

# TECHNICAL ASPECTS OF THE EU ACCESSION PROCESS: IMPROVING THE KNOWLEDGE BASE ON SCOPE AND OPPORTUNITIES FOR CIVIL SOCIETY INVOLVEMENT

**ECRAN experience from progress  
monitoring activity: Situation, challenges  
and opportunities for public participation**

Mihail Dimovski, ECRAN Team Leader  
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# WHY PROGRESS MONITORING?

- Drafting legislation :Need to know institutional objectives, structures , implementation procedures and the economic implications
- Assessment and planning the legislative, institutional and economic analyses and changes cannot be carried out separately
- EU MS must report to the European Commission on the status of transposition and implementation of EU legal acts .
- Establishing a progress monitoring system during the accession period enables EU candidates and potential candidates to easily meet the reporting requirements after accession



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# Objectives of Progress Monitoring Activity

**Collect** up-to-date information of progress in approximation of EC environmental law

**Updates on changes in EU requirements**, legislation or policy that may impact plans for transposition and implementation, and expenditures

**Track** current transposition and implementation of the environmental acquis

**Track** strengthening of institutional and administrative set-ups to implement and enforce environmental legislation

- Justification for more staff
- Use resources more effectively
- Increase cooperation within the Ministry
- Identify possible needs for additional support through IPA, TA/EX etc.

**Prepare** for responsibilities in the field of environment as EU Member States (e.g. designation of competent authorities, action programmes, strategies)



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# Transposition and Implementation

**Transposition: Incorporation of the provisions of a directive into national legislation**

**Implementation: process of building the institutions and providing the budgets needed to carry out the laws and regulations. It also includes providing the infrastructure and other measures needed to achieve compliance with specific obligations under EU law.**



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# Progress Monitoring Tools

**‘Guide to the Approximation of European Union Environmental Legislation’ and amended ‘Progress Monitoring Manual’**

**Table of Concordance (ToC)**

**Implementation Questionnaire (IQ)**

**EC Handbook on the implementation of the EC environmental legislation**



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# Tables of Concordance

**“Concordance tables are used to facilitate monitoring of the transposition of EU law into national laws by the Member States. They show in technical terms precisely how provisions in EC directives have been transposed at national level”**

[http://ec.europa.eu/governance/better\\_regulation/glossary\\_en.htm](http://ec.europa.eu/governance/better_regulation/glossary_en.htm)



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Table of Concordance

**COUNCIL DIRECTIVE 75/439/EEC**  
of 16 June 1975

**on the disposal of waste oils**

as amended by Council Directive 87/101/EEC, Council Directives 91/692/EC and 2000/76/EC

<b>Country:</b>	<b>Date Table Completed:</b>
<b>Person(s) completing Table:</b>	
<b>Total no. of points if full transposition:</b> 140(28 x 5)	<b>Total no. of points for current status of transposition:</b>

Article	EU Obligation	Existing national law (give relevant law or regulation & no. of article)	Fully in accord? (yes/no)	If not, how will transpos'n occur? (L-legislation GO- Governmental order, MO-Administrative Ministerial Act)	If draft, give no. of article transposing EU obligation	Status of transposition (5- 0 accdg to lawmaking stage)	Planned year for full transpos'n
Art. 1	Definitions:						
	1. waste oils						
	2. disposal						
	3. processing						
	4. regeneration						
	5. combustion						
	6. collection						
Art. 2	Without prejudice to provisions of Dir. 78/319/EEC <sup>1</sup> , MS shall take necessary measures to ensure that waste oils are collected & disposed of without causing any avoidable damage to man & the environment.						

<sup>1</sup> OJ No L 84, 31.3.1973, p.43. Note that this Directive has been replaced by Council Directive 91/689/EEC on hazardous waste.

REC

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# Implementation Questionnaires

- **primary questions** - are designed to evaluate how advanced a country is in carrying out the initial information gathering and planning that is necessary for developing an efficient compliance strategy
- **secondary questions** - are aimed at providing guidance to the candidate country on steps to consider in planning for implementation



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PRIMARY QUESTION	Answer	SECONDARY QUESTION	Explanation/References
1. Has the competent authority/ies with responsibilities been appointed?	YES	If yes, who is the responsible for: <ol style="list-style-type: none"> <li>1. Regulating collection facilities?</li> <li>2. Authorising treatment facilities?</li> <li>3. Authorising the issuing of certificates of destruction?</li> <li>4. Carrying out inspections and enforcement?</li> </ol>	
	NO	If no, what plans are there to appoint such authority/ies?	
2. Have measures been taken to encourage vehicle producers and importers to adopt preventive measures?	YES	If yes, how are producers and importers encouraged to: <ul style="list-style-type: none"> <li>•Limit/reduce the use of hazardous substances in vehicles?</li> <li>•Integrate recycled material in vehicles and other products?</li> <li>•Take into full account and facilitate the dismantling, reuse and recovery of end-of-life vehicles and their components and materials in the design and production of new vehicles?</li> </ul>	
	NO	If no, what plans are there to take such measures? Who will do this?	

# Inter- Governmental Coordination

Ministries of Environment coordinating the exercise on governmental level, e.g. with Ministries of Health Care, Agriculture, and Finance .

Realistic internal work programmes can be developed, with a view to better manage the approximation process.

Capacity for collecting detailed information has to be developed to comply with the reporting responsibilities that follow EU accession.



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## The Process

1. Distribution of the empty ToCs and IQs
2. Completion of ToCs and IQs by ministry staff with input from local experts
3. Review of ToCs and IQs by local expert, followed by international expert/Request for amendments if needed
4. Submission of draft tables to local and int. experts
5. Preparation of a report on progress made
6. Draft country PM report sent for comments to ministries and the Commission
7. Comments reflected and production of final PM reports



# ECF and Progress Monitoring

- Opportunity to comment on the progress reports that are currently under development and to provide the European Commission opinion from the NGO perspective
- Different quality of input from NGOs from ECRAN beneficiaries.
- Information received is summarized and submitted to EC DG ENV.



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# THANK YOU FOR YOUR ATTENTION



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