represented at the meeting. She indicated that the EC is in the process of finalizing and closing down activities implemented under REReP. She highlighted that the objectives of the programme were achieved, and that the EC is focusing efforts on pre-accession under a larger programme: the Regional Environmental Network for Accession (RENA). She also

¹ Support for Implementation of the Regional Environmental Reconstruction Program for South Eastern Europe: TASK II implemented with funding by the European Union



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announced the launch of RENA at a meeting in Brussels between the Commissioner and Ministers of beneficiary countries to be held on June 29, 2009.

After Mrs. Tsvetelina Filipova, Senior Project Manager/Lawyer (REC), shared her experience with working on ELAN, Mrs. Miriam Markus-Johansson, Project Manager/Lawyer (REC), gave an overview of the agenda, and participants introduced themselves. New members were present as well as some older members.

ELAN: latest development and perspective for the future (Tsvetelina Filipova)

Mrs. Tsvetelina Filipova presented the evolution and operation of the network since its creation in July 2002, including its change of name from ELDSNO to ELAN. She underlined that ELAN is a tool for ensuring communication between ministry officials from SEE, a platform for dialogue and developing strategic approach. She pointed out that Focal Points were consulted in defining priorities and topics for activities to implement, hence ensuring ownership.

Discussions then focused on the future of ELAN. The network is not always properly promoted in relevant Ministries (e.g. short information in yearly reports on international cooperation), it mainly depends on the commitment of the Focal Points. Under the framework of RENA, the established contacts will be used for one of the planned working groups depending on the endorsement by the beneficiaries, but will not function under the ELAN name. The possibility to involve experts was also discussed, through Progress Monitoring project for compliance checks, TAIEX, and in-kind bi-lateral assistance between SEE countries.

Participants advocated for the use of the e-mail list to ensure sustainability of the network. The creation of an extranet server with passwords to exchange data, and the organisation of e-meetings through internet were also proposed.

Mr. Mihail Dimovski, Senior Expert/Topic Area Leader for Law Enforcement and Compliance (REC) emphasized that there is need for dedicated network members with vision, greater responsibility and ownership.

Major activities under Task II between 2007- 2009 (Miriam Markus-Johansson)

Mrs. Miriam Markus-Johansson presented the activities since the 7th ELAN meeting which constitutes in the organisation of 3 events (1 workshop and 2 study visits), the production of newsletters, and the update of the website and database of country projects. She summarized the major outcomes and wished that, also for the future, decisions on priority issues will be mainly based on ELAN discussions and through a regional approach.

The impact of ELAN activities proved to be positive. Participants provided examples how the participation in an event organized under the project was beneficial, especially in the context of the transposition and implementation of EC legislation. In many cases, the events were organized to complement the process of drafting acts in the exact same sectors, which assisted the drafting process and led to modifications in existing drafts. Ameliorated laws were, hence, prepared. Now implementation remains a problem in most of the countries. Participants also appreciated the input from EU experts, the opportunity to develop contacts and exchange experiences.

The issue of the lack of experts was raised and it was suggested to establish a list of experts – out of the state institution - that could be involved in the preparation of national legislation. Mrs. Tsvetelina Filipova proposed to communicate the list of experts the REC Country

Offices have constituted and Mrs. Slavitz Dobreva underlined that a list of TAIEX experts already exists and promised to consider it for the future Working Group.

Years 2 and 11 Progress Monitoring – Years 3 and 12 (Tsvetelina Filipova)

Mrs. Tsvetelina Filipova summarized the progress made and difficulties encountered during the 2nd year of Progress Monitoring. She presented the situation under Year 3 and called for better strategic planning, coupled with a timetable and interim deadlines.

Mrs. Slavitz Dobreva made it clear that the Commission is paying great attention to PM reports and is taking notes of progress made as well as bad performances. She stated that a special phrasing will concern Bosnia and Herzegovina where difficulties faced are the most significant. She highlighted the importance of this exercise, which provides the Commission with an efficient instrument to identify gaps that can be addressed through the IPA programme. Also progress monitoring is useful for the Ministry to develop strategies and improve planning.

She explained that the EC is not in a position to provide translation for directives and document such as the PM Manual. It was suggested that translation should be supported by the Ministries as part of their efforts towards accession. Mrs. Slavitz Dobreva also explained that the *acquis communautaire* is a moving target and that countries will have to face challenges in keeping up with the pace of legislative development.

Country reports: Major achievement on environmental law transposition and implementation between 2007- 2009 in candidate countries and potential candidates.

ELAN members from Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Kosovo (under UNSCR 1244) and Turkey made short presentations showing key achievements and major progress in environmental law development within the EU approximation process. Significant amount of valuable information was communicated to the network with respect to new laws adopted, new relevant institutions created, and new strategic documents approved. All information can be found in the attached presentations.

DAY 2 – 25 June 2009

Regional Environmental Network for Accession (Slavitz Dobreva)

Mrs. Slavitz Dobreva first gave a short summary of REReP, which was established in 1999. At that time the situation in the region was different, and, hence, it was proposed in 2007 to replace REReP with RENA. Consequently, the Commission had prepared a draft roadmap to be discussed in detail at the next Ministerial meeting. Countries had the opportunity to see the draft roadmap and to provide written comments.

A Secretariat will be established and regular meetings are foreseen. The RENA Secretariat will be responsible for the overall coordination of the network and will facilitate 4 Working Groups:

1. Strategic Planning and Investments (that will include ELAN)
2. Climate change
3. Cross-border cooperation on water, nature, EIA/SEA
4. Implementation and Enforcement (ECENA).

Active cooperation and communication between all levels will be stimulated. All countries will be invited to designate 1 focal point per country, which might be extended to a deputy focal point as well, as well as 1 main contact person per country for each working group.



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Neighboring Member States and international institutions, organizations and donors will also be invited as observers. There will also be cooperation with environmental NGOs.

The contract of 5.9 M EUR for the first 3 years of operation is expected to be signed in the autumn 2009.

Electronic tools (Cecile Monnier)

Ms. Cecile Monnier, Project Manager/Lawyer (REC) shortly presented the CARDS Task II website (<http://www.rec.org/REC/Programs/REREP/LawDrafting/Default.html>), its content and navigability. The newsletter, database of country projects (also available on the website) and the CD-Rom distributed to all participants were also introduced.

Some participants pointed out the database of country projects was out of date, this was due to the fact that the new search engine and new list were uploaded on the website just before the meeting. Participants were encouraged to exchange news through any means and provide input to the database.

EC Handbook on Implementation of EC Environmental Legislation (Miriam Markus-Johansson)

Mrs. Miriam Markus-Johansson introduced shortly the Handbook on Implementation of EC Environmental Legislation updated by the REC in 2008, including information as of December 2007, as well as some references to directives from 2008. She showed to the participants both the hard copy and the electronic version.

Mrs. Slavitzza Dobрева added that she had received good feedback on the old version of the Handbook and would appreciate receiving feedback on this version as well in order to decide whether a new update should be planned under RENA.

Environmental Financing in SEE (Dusan Sevic)

Mr. Dusan Sevic Project Manager (REC) presented the Priority Environmental Investment Programme (PEIP), a programme which has been running since 2001 under REReP. He summarized the main challenges to environmental infrastructure investments in the region and proposed solutions which may inform the work of Working Group 1 under RENA.

ECENA (Aniko Mudra-Nemeth)

Mrs. Aniko Mudra-Nemeth gave an overview of ECENA network, its scope, objectives and benefits.

Mrs. Oreola Ivanova-Nacheva, Senior Adviser to the Executive Director (REC) shared her views regarding the REReP programme, to which REC was the secretariat: she believed it was a very good opportunity to work with the countries and address their needs, and emphasized the importance of strategic leadership.

The meeting was closed by Mrs. Tsvetelina Filipova who extended her thanks to all ELAN members, the REC team, and to the European Commission for making all activities possible, and hoped that meeting will continue, maybe through e-conferences as proposed.