



# ***Regional Environmental Network for Accession***

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Towards Environmental and Climate Approximation  
in the Enlargement Countries



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A project implemented by a  
Consortium led by Hulla & Co.  
Human Dynamics KG







RENA

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Towards Environmental and Climate Approximation in the Enlargement Countries  
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# ACRONYMS AND ABBREVIATIONS

<b>ASCI</b>	Areas of Special Conservation Interest
<b>AWB</b>	Artificial Water Body
<b>BERCEN</b>	Balkan Environmental Regulatory and Compliance Network
<b>BAT</b>	Best Available Techniques
<b>BiH</b>	Bosnia and Herzegovina
<b>CDM</b>	Clean Development Mechanism
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Flora and Fauna
<b>CFSP</b>	Common Foreign and Defense Policy
<b>CLP</b>	Classification, Labeling, Packaging
<b>CRF</b>	Common Reporting Format
<b>CSO</b>	Civil Society Organization
<b>DABLAS</b>	Danube and Black Sea Task Force
<b>DG</b>	Directorate General
<b>DSIP</b>	Directive Specific Implementation Plan
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>EC</b>	European Commission
<b>EEC</b>	European Economic Community
<b>ECENA</b>	Environmental Compliance and Enforcement Network for Accession
<b>ECRAN</b>	Environment and Climate Regional Accession Network
<b>ECCP</b>	European Climate Change Programme
<b>EIA</b>	Environmental Impact Assessment
<b>EIB</b>	European Investment Bank
<b>EF</b>	Environment Forum
<b>ESDP</b>	European Security and Defense Policy
<b>ESPOO</b>	Convention on Environmental Impact Assessment in a Transboundary Context
<b>EPA</b>	Environmental Protection Agency
<b>ETS</b>	Emission Trading System
<b>GHG</b>	Greenhouse gases
<b>HMWB</b>	Heavily Modified Water Body
<b>ICJ</b>	International Court of Justice
<b>IMPEL</b>	EU Network for the Implementation and Enforcement of Environmental Law
<b>INSPIRE</b>	Infrastructure for Spatial Information in the EC
<b>INECE</b>	International Network for Environmental Compliance and Enforcement
<b>Interpol</b>	International Criminal Police Organization
<b>IPA</b>	Instrument of Pre-accession Assistance
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>IFIs</b>	International Financing Institutions
<b>IPF</b>	Infrastructure Projects Facility

<b>IPPC</b>	Integrated Pollution Prevention Control
<b>IQ</b>	Implementation Questionnaire
<b>MEA</b>	Multilateral Environmental Agreement
<b>MMD</b>	Monitoring Mechanism Decision
<b>MOE</b>	Ministry of Environment
<b>MRV</b>	Monitoring, Reporting and Verification
<b>NEAS</b>	National Environmental Approximation Strategy
<b>NGO</b>	Non-governmental Organization
<b>NIR</b>	National Inventory Report
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PEIP</b>	Priority Environmental Investment Programme
<b>PRTR</b>	Pollutant Release and Transfer Register
<b>RBD</b>	River Basin District
<b>RBMP</b>	River Basin Management Plan
<b>RCC</b>	Regional Cooperation Council
<b>REACH</b>	Registration, Evaluation, Authorisation and Restriction of Chemical substances
<b>ReCAP</b>	Regional Climate Change Platform on Adaptation and Mitigation
<b>RENA</b>	Regional Environmental Network for Accession
<b>REReP</b>	Regional Environmental Reconstruction Programme
<b>RISP</b>	Regional Institutional Support Platform
<b>RMCEI</b>	Recommendation providing for Minimum Criteria for Environmental Inspections
<b>SAA</b>	Stabilization and Association Agreement
<b>SC</b>	Steering Committee
<b>SCI</b>	Sites of Community Importance
<b>SEA</b>	Strategic Environmental Assessment
<b>SEE</b>	Southeast Europe
<b>SPA</b>	Special Protection Areas
<b>TFS</b>	Trans-Frontier Shipment (of waste)
<b>ToC</b>	Table of Concordance
<b>UNDP</b>	United Nations Development Programme
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>USAID</b>	U.S. Agency for International Development
<b>VOC</b>	Volatile Organic Compounds
<b>WBIF</b>	Western Balkan Investment Framework
<b>WFD</b>	Water Framework Directive
<b>WG</b>	Working Group
<b>WSR</b>	Waste Shipment Regulation

# FOREWORD

*The Rio+20 global Summit that took place in June 2012 has reminded us all in Europe and the world community more widely of the challenges we are facing in balancing development and the protection of our environment with sustainable use of our limited natural resources. The EU commitment to these objectives is well known and in following up the conclusions of the Rio Summit, the EU will be seeking to play a major role in ensuring that the decisions in Rio are translated into effective global actions.*

*Our work with the countries wishing to join the EU is focused on helping them to address the challenging task of implementing the EU's environment and climate policies and legislation. The achievement of this objective will assist these countries in not only improving their environment but also laying the foundations of a more sustainable economy by ensuring that they are making efficient use of resources.*

*The Regional Environmental Reconstruction Program for South Eastern Europe (REReP) between 2005–2008 and its successor, the Regional Environmental Network for Accession (RENA) starting from 2009, aimed at providing to the enlargement countries a framework to establish, strengthen and improve their capacity to deal with the implementation challenges. The two programs have been very successful in fostering and facilitating the dialogue at regional level but also between the region and the EU Member States. The fact that in 2012 we have been hosting in Brussels the 3<sup>rd</sup> Ministerial Meeting of the Ministers of Environment from the Western Balkan countries, Turkey and Iceland testifies of the importance that the European Commission gives to this dialogue. Throughout these years, European Commission has been active in providing technical and financial assistance for a better, more efficient and correct transposition, implementation and enforcement of the environmental acquis, while the enlargement countries kept the ownership of the whole process.*

*Over the last 3 years, RENA has provided assistance in priority areas for the enlargement countries: legislative approximation, horizontal legislation, nature protection, water management, inspection and enforcement and climate change. Besides the technical knowledge, RENA encouraged and fostered the establishment of regional networks of experts for the different policy areas with the aim of sharing the information, best practices and expertise. In order to continue and further develop what has been achieved in RENA in terms of building and consolidating the regional cooperation and the progress made in the approximation of the EU environmental legislation, the European Commission intends to continue its technical and financial assistance in the form of a new program, the Environment and Climate Regional Accession Network (ECRAN). As a follow-up to RENA, this new program will build up on the results of RENA, will look at the lessons learnt from RENA and will complement all the other national initiatives in the field of environment and climate change. The specific objective remains the same: to help the enlargement countries to build their capacity for a correct planning, transposition, implementation and enforcement of environment and climate acquis for a better preparation for the accession negotiations for Chapter 27 – Environment and Climate Change and for dealing with transboundary environmental and climate issues which are of direct importance both at national, regional and European level.*



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# INTRODUCTION

The purpose of this publication is to provide an overview of the activities performed under the Regional Environmental Network for Accession (RENA) multi-beneficiary program by highlighting the achieved results, the lessons learned and the impact of the support provided by the project to the countries of the Western Balkans and Turkey. The main beneficiaries of the project are the public administration authorities dealing with environment and climate in Albania, Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Kosovo \*, Montenegro, Serbia and Turkey. Capitalizing the momentum created by RENA, the publication aims to create a link between the milestones reached as a result of the project and future activities required for further strengthening the regional cooperation in the field of environment and climate among countries working towards EU accession.



<sup>1\*</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence



# Regional Cooperation in the pre-Accession and Accession Context

## - Overview of the EC Support

In the framework of EU enlargement policy, in December 2006, the European Council renewed the consensus on enlargement based on the principles of consolidation of commitments, fair and rigorous conditionality and good communication with the public, combined with the EU's capacity to integrate new members.

The EU commitment to enlargement started with the 'regional approach' of the mid-1990s and most prominently through the Stabilisation and Association process launched in 1999. The 2003 Thessaloniki Summit confirmed that the future of the Western Balkans lies in the EU. Another key step was the establishment of the European Partnerships for South East Europe which set out the short and medium-term priorities that the countries and territories need to fulfil in their approximation to EU norms and standards.

Since the mid-1990s, the Western Balkan countries and Turkey have made significant progress towards EU accession. Croatia became an EU member on 1 July 2013. Out of four candidate countries from the region (the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, Turkey) two have already started the accession negotiations: Turkey in 2005 and Montenegro in 2012, while Serbia is expected to hold the first Intergovernmental Conference by January 2014 at the latest. Potential candidates - Albania, Bosnia and Herzegovina and Kosovo\* are also increasing their efforts in this direction.

In January 2000, under the Stability Pact for the Southeast Europe, regional ministers in charge of environment met in Skopje and endorsed **the Regional Environmental Reconstruction Program for Southeast Europe (REReP)**. In the period between 2000 and 2009, REReP launched a regional process of cooperation in the field of environment and climate change and significantly contributed to the approximation to EU standards in the South East Europe by actively promoting the exchange of information and best practices and institution building in this area.

Following REReP, **the Regional Environmental Network for Accession (RENA)** was established in 2010, with the aim to build upon regional environmental cooperation established in the Western Balkans and Turkey with the prospect of EU accession. In order to streamline activities under this objective, the environment ministers of eight beneficiary countries (Albania, Bosnia and Herzegovina, Croatia, the FYR of Macedonia, Kosovo\*, Montenegro, Serbia and Turkey) agreed to cooperate on five priority issues:

1. **Strategic planning of the pre-accession process;**
2. **Public participation;**
3. **Climate change;**
4. **Cross-border environmental cooperation; and**
5. **Preparation of environmental investment projects.**

Following the successful transition process, RENA has served as a framework for achievement of coherence and synergy between numerous activities which are part of the alignment process. By virtue of its flexible mechanism, it has provided tailor-made services according to beneficiaries' different stages of alignment, covering a wide range of activities designed to support the pre-accession, accession and negotiation process. Being focused on specific areas of approximation, RENA has proven to be an effective mechanism for the countries in their efforts to achieve

a constantly moving target of alignment with the acquis. Activities carried-out under RENA provided support to beneficiary countries, their administration and involved stakeholders to develop their capacity for successful approximation of environmental and climate legislation. RENA's contribution to improvement of regional cooperation between environmental authorities, establishment of efficient institutional frameworks and technical arrangements, as well as enhancement of public participation in environmental decision-making was fundamental. RENA activities contributed to the creation of a platform between countries of the Western Balkans and Turkey with positive results in terms of the exchange of best practices and information and the establishment of relevant networks. Moreover, experience-exchange groups and networks were established and cross-border cooperation in relation to policies, legislation and investments was significantly strengthened.

As the activities initiated and consolidated under RENA are expected to exceed the timeframe of the project, it is important to ensure continuity through a revised multi-beneficiary program based on the needs and priorities of the beneficiary countries. In view of the evolving priorities of the EU candidate countries and potential candidates and their progress made on the path towards EU accession, the need has arisen to further develop RENA with the aim to continue the approximation to EU environmental requirements in a most effective manner. Building on the programme's achievements and lessons learnt, while strengthening and reforming its operations to better address specific challenges related to EU accession, a follow-up program, the **Environment and Climate Regional Accession Network (ECRAN)**, is expected to be launched in the first half of 2013.

One of the outcomes of the RENA Third Annual Ministerial Meeting (Brussels, September 2012) was the Joint Statement of the Ministers of Environment of RENA countries (Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Kosovo\*, Montenegro and Serbia) on the follow-up of the Regional Environmental and Climate Dialogue between the EU candidate countries and potential candidates and the EC. The Ministers expressed gratitude to the European Commission for its continuous assistance and guidance towards full transposition and implementation of the environment and climate acquis, to RENA Secretariat for successful implementation of RENA program activities and welcomed the intention of the EC to provide financial assistance for the continuation of RENA program, as Environment and Climate Regional Accession Network (ECRAN).

Considering that the full approximation with the EU environmental and climate acquis is a priority for all enlargement countries, the Ministers indicated the need for strengthening capacity at all levels, awareness raising, cross-border cooperation, public participation for better institutional cooperation and more efficient legislative alignment, implementation and enforcement. Following this, the Ministers reaffirmed their commitment to continue the cooperation and the exchange of experiences and best practices in this field and welcomed the willingness of Croatia to take part in ECRAN after EU accession and share the accession process experience.

In addition, the Ministers agreed upon the following ECRAN main objectives:

- **Building capacity for correct planning, transposition, implementation and enforcement of the EU environment/climate acquis;**
- **Assistance to the enlargement countries for the preparation of accession negotiations;**
- **Exchange of experience between candidates countries and potential candidates; and**
- **Support to enlargement countries in dealing with the environment and climate issues of transboundary importance.**





# RENA Structure

RENA project activities were developed in a way to ensure complementarity with existing bilateral dialogues between the European Commission and the beneficiary countries.

Project activities were closely monitored and coordinated by the European Commission – DG Environment and other DGs, including DG Climate Action and DG Enlargement, as well as by the RENA Steering Committee.

The Steering Committee was established to oversee project management and implementation, discuss and approve work plans, progress and final reports. The Steering Committee meetings were organized bi-annually and attended by voting members as selected National Focal Points of each beneficiary country, and was always chaired by a representative from the European Commission/DG Environment.

More specifically, cooperation among beneficiaries and the European Commission were conducted, on the one hand, at the political level through Ministerial meetings (setting priorities for actions, ensuring political commitment, discussing environmental policy developments and agreeing on workgroup results) and, on the other hand, at the working level through RENA, administered by the RENA Steering Committee (approving RENA project work plan and workgroup mandates, implementing the work programme through trainings, seminars, workshops and concrete capacity building projects).

The project team, in close cooperation with the European Commission and the beneficiaries, had the overall responsibility to ensure coordination of the RENA network (meetings, reporting, etc.), including in particular the preparation of relevant documents, organization of specific workgroup activities (meetings, training, seminars, pilot projects, etc.) and of ad hoc assistance to participating beneficiaries in meeting RENA network objectives.

Deriving from five priority issues identified by environment ministers, the RENA program covered a broad range of activities, including capacity building workshops, seminars, trainings and pilot projects coordinated by the RENA Secretariat and implemented through four Working Groups (WG):

1. **Strategic Planning and Investments;**
2. **Climate Change;**
3. **Cross-border Cooperation on Water, Nature, EIA and SEA;**
4. **Environmental Compliance and Enforcement Network for Accession (ECENA).**

**Working Group 1 (Strategic Planning and Investments)** aimed at increasing the quality of strategic planning related to environmental investments. This Working Group linked together different areas that provide support to the overall process of approximation, including planning of the approximation process, transposition and implementation of legislation, investment planning, transparency, public participation, etc. Due to the complexity of the covered areas, the activities of this Working Group were divided and implemented through two Sub-groups, covering two important aspects of the approximation process (building up the institutional capacity and development of financial mechanisms for implementation):

- **WG 1, Investment Planning Sub-group** focused on main steps of environmental investment and financial planning necessary during the approximation and accession process and development, maintenance and update of the list of investment projects in the region in order to provide a clear picture of investment needs in the region to the various IFIs, bilateral donors, etc.;
- **WG 1, Regional Institutional Support Platform (RISP) Sub-group** focused on support to beneficiaries in setting-up their institutional structures for the implementation and enforcement of environmental legislation and strengthening capacities for the EU Accession Negotiation process.

**Working Group 2 (Climate Change)** focused on awareness raising on the EU climate *acquis* and targeted capacity building and strengthening of cooperation among beneficiaries and the EU in policy-making, transposition and implementation of specific elements of European climate policies and legislation.

**Working Group 3 (Cross-border Cooperation and Multilateral Environmental Agreements)** activities aimed to increase the capacity and strengthen cooperation on issues of transboundary importance by creating a network of officials from candidate countries and potential candidates in several key priority areas: nature protection, water management, EIA/SEA and multilateral environmental agreements. Following the identified priorities, the activities of this Working Group were divided and implemented through three Sub-groups:

- **WG 3, Nature Protection Sub-group** focused on Natura 2000 elements, the implementation of management the requirements of the Habitats and Wild Birds Directives and on the creation of opportunities for strengthening the local economy (creating business and revenues in cross border areas). The activities were implemented through trainings and capacity building sessions at selected Nature cross-border pilot sites, covering the most important aspects of protected areas management and its cross-border effects.
- **WG 3, Water Management Sub-group** focused on the Water Framework Directive elements with emphasis on the major steps required for preparation of River Basin Management Plans. The activities were implemented through capacity building using practical cases from the selected pilot sites with a focus on the enhancement of cross-border cooperation in the water sector.
- **WG 3 EIA/SEA Sub-group** focused on transposition and implementation of the EIA and SEA Directives through cross-border cooperation. The activities implemented provided the creation of a regional platform for enhancing such cooperation, enabling a better transposition and implementation of EIA and SEA Directives at the national level.

**Working Group 4 (ECENA)** provided support to the beneficiaries and ECENA member countries to implement and enforce the EU environmental and climate *acquis* by increasing the effectiveness of inspecting bodies and promoting compliance with environmental requirements.



**Graph 1: RENA Organizational Structure**



# REGIONAL INSTITUTIONAL SUPPORT PLATFORM (RISP)

# The EU Approximation Process

The approximation of national legislation to the EU *acquis* is an obligation that member states of the European Union must fulfill. It also 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 organize their institutions and procedures and to train their staff for the daily processes and responsibilities of EU law-making, implementation and enforcement.

One of the basic objectives of the EU Treaty refers to the high level of environmental protection, sustainable development and the integration of environmental protection in all policies. Subsequently, the EU environmental policy is wide-ranging, with extensive policy implementing legislation. Recent EU waves of enlargement demonstrate the complexity of environmental approximation processes. Bearing in mind that the level of environmental protection in acceding countries is substantially lower than the EU standards in this area, enlargement countries are facing considerable challenges in three particular areas: transposition of environmental legislation into national legislation; putting in place the administrative capacity for proper implementation, monitoring and enforcement; and establishment of the infrastructure required for compliance with EU legislation.

Generally, the process of EU environmental approximation entails numerous in-depth reforms of various sectors. The implementation of the EU environmental and climate *acquis* is a complex, long-term activity, preceded by the transposition of EU laws and accordingly, adaptation of the existing environmental infrastructure to its requirements. Through the approximation planning process, the country must ensure the consistency of new EU compliant laws with the country's needs and the capacity required for their effective implementation. Due to the costs of implementation of this portion of the *acquis*, financial planning is crucial for the approximation process. Depending on their status in the EU accession process, the enlargement countries receive targeted financial and technical support for their approximation activities from the EC; however, the real progress depends on the administrative capacity to carry out all the required steps in the alignment with the EU *acquis* and standards in this area.



# Current Status of Affairs in RENA Countries

Over the last decade, significant progress has been made in strengthening environmental protection in the SEE region, yet much remains to be done, mostly in terms of meeting the administrative, financial and technical preconditions for proper implementation of environmental and climate legislation. All RENA countries are facing similar problems in this process, including lack of capacity for both, proper transposition and implementation/enforcement; absence of clear implementation and financial strategies, and lack of financial resources required for the achievement of EU environmental standards. However, the level of alignment with EU environmental and climate *acquis*, as well as the organizational structure and infrastructural preconditions in this sector are in correlation with their current status in the EU accession process and, accordingly differ in each RENA country.

**Albania** – along with other Western Balkans countries – was identified as a potential candidate for EU membership during the Thessaloniki European Council Summit in June 2003. In 2009, Albania submitted its formal application for EU membership. Based on the Communication from the Commission to the European Parliament and the Council<sup>2</sup> issued in 2010, before the accession negotiations could be formally opened, Albania still has to achieve the necessary degree of compliance with the membership criteria and in particular meet the 12 key priorities identified in the Opinion. In October 2012, the Commission recommended that Albania should be granted EU candidate country status, subject to completion of key measures in the areas of judicial and public administration reform and revision of parliamentary rules of procedure. With regard to the approximation in environment and climate sectors, based on the experience gained during RENA implementation and in line with the 2012 EC Progress Report, the progress has been achieved mainly in the sector of horizontal legislation, waste management, water quality and nature protection; nevertheless, significant effort is required to improve the legislative alignment, implementation and enforcement of new environmental legislation.

**Bosnia and Herzegovina** is a potential candidate country following the Decision of the Thessaloniki European Council of June 2003. Since then, a number of agreements between the EU and Bosnia and Herzegovina have entered into force - visa facilitation and readmission agreements (2008), Interim Agreement on Trade and Trade-related issues (2008). The EU continues to deploy considerable resources in Bosnia and Herzegovina within the framework of the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP). As indicated in the country 2012 EC Progress Report<sup>3</sup>, legislative alignment with EU environment and climate legislation remains at an early stage; overall strengthening of administrative capacity is required, and improvements are to be made in horizontal and vertical inter-institutional cooperation in this area.

**Croatia** applied for EU membership in 2003. The accession negotiations were conducted from 2005 until 2011. On 9 December 2011 leaders from the EU and Croatia signed the Treaty of Accession and on 1<sup>st</sup> of July 2013, Croatia became the 28<sup>th</sup> EU Member State.

**The FYR of Macedonia** was granted candidate country status in 2005 while in 2009 the Commission assessed that the country sufficiently meet the political criteria and recommended the opening negotiations, which recommendation was reiterated in 2010, 2011 and 2012. According to the 2012 EC Progress Report<sup>3</sup>, the approximation status in the field of environment and climate is considered to be moderately advanced. Administrative capacity for implementing and enforcing EU environment and climate legislation remains insufficient on both central and local level.

<sup>2</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/al\\_opinion\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_opinion_2010_en.pdf)

<sup>3</sup> <http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/>



Significant efforts are needed in order to implement relevant EU legislation in water management, industrial pollution control, nature protection and climate change sectors.

In 2008, the EU reiterated that **Kosovo\*** had a clear European perspective in line with the European perspective of the Western Balkans region, hence the potential candidate status that Kosovo\* has currently. In October 2012, the European Commission issued a Feasibility Study for a SAA between the EU and Kosovo\*, concluding Kosovo\* readiness to open negotiations for Stabilisation and Association Agreement, once agreed specific steps are taken. Legal framework covering the main horizontal environmental *acquis*, EU air quality standards and nature conservation is already in place. The alignment with European standards in the area of environment and climate change remains at an early stage, and the implementation and enforcement of existing legislation should be enhanced. In line with the obligations from SAA, Kosovo needs to further enhance the administrative capacities in order to complete the legal framework in accordance with the EU standards.

The accession negotiations with **Montenegro** started on 29 June 2012, to be conducted in line with the negotiation framework adopted by the Council. Regarding Chapter 27- Environment, Montenegro need to invest further efforts in order to align with and implement the environmental and climate *acquis*.

In 2008, a European Partnership for **Serbia** was adopted, setting out priorities for the country's membership application, and in 2009 it formally applied. In 2010, the process to ratify the Stabilisation and Association Agreement began, and in March 2012 Serbia was granted EU candidate status. At the 2013 June European Summit, Serbia was granted opening of the accession negotiations, which should start by January 2014. In terms of environmental approximation, Serbia has made significant progress in the alignment with the EU *acquis*. According to the 2012 EC Progress Report, Serbia achieved a good level of alignment with the EU's horizontal environmental legislation, waste and water management; nevertheless, the country faces big challenges in implementing and enforcing the EU environmental and climate *acquis*. Considerable efforts are required in strengthening the administrative capacities and enhancing cooperation between relevant line ministries. Alignment with EU climate *acquis* still needs to be improved, while efforts are required on awareness-raising on challenges of climate actions.

In 1987, **Turkey** applied to join what was then the European Economic Community and in 1997 it was declared eligible to join the EU. Turkey's involvement in the European integration process dates back to 1959 and includes the Ankara Association Agreement (1963) for the progressive establishment of a Customs Union (ultimately set up in 1995). Turkey started the accession negotiations in October 2005 (negotiations related to Chapter 27 were opened in 2009). According to the EC analytical documents, Turkey made progress in the field of environment; however, significant effort is still needed to accelerate the approximation process, especially in terms of strengthening capacity in this area.

# RENA Working Group 1, RISP Sub-Group / Summary of Activities

22

In order to support overall environmental approximation process in the beneficiary countries, including strengthening the capacity for transposition and implementation of the EU environment and climate *acquis*, RENA created a special set of activities under its Working Group 1, Regional Institutional Support Platform (RISP). Unlike other sectorial working groups, the tasks of the RISP Sub-group focused on various approaches of the approximation process, with the aim of providing an insight into practical implications of the EU *acquis* implementation.

#### **Working Group 1 Activities:**

- **Approximation Planning**
- **Implementation of Legislation**
- **Investment Planning**
- **Public Participation**
- **Progress Monitoring**
- **Compliance Checking**

Some of the main cross-cutting activities of this Working Group were designed in such a way to provide an assessment of the current status of approximation in the environmental area, as well as a basis for the preparation of transparent and enforceable environmental legislation.

The RISP Sub-group provided a framework for the update of the **Handbook on Implementation of the Environmental Acquis**. A new Handbook on Implementation of Climate *Acquis* has been also drafted. The Handbook on Implementation of the Environmental *Acquis* was originally published in 2007, and updated in 2009 and 2012. It provides for detailed, step-by-step guidance on the approach and specific activities required for effective and legally compliant implementation of the EU environmental *acquis*. The publication consists of separate sections for each relevant EU environmental legal act, and provides a summary of its main requirements, financial implications and guidance for its cost-effective implementation (including the establishment of institutions, policy and legal framework) and examples from

EU member states of best practices. Within the RENA RISP Sub-group, the content of the Handbook was adjusted to the latest developments in EU environmental policy. A new Handbook on Implementation of Climate *Acquis* has been also developed.

The project **Progress Monitoring of Transposition and Implementation of the EU Environmental Acquis**, implemented under the REReP in the period 2007-2009 was incorporated as an activity of the RISP Sub-group. The methodology (preparation and updating of Tables of Concordance and Implementation Questionnaires) of this activity provides information about the progress in transposition and implementation for selected Directives and Regulations on an annual basis. The Tables of Concordance are based on the provision-by-provision comparison of EC Directive requirements with the national law, which ensures the timely identification of the gaps between national legislation and the EC requirements. In order to assist the candidate countries and potential candidates in the assessment of their implementation efforts, the Implementation Questionnaires focus on practical elements of implementing Directive/Regulation requirements, with special attention given to those requirements that may pose particular implementation problems. The Progress Monitoring activity was carried-out for all RENA countries, resulting in the Annual Progress Monitoring Reports for each country from 2010 to 2012.

In order to support concrete transposition efforts, the activity related to the **gap assessment of the draft legislation in beneficiary countries** was developed under this working group. The activity envisaged the compliance check on the paragraph-by-paragraph basis of the draft national legislation, providing a detailed analysis of conformity of a national legal act with the EU environmental *acquis* and proposals for its modifications. A total of 20 external evaluations of the draft legal acts were carried-out upon request from the beneficiary countries (Albania, Kosovo\* and Croatia).

## Regional Trainings on New EU Environmental Legislation

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Beside above mentioned cross-cutting activities, this working group comprised four regional trainings on transposition and implementation of selected pieces of new EU environmental legislation. Several pieces of legislation, where the sharing of experience and information would contribute to implementation in the countries, have been selected by the beneficiaries for further capacity building.

**Regional training on REACH and CLP Regulations** (Turkey, Istanbul) focused on the procedural and practical aspects of implementation and enforcement of the REACH and CLP Regulations, including the relation between these regulations and other EU legislation and the role and responsibilities of national and EU institutions. The presentation of Croatian and Turkish experiences in implementation of these regulations, as well as roundtable discussions on the current approximation status in this area in the beneficiary countries were stimulated in order to encourage the exchange of experiences within the countries of the region. By providing an overview of the main requirements of these Regulations and implementation options, this workshop resulted in improvement of the capacity of responsible officials in beneficiary countries to take informed decisions about the approximation in this area.

**Regional training on Environmental Liability and Environmental Crime Directives** (Zagreb, Croatia) intended to bring this important legislation to the applicant countries agendas and to abet their consideration in the overall approximation process. As these directives have recently come into effect, there is limited information on effectiveness and cost of its implementation. Even in the EU member states, the transposition and implementation of these directives is still at early stages. During the training, the main requirements and principles of this EU legislation were elaborated in detail. In addition, the current status in beneficiary countries and Austrian experiences in implementation and enforcement of these directives were presented, to allow for the transfer of knowledge on directives requirements within the region and to support the process of identification of the largest gaps in this field in beneficiary countries.

**Regional training on protection of environment through the Criminal Law** (Budva, Montenegro) aimed to provide an overview of the scope of the Environmental Crime Directive and related EU legislation. Since the implementation of this Directive implies close cooperation between different national institutions, the program was designed in a way to allow presentation of different aspects of implementation of the directive. The experience of the Austrian Ministry of Justice and Ministry of Interior in transposition of this directive and in environmental criminal law enforcement was presented. On the other hand, the representatives of the EC (DG Environment, DG Justice) provided detailed insight into the EU point of view on the enforcement of this legislation. In order to reflect the importance of this legislation at international level as well as present the existing mechanisms for information sharing, the Interpol's environmental crime committee representative introduced the role of this international organization, providing an overview of possibilities for participation of beneficiary countries. Moreover, case studies on reporting, investigative techniques, practical application of criminal law, as well as presented experiences of Romanian and Serbian inspections were used as platforms for discussions and exchange of experience and best practices between countries of the SEE region.

**Regional training on Infrastructure for Spatial Information in the EC- INSPIRE** (Vienna, Austria) was held with the aim to provide the exchange of experiences and best practices regarding the implementation of the INSPIRE Directive between RENA countries with the help of the Austrian Environmental Agency. As this Directive aims to create the EU spatial data infrastructure to enable public access to spatial data across the EU, the development of a unique approach to implementation



of this directive in applicant countries is of greatest importance. Following the needs of beneficiary countries, this workshop provided an overview of general implementation measures, common principles, the Road Map for implementation of the Directive, as well as the examples of practical use of INSPIRE in relation to other EU environmental policies (e.g. *Natura 2000*). Moreover, Austrian and Slovak experience in the implementation of this directive, including the national institutional setup, coordination procedures and technical and IT aspects of implementation were presented and followed by discussions on main gaps in the beneficiary countries. Due to combined theoretical and practical approach, this workshop provided significant capacity building for representatives of competent authorities of beneficiary countries, and contributed to the establishment of a forum for future cooperation in this field.

# Development of National Environmental Approximation Strategies



Although this Working Group envisaged the support for the development of National Environmental Approximation Strategies (NEAS) in all beneficiary countries, during the inception phase of this Sub-group it was concluded that all beneficiary countries, except Bosnia and Herzegovina and Kosovo\* were already highly involved in the national planning process, usually with the assistance of EU funded projects. In line with this conclusion and in order to avoid overlapping with existing processes, it was decided to reduce the scope of this activity to two countries that would benefit from this kind of assistance. The support in the preparation of national environmental approximation received under this activity improved the capacity of Bosnia and Herzegovina and Kosovo\* for designing national environmental and climate approximation strategies and programmes. **Three-day national trainings on the designation and elements of NEAS**, addressed to country officials whose task is to prepare national strategies and plans,

were held in April 2011 in Bosnia and Herzegovina and Kosovo\*. The national trainings were followed by a **sub-regional training (Tirana, Albania)** on main elements of preparing approximation strategies (including an economic assessment of cost-benefit analysis, *acquis* implementation impact analysis, defining financial gaps etc.). The training was designed as a joint forum that brought together decision makers and the ministry staff from beneficiary countries, representatives of other candidate countries as well as EU MS experts. Thus, its main focus was on sharing experiences, through presentation of relevant examples of other candidate countries (FYR of Macedonia), as well as experiences from recent projects related to NEAS development implemented in the region. This approach, combined with theoretical and practical exercises contributed to the improvement of the ministries and other relevant institutions' capacity to carry-out the overall environmental approximation planning process.



# Preparation for the EU Accession Negotiation on Chapter 27 (Environment)

To support the preparation for the process of accession negotiations on Chapter 27 (Environment) in the beneficiary countries, a set of activities was implemented within the scope of this Working group.

**Regional training on the EU accession negotiation process**, developed in cooperation with DG Environment (Brussels, Belgium) was addressed to high-level representatives of relevant ministries of the beneficiary countries with the aim to provide an overview of negotiations regarding Chapter 27 (Environment). A selected team of experts and former negotiators from the new EU member states (Lithuania, Romania) provided an insight to the main features of the negotiation process (including the main steps, procedures, institutional challenges, etc.), as well as the accession experiences of their respective countries. Moreover, as Croatia has recently closed the EU negotiations, the representatives of this country presented their relevant experiences, providing a useful insight into the practical aspects of the negotiation process.

**Regional training on the practical aspects of EU accession negotiation process** including the form and content of preparation of position papers (Skopje, FYR of Macedonia) was addressed to the administrative staff from beneficiary countries dealing with coordination of the EU accession process. A theoretical overview of the structure and content of the EU negotiation process, the EC point of view, as well as experiences of the Lithuanian and Romanian accession were provided by the selected team of RENA experts, representatives of the EC and former negotiators from these countries. The training was designed to simulate the process of preparation of position papers through group exercises, by taking into account real country situations regarding the transposition and implementation of two heavy investment directives (the UWWT and Landfill Directive). Moreover, this training brought together EU coordinators from all RENA countries, thus providing them with a forum for the exchange of experiences and ideas about coordination of the EU accession process.

Following the needs of Montenegro to prepare for the forthcoming accession negotiations for Chapter 27, a **national training on the EU negotiation process was delivered in January 2013**. Main focus of the training was on practicalities of the screening process as well as on strengthening the negotiation skills. The representatives of DG Environment provided an insight in the overall process, including main steps, requirements and implications of the EU accession negotiations, following the experiences from recent EU waves of enlargement. Detailed presentations of Romanian and Lithuanian experiences (including the negotiations for transitional periods, costs of implementation, institutional requirements) were given by the former negotiators of these countries, providing the overview of procedural and practical aspects of the entire process and followed by practical group exercises on the EU screening process. On the other hand, the representatives of the host country presented the status of preparation of Montenegro, underlining the importance of support gained through RENA Progress Monitoring activity and current and future EU funded projects that will provide assistance for the development of documents required for EU accession negotiations (NEAS, DSIPs, etc.). In addition, special attention was given to the Civil Society Sector and other stakeholders in order to increase awareness of all stakeholders about their role in EU accession negotiation process.

# Achieved Outcomes and Main Conclusions

The aim of the RISP Sub-group activities was to assist the process of building up the administrative capacity in beneficiary countries for proper planning of the implementation of obligations arising from the EU environmental *acquis*.

Progress Monitoring exercise provides an **updated, comprehensive overview of the current status of transposition and implementation of the relevant environmental legislation**, as well as an assessment of the progress achieved in each RENA country on an annual basis. For the beneficiary country, the information obtained through Progress Monitoring activities provides the basis for advanced planning, management and coordination of the process of alignment with the EU environmental and climate *acquis*. Moreover, by regular reporting on the transposition and implementation status of the most important EU environmental and climate legislation, beneficiary countries are preparing themselves for participation in the reporting directive system (established as an obligation for EU member states, for around thirty environment- related directives).

Through its activities, such as **gap analysis and compliance check**, the RISP Working Group assisted in the establishment of national regulatory frameworks fully aligned with EU environmental and climate *acquis*. Besides the concrete results of external assessment of draft legal acts carried out upon request of beneficiary countries, these activities aimed to improve the skills of national administrative bodies for better understanding of the transposition process and its implications on national policies, administration and procedures.

With regard to **assistance to beneficiary countries' administration in interpreting environmental/climate *acquis* requirements**, one of the main outcomes of this Working Group was the update of the **Handbook on Implementation of the Environmental *Acquis* and the development of the Handbook on Implementation of the Climate *Acquis***. Moreover, a series of regional trainings were held with the aim to improve the capacity of beneficiary countries for the implementation of some important new EU legal acts, selected on the basis of consultations with representatives of the beneficiary countries. These trainings included presentations and assessment of the existing implementation models and member states' experiences and created a platform for the exchange of experiences between the beneficiary countries, hereby providing a deeper insight into the implementation requirements and options.

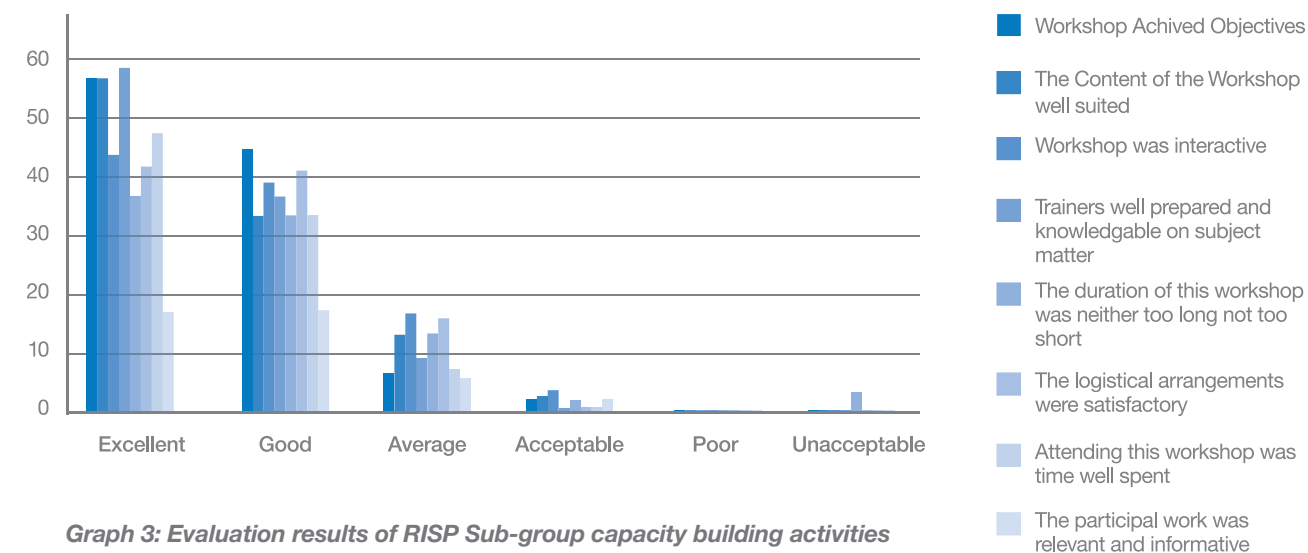
Within a set of activities related to **capacity building for the accession negotiations on Chapter 27**, the representatives of competent authorities of the beneficiary countries were introduced into the main steps and procedures of this process, including the institutional and organizational structures and documents to be developed under this process. One of the main concerns of the trainings was the understanding of the process of EU accession negotiations. Working on the preparatory phase and the actual development of accession negotiations by chapters against the background of the EU enlargement and integration dynamics was a good opportunity to develop specific skills to the participants. A strong emphasis was placed on enhancing individual and teamwork capacities in using data and technical support. The trainings related to these topics provided a framework for the exchange of experiences between beneficiary countries, new EU member states and the EC. Moreover, in order to respond to the needs of Montenegro, a special national training on the screening phase was held in the beginning of 2013.



Besides the training program, one of the main outputs of this activity was the development of the **Handbook on EU Accession Negotiations**<sup>4</sup>. The Handbook was developed in response to the concern felt during the training sessions to provide participants with theoretical background and specific case-studies intended to outline the framework of EU accession negotiations while enhancing the efficiency of simulations and exercises. Designed as a theoretical and methodological tool for the understanding and preparation of EU accession negotiations, this material is intended to support institutional players already involved or those who are to begin new negotiation rounds, as well as political representatives, the media and citizens who wish to learn about the process of EU accession and about integration in the European Union. Notwithstanding, this Handbook is a useful tool in the hands of students in European Studies and International/ European Negotiations and the public at large.

# Evaluation

Due to different approaches to building up support to institutional platforms in the beneficiary countries, different target groups of officials were provided with capacity building programs in their respective areas of interest. According to the evaluation forms filled by the participants of each training, all workshops were found relevant and informative, with a content well suited to their level of understanding and experience. The facilitators were well prepared and knowledgeable, and in most cases, the workshops fully met their expectations. In conclusion, the evaluation of the training program implemented within the RENA RISP Working Group shows that the workshops contributed to improving the knowledge on concrete topics, due to the high quality of the training materials, incorporation of practical exercises, as well as the involvement of representatives of European and member state's institutions in the training program.



Graph 3: Evaluation results of RISP Sub-group capacity building activities

<sup>4</sup> [www.renanetwork.org/documents/wgroups/EU%20Accession%20Negotiations%20\\_Handbook.rar](http://www.renanetwork.org/documents/wgroups/EU%20Accession%20Negotiations%20_Handbook.rar)



# Identified Priorities and Future Steps

Using the assistance provided by the EC through regional initiatives implemented during the past decade, enlargement countries have achieved notable progress in the transposition, implementation and enforcement of the relevant acquis, which is best proven through the progress of the enlargement process and number of countries acceding or opening the accession negotiation process. However, additional support is required, especially in strengthening of administrative capacities to improve the implementation and enforcement of the transposed legislation, hence the ECRAN project has to continue to build on the results and activities provided under RENA, identifying the following priority activities for follow-up:

- *Progress Monitoring of the transposition and implementation of the environmental and climate acquis;*
- *Legal assistance for approximation (Compliance checks of the legislation);*
- *Update of the Handbook on the implementation of the EU Environmental Acquis;*
- *Update of the Handbook on the implementation of the EU Climate Acquis;*
- *Further strengthening of the capacities for accession negotiations on Chapter 27;*
- *Peer reviews on the level of implementation of the EU environmental legislation and countries' administrative capacities to carry out implementing obligations;*
- *Further strengthening of the capacities for implementation of selected EU environmental legislation.*





# INVESTMENT PLANNING

# Investment Planning within the Framework of the EU Approximation Process

In terms of the EU accession process, Chapter 27 - Environment is one of the most demanding. It comprises approximately 300 legal instruments related to environmental protection, pollution control, air quality, water and waste management, nature protection, chemicals, noise, etc. The environmental standards in the enlargement countries are considered to be very low compared to those of the EU. Therefore, all enlargement countries have to invest significant efforts and resources in the alignment of their national legislation with EU *acquis* and ensure its correct *transposition, implementation and enforcement*. The EU accession process requires significant resources, both for transposition and institutional development as well as for investments in environmental infrastructure. This implies that the financial, investment and capacity building needs have to be carefully planned well in advance.

The planning process is mainly devoted to development of standard documents (e.g. Indicative Planning Documents, Environmental Approximation Strategies, Environmental Financing Strategy, Sectorial Strategies (*primarily in waste, water and air quality sectors*), Directive Specific Implementation Plans, and Municipal Infrastructure Plans etc.) which should contain detailed programs for alignment with the EU *acquis*, timetable for its implementation, capacity building and financial plans. In line with their scope, these documents should identify all tasks to be carried out to ensure full implementation of the relevant parts of the *acquis* and provide a solid basis for investment planning. Since the implementation of heavy investment directives involves large scale investments in public infrastructure (most often in water, wastewater, solid waste management and air quality control sectors), the EU enlargement countries are required to review their financing opportunities, assess affordability and develop Directive Specific Implementation Plans (DSIP) for each Directive considered financially challenging. However, the complexity of the *acquis*, the time required for its transposition and implementation, as well as the amount of implementation costs imply that the financial planning process should start in the earliest approximation stage possible, in order to set the coherent national policy in this area and establish realistic timetable for further actions.

With regard to the complexity and financial costs of the implementation of the EU environmental and climate *acquis*, careful planning of the approximation process has to be a priority for all enlargement countries.

# Current Status of Affairs in RENA Countries

All RENA countries are facing similar problems in the process of financial planning for EU environmental approximation, especially in terms of insufficient administrative capacity for efficient planning as well as inadequate cooperation among national institutions. Still, the importance of financial planning in the overall approximation is recognized by all these countries - six out of eight RENA countries have developed a national framework document for EU approximation in the field of environment and the remaining countries (Bosnia and Herzegovina and Kosovo\*) are currently preparing similar documents. Since most of the countries are facing a lack of administrative as well as financial resources required for legal and institutional reforms in this sector, in most cases the development of this document has been supported by other EU funded national technical assistance projects. On the other hand, the beneficiary countries, except for the fYR of Macedonia, have not yet developed special programs for environmental investment management. In addition, in most of the countries, the process of development of sectorial and directive specific implementation programs is in its initial phase (mostly in waste management sector). In other words, proper financial and implementation programs in environmental area are still under preparation in the beneficiary countries and the investment planning process is insufficiently organized, which makes the short-term planning and priority setting process difficult.

In line with their EU accession status, RENA countries are at different stages of approximation which lead to various situations regarding the need for financial planning; thus, the existing national institutional setups and formats of documents are rather different from one country to another.

In **Albania**, an Environmental Approximation Strategy is under preparation and an Environmental Investment Plan is still missing. Similarly to Albania, in **Bosnia and Herzegovina** an Environmental Approximation Strategy is under preparation.

The process of environmental approximation financial planning in **Kosovo\*** is in the initial phase of development. The financial planning documents haven't been developed so far; however, preparatory activities on drafting of national strategic documents for approximation in the field of environment are ongoing.

Considering the fact that the **fYR of Macedonia** obtained candidate status in 2005, the advanced phase of approximation is reflected in the existing environmental strategic planning framework. The Environmental Approximation Strategy is available, as well as the Environmental Investment Plan.

In **Montenegro**, the main strategic financial planning documents concerning the environment have not been developed yet, including the Environmental Approximation Strategy. **Serbia** has developed a National Environmental Approximation Strategy. However, a comprehensive Environmental Investment Plan has still not been prepared.

**Turkey** has adopted a document which provides national strategic framework for EU environmental approximation; however, other documents related to more specific areas have not been developed.

## RENA Working Group 1, Investment Planning Sub-Group / Summary of Activities

In the period from 2002 to 2009, the Priority Environmental Investment Program (PEIP), developed within the REReP, set the framework for strengthening the national capacity for investment planning in the SEE countries. This program provided assistance to national governments and municipal authorities in strategic environmental investment planning, in preparing environmental investment projects and in finding donors for project implementation. In addition, the PEIP has supported national environmental investment planning in SEE countries, through institutional strengthening and capacity building.

The process of EU approximation requires substantial environmental investments. Bearing in mind that EU enlargement countries usually lack available investment capital, there is a strong need for further strengthening of the capacity for environmental investment planning, in order to ensure the effective use of available resources. Thus, support to the process of developing strategic investment plans and the prioritization of environmental projects in Western Balkan countries and Turkey continued in the period 2010-2012 through RENA Environmental Investment Planning Sub-group.

RENA countries are at very different stages of aligning national legislation with EU environmental *acquis* and at various stages of EU accession process, which influences the availability and scope of national financing mechanisms. When the program was established in March 2010, RENA comprised four out of five candidate countries and four countries were holding potential candidate status. Until 2013, one of the RENA countries (Croatia) successfully accomplished the negotiation process, Montenegro was about to open the negotiations, and Serbia obtained the candidate status.

The target institutions and beneficiaries of the RENA Investment Planning Sub-group were the environmental ministries and other relevant institutions (other national institutions involved into environmental projects planning and implementation) from Albania, Bosnia and Herzegovina, fYR of Macedonia, Kosovo\*, Montenegro, Serbia and Turkey. Croatia, being very close to the EU accession, was not the beneficiary of this Sub-group; however, Croatia participated in its activities, by sharing its own investment planning experiences with the countries from the region.

The program of Investment Planning Sub-group was created to respond to the needs of each beneficiary country as well as to enhance regional cooperation in this area. The program was divided into two main components: **national trainings**, focused on capacity building for investment planning at national level and **regional trainings**, aimed at strengthening cooperation between the countries and creating a basis for experience exchange.

**National trainings** were held in all beneficiary countries participating in this Working Group. In a broad sense, they were devoted to country specific issues, such as enhancement of inter-institutional cooperation mechanisms, identification of procedural and information gaps, etc. The target group of these trainings were representatives of national environmental authorities and other, both national and local institutions relevant for the identification, development, financing and implementation of environmental investment. A multidisciplinary approach and the choice of topics as well as the diversity of attendants in the workshops reflected the complexity of the ongoing and future processes and challenges that each candidate country



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faced during the approximation process. In addition, these workshops provided an insight into the overall planning cycle and its relation with the transposition of EU requirements into national legal system, especially in terms of heavy investment directives.

In the period from 2011 to 2012, four **regional trainings** were organized with the aim of reinforcing actions at national level and supplementing national training topics through the exchange of best practices among countries. Close cooperation with other investment planning initiatives present in the region (*including DABLAS (Danube and Black Sea Region Task Force); HORIZON 2020 Hot Spot identification component (Elaboration of a Mediterranean Hot Spot Investment Programme); IFIs Coordination Office, WBIF-IPF (Western Balkans Investment Framework - Infrastructure project facility); as well as other donor programs active in the region, such as EIB, EBRD, USAID, KfW, Swedish, Dutch, Swiss, Norwegian and other assistance*) has been established in order to avoid overlaps and to further promote the regional priority environmental investment projects list which was updated every six months within the framework of RENA regional trainings.

**Regional training on EU requirements and environmental projects approximation costs assessment** (Dubrovnik, Croatia) was focused on the approximation of the cost assessment methodologies for WB countries and Turkey in the process of adopting the EU *acquis*. RENA experts presented the approximation cost assessment methodologies to be used during the accession negotiations and explained the importance of regional cooperation for the identification and preparation of environmental investment needs. The representatives of other regional initiatives and IFIs (KfW, WBIF/IPF and IFIs coordination unit) presented their activities, results and experiences in the area of EU accession cost assessment and investment planning.

**Regional training on planning of environmental investments** (Tirana, Albania) aimed to present the EU best practice and to provide the exchange of experience in preparation and implementation of investment plans in environmental policy planning. The training provided a framework for discussions concerning the institutional aspect of investment planning, investment project identification and regional cooperation in development of environmental investment proposals. Since the economic and financial planning capacity is relatively low in all RENA countries, the experience of several countries was discussed including negotiating the common position

on Chapter 27, the EU approximation programming steps and examples of cost calculations and investment needs. The content of the Environmental Investment Plan with its basic steps and main directives to be carefully considered in cost assessment were presented and discussed in detail with representatives of the EC, WBIF, IFIs coordination office and *Kommunalkredit* Public Consulting GmbH.

**Regional training on the role of national and international financing sources in environmental financing, programs and measures in accordance with the WFD** (Skopje, FYR of Macedonia) was delivered back to back with regional training of RENA Water Management sub-group. The training provided overview of the main aspects related to the process of drafting necessary planning documentation and highlighting the role and importance of various institutions in such processes, including the need for closer coordination of activities at all levels. During the interactive sessions, the main elements of WFD were presented including: the steps and measures necessary for its implementation; experiences of EU member states (Germany, Denmark and Lithuania) related to the development of necessary financial planning documentation, as well as present experiences of candidate countries; basic aspects of environmental financial planning; the role of international funding and domestic funding sources with a short review of challenges in this area. Participation of RENA experts, as well as representatives from relevant sectors and institutions of member states (Germany and Lithuania) and candidate countries (FYR Macedonia), most of whom participated in technical assistance programs in new member states and/or candidate countries, and who assumed the role of the trainer during the workshop, provided the participants with an opportunity to obtain comprehensive information on all necessary steps in the approximation process.

**Regional training on development of environmental financing plans** (Budva, Montenegro) provided opportunity for exchange of experience and build up knowledge among RENA countries regarding the development of environmental financing strategies and adequate plans. The participants were informed about the main elements of environmental investment and financing plans and were acquainted with the sector wide approach. With the assistance of RENA experts, the participants were trained in giving short descriptions of 2014-2020 EU financial perspective planning process and developing the Table of Contents for an Environmental Financing Plan.

# Achieved Outcomes and Main Conclusions

**The capacity building program** delivered through national and regional workshops covered all main aspects of the environmental investment planning process, including the investment needs assessment, environmental financing assessment, mechanisms of institutional cooperation and project identification. Short presentations on the current situation given by representatives of the WB countries and Turkey revealed that levels of transposition and implementation planning have increased during the last years, providing a better background for investment project planning. However, in all beneficiary countries, the improvement of inter-institutional cooperation and the process of project identification are considered to be the most important tasks to complete as a necessary precondition for full compliance with EU requirements.

**The national trainings** intended for representatives of all institutions relevant for financial planning, aimed to provide an overview of the role of investment management in the overall approximation process. **The regional trainings** provided a basis for the exchange of experiences between representatives of candidate countries, potential candidates and similar EU initiatives which significantly improved the national capacity for investment planning in the overall environmental policy setting. Besides theoretical presentations and practical exercises, the regional trainings offered experiences of new member states and/or the best practices developed in some beneficiary countries. Moreover, each training included two additional sessions aimed at discussing regional environmental investment projects and the exchange of experiences from other similar EU initiatives.

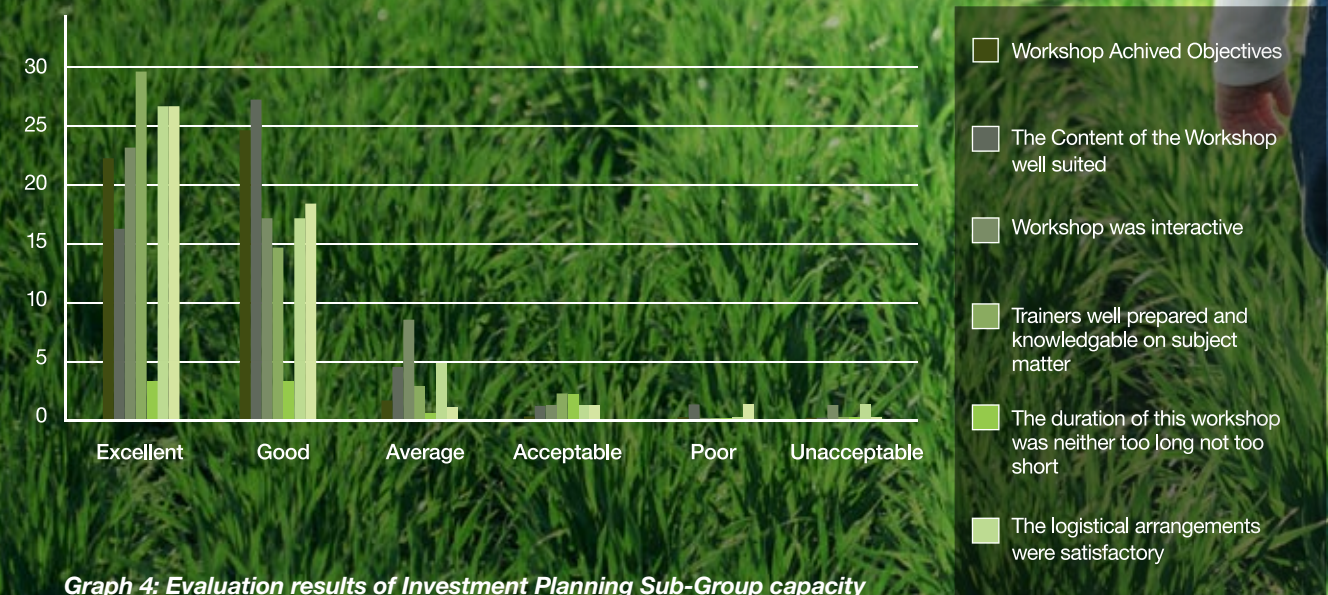
Through capacity building on main steps in environmental investment planning, the activities of RENA Investment Planning Sub-group contributed to **improving regional cooperation and strengthening the linkages with the financial initiatives in the region**, creating a useful platform for future coordination of regional activities. One of the main outcomes of the RENA approach was the development of a List of regional priority environmental investment projects. Moreover, some important tools for preparing investment plans and financial strategies were developed within this activity, such as *national formats for investment project lists, model contents for investment and financing plans, Guide through a Stepwise Approach in Developing Investment and Financing plans*, etc.





# Evaluation

The results of Investment Planning Sub-group activities can be best proven by the great interest to participate from the side of the RENA beneficiaries. During the Sub-group activities, a total number of 225 participants attended the workshops with an average of 45 persons per training. Thanks to RENA experts and their direct contacts with the country representatives involved, an increased interest in each following workshop has been observed. The participants were satisfied with the methods and approach and particularly with the possibilities to pose questions and receive a qualified reply from the RENA experts. Networking with local organisations and other similar EU projects improved the overall cooperation in the region.



Graph 4: Evaluation results of Investment Planning Sub-Group capacity building activities

# Identified Priorities and Future Steps

Although there is a notable progress in the transposition and implementation planning of EU environmental *acquis* in all candidate countries and potential candidates, significant efforts in the further development of the approximation process need to be invested. Bearing in mind that RENA countries are progressing towards EU accession (starting the screening process, gaining the candidate status, etc.), it can be expected that development of financial planning documents, as a necessary part of the EU accession negotiation process, will become a priority in the upcoming period. At the national level, administrative capacity in all beneficiary countries is still insufficient, cooperation among relevant institutions remains weak, established procedures for project identification, prioritisation and implementation deficient, all these being considered as main challenges for carrying-out further investment planning process.

In order to stimulate further process of strengthening national capacity as well as the process of regional cooperation and information sharing in environmental investment issues, the ECRAN could provide assistance in the following areas:

- **Meta-planning and development of meta- plan (roadmap)** for preparation of the necessary planning documents for EU accession process;
- **IPA project fiche preparation;**
- **Project management cycle of environmental investments;**
- **Cost recovery and tariff setting.**





# CLIMATE CHANGE

## The EU Climate Policy

Preventing dangerous climate change is a strategic priority for the European Union. Europe is working hard to cut its greenhouse gas emissions substantially while encouraging other nations and regions to do likewise. In parallel, the European Commission and some Member States are developing adaptation strategies to help strengthen Europe's resilience to the inevitable impacts of climate change.

To prevent the most severe impacts of climate change, the international community has agreed that global warming should be kept below 2°C compared to the temperature in pre-industrial times. To stay within this ceiling, the scientific evidence shows that the world must stop the growth in global greenhouse gas emissions by 2020 at the latest, reduce them by at least half of 1990 levels by the middle of this century and continue cutting them thereafter.

The EU is considered to be a leader in international efforts to combat climate change globally, within the framework of the UNFCCC (*United Nation Framework Convention on Climate Change*). For a number of years, the EU and its member states have been considered the greatest supporters of the establishment of strict and globally binding rules which will ensure real reductions of GHG emissions. EU leaders have committed to transforming Europe into a highly energy-efficient, low carbon economy. The EU has set itself targets for reducing its greenhouse gas emissions progressively up to 2050 and is working successfully towards meeting them.

The European Climate Policy is progressively developing, covering all relevant sectors policies (transport, energy, agriculture etc.), with targets going beyond the goals initiated at the global level. During the first UNFCCC commitment period which required from its parties 5% reduction of national GHG emissions below 1990 levels, the EU committed itself to 8% reduction for the years 2008-2012. Emissions monitoring and projections show that the EU-15 is well on track to meet this target, and most of the MS that have joined the EU since 2004 also have Kyoto reduction targets of 6% or 8% which they are on course to achieve. As a signatory of the amendments to the Kyoto protocol (Doha, 2012), which confirmed the goal of 20% reduction until 2020, the EU expressed the possibility of reducing its emissions to 30% (compared to the 1990 levels). Moreover, the DG CLIMATE ACTION goal, through development of various policies and measures within the EU, is the reduction of GHG emissions by 85-90% (compared to the 1990 levels) until 2050, in accordance with the *EU 2050 Roadmap*.

The EU Climate Package set a series of targets related to the emission cuts, renewables and energy efficiency through numerous EU binding legal acts adopted since 2009, covering the EU ETS (Emission Trading Scheme), GHG reductions for non-ETS sector, Effort Sharing Decision, Carbon Capture and Storage, Transport/Fuels, Ozone Layer Protection and Fluorinated Gases. The key instrument of the EU strategy for climate change combating is the EU ETS, as the first international GHG emission trading system covering the EU and the EEA area (includes around 10 000 installations responsible for close to half of the EU CO<sub>2</sub> emissions), operational since 2009. In order to reach GHG reduction targets, key implementing legislation was adopted in 2010, and further development of measures and integrated strategies is underway.



# Current Status of Affairs in RENA Countries

Currently, RENA countries are at different levels of developing climate change policies and alignment with the EU climate legislation, depending on their status in the EU enlargement process. With the exception of Croatia, which has transposed the major part of the climate *acquis*, the remaining countries are at the very start of the approximation process in this area. In terms of EU ETS, except Croatia, which has developed the structures required for its implementation, and the FYR of Macedonia, which has partially transposed the EU ETS Directive, in the remaining RENA countries the transposition process has not started yet.

Due to the fact that all RENA countries (except Kosovo\*) are parties to the UNFCCC, some processes related to the development of climate change policies and measures already started in the SEE region. There are ongoing activities related to the development of adaptation and mitigation plans and to the drafting of National Communications, in most of the cases supported by bilateral and/or international donors. However, countries of the SEE region (with the exception of Croatia) lack clear and integrated strategies for the implementation of climate *acquis* and there is a necessity for development of national/regional roadmaps towards GHG emission reduction. Thus, even if the National Communications were submitted to the UNFCCC Secretariat, there would be a lack of capacity for following up on the mitigation and adaptation strategies. With regard to the complexity of the climate change policy and its inter-sectorial approach, the administrative capacity required for proper implementation of the climate *acquis* in beneficiary countries is dramatically low.

As a Non-Annex I Party to the UNFCCC (since 1995), so far **Albania** has prepared two National Communications (in 2002 and 2009), and has successfully finalized the Stock-taking exercise/self-assessment for the preparation of the Third National Communication to UNFCCC. The transposition of the EU ETS and the remaining climate *acquis* is at an early stage, and the implementation process has not started yet.

In **Bosnia and Herzegovina**, the First National Communication related to the implementation of the National Framework Convention on Climate Change was adopted in March 2010, and currently, the Second National Communication is being prepared with the support of the United Nations Development Programme Office. The transposition and implementation of the relevant climate *acquis* has not started yet.

As an Annex I Party to the UNFCCC, **Croatia** has to fulfil annual reporting requirements under the UNFCCC and the Kyoto Protocol. So far, five National Communications and the National GHG Inventory for the period from 1990 to 2010 have been submitted to the UNFCCC Secretariat. Pursuant to provisions of Articles 4 and 12 of the Convention, Croatia is obliged to create a national greenhouse gas inventory on an annual basis. Since 2003, Croatia has prepared annual National Inventory Reports (NIR) and made projections and reports on the effects of policies and measures. In line with its pre-accession status, so far, Croatia has fully transposed most of the provisions of the relevant climate *acquis* (including the EU ETS) and established the structures required for its full implementation. The remaining provisions of the EU legislation will be transposed and/or implemented upon EU accession. In addition, as a new EU member state (starting from 1 July 2013), Croatia will participate in the implementation of EU 20-20-20 strategy.

As a Non-Annex I Party to the UNFCCC, the **FYR of Macedonia** has developed and adopted two National Reports on Climate Change. The Second National Report on Climate Change presents the state with regard to greenhouse

gas emissions and sets framework for mitigation actions and their adaptation. In 2007 the National Strategy for the Implementation of the Clean Development Mechanism for the first commitment period under the Kyoto Protocol (2008-2012) was adopted. However, the transposition and implementation of the climate *acquis* remains at an early stage.

**Kosovo\*** has not yet ratified the UNFCCC and the Kyoto Protocol, due to the fact that this country is not a UN member. In addition, the alignment with the relevant EU climate legislation is at an initial stage.

As a Party to the UNFCCC and the Kyoto Protocol, **Montenegro** is currently fulfilling the obligations set out for Non-Annex I countries (submission of national communications, implementation of the CDM mechanism, etc.) Transposition of the Emission Trading Directive and other relevant climate *acquis* is at a very early stage.

**Serbia** ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1997 as a Non-Annex I Party and made efforts to set the appropriate policy, institutional and legal frameworks to meet the commitments prescribed by the Convention. The Initial National Communication was submitted to the UNFCCC in November 2010, and the Second National Communication which will comprise a ten-year period greenhouse gas inventory, projections and mitigation plan until 2020 as well as a long-term framework mitigation strategy, is under preparation. However, the alignment with the climate *acquis* is at an initial stage.

In 2004, **Turkey** became an Annex-I Party to the UNFCCC. The First National Communication was submitted to the Secretariat in 2007, and the Second National Communication was prepared in 2012, with the support of a bilateral donor. A Greenhouse Gas Inventory (covering the period from 1990 to 2009) was submitted to UNFCCC Secretariat on April 15th, 2011. However, the transposition and implementation of the climate *acquis* remained at a low level.





# RENA Working Group 2, Climate Change / Summary of Activities

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All RENA countries undergo the same process of approximation to the EU, as well as to international standards in this area. Bearing in mind a strong involvement of the EU in the UNFCCC processes, the EC is expecting that all acceding countries become UNFCCC Annex I countries and achieve full implementation of UNFCCC requirements. Moreover, from the perspective of the EU accession process and the EU membership status, RENA countries are expected to gradually align national policies in line with the EU Climate *acquis*, which often mean additional requirements going beyond the UNFCCC framework.

Most initiatives present in the region (*the Belgrade Initiative, the SEE Climate Change Framework Action Plan for Adaptation, and the Regional Forum for Climate Change*) focus on fulfilling the requirements of the UNFCCC and adaptation measures for Non-Annex I Parties. In order to support the institutional development

and process of strengthening the capacity, as well as the regional cooperation for proper implementation of the climate *acquis* and obligations arising from the Annex-I country status in the Western Balkans and Turkey, a program of activities has been developed through RENA Climate Working group. Within the framework of this WG, a set of different activities covering three Activity Schemes (*Regional Climate Change Platform for Adaptation and Mitigation; GHG Reporting and the EU ETS*) has been implemented in the period 2011-2013. Major part of WG activities was implemented through trainings and public awareness seminars. However, certain activities also concerned studies/practical work, e.g. inventory process for the combustion fuel sector using the Monitoring Mechanism Decision (MMD)/ UNFCCC methods in all RENA countries; drafting the lists of ETS-like installations and assistance with IPA project development.

## The Regional Climate Change Platform for Adaptation and Mitigation (RECAP)

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The activities developed under ReCAP Activity Scheme focused on the most important elements of the EU Climate policy and legislative issues from the EU accession perspective, including the obligations arising from the UNFCCC Annex I status and the post-2012 agreement. The regional trainings carried-out in the period from March to June 2011, aimed to support the capacity building of relevant national institutions for development of policies and implementation of measures required to converge with the EU Climate Change policy, as well as the enhancement of regional cooperation in this field. As a result of the consultations among national coordinators, representatives of DG CLIMA and RENA team at Bon meeting (July 2011), it was decided that this activity should be organized as a “cascade of events”. Thus, the scope of the *ReCAP* activity included regional workshops, national workshops, public awareness seminars, studies, practical work and assistance in IPA project development.

**Regional training on the EU climate and energy package** (Budva, Montenegro) aimed to provide an overview of the EU 20-20-20 policy and legislation, including its main implementation requirements and obligations arising from the EU membership. The historical development and main features of most important legal elements of the Climate and Energy Package (effort-sharing, renewable energy, carbon capture storage) was presented in details, as well as the latest EU developments in the climate change area (the EU 2050 Roadmap, proposed Energy Efficiency Plan, etc.), in order to reflect the effects of its implementation in RENA countries from the perspective of EU membership. The EU MS example (the Czech experience) regarding the development and implementation of the overall strategy for implementation of EU Energy and Climate Package provided a useful insight into the implications of the implementation of this legislation at national level. RENA countries presented their short and mid-term climate policies, developed in line with their current pre-accession status, and the Croatian experience in development of a strategy towards achieving renewable targets (as agreed between Croatia and the EC within the accession negotiation framework) was elaborated in details. In addition, roundtable discussions provided a framework for the identification of common challenges and main obstacles in implementation of the EU climate *acquis* as well as for the exchange of best practices among the participating countries.

**Regional training on CO2 emissions from road transport, fuel quality and f-gases** (Istanbul, Turkey) addressed the main requirements of the so-called non-EU ETS sectorial policies. The overview of the EU strategy for the improvement of fuel economy of cars, including the White Paper Roadmap towards competitive and resource-efficient transport system and the latest legislative developments in the area of reducing CO2 emissions from passenger cars were presented to the participants. Special attention was paid to the requirements of the legislation stipulating emission performance standards for new passenger cars, consumer information on fuel economy and amended Fuel Quality Directive. A significant part of the training was dedicated to the EU Fluorinated Greenhouse Gases (f-gases) policies, including an overview of the main requirements of relevant EU legislation in this field. Through comprehensive and detailed presentations of the main features of the above mentioned EU legislation and open discussions on its current status of implementation in beneficiary countries, the training improved the knowledge of the main elements of EU climate policies and legislation on CO2 from cars and f-gases, as important parts of the EU Climate Policy.

**Regional training on identification of follow-up national ReCAP events on concrete climate action** (Bonn, Germany) was organized in a form of meeting among representatives of the EC (DG Environment, DG CLIMA and DG External Affairs), RENA experts, and national WG2 coordinators. The aim of this meeting was the identification of



concrete needs to be translated into RENA follow-up events for the period 2011-2012. In addition, the representative of DG External Relations presented an overview of main challenges arising from the EU international climate change policy, providing an insight into main developments in this field. The abstract of activities that had been implemented under RENA WG 2 was followed by presentations and discussions on proposed national events, which led to an agreement on future work plan for this part of ReCAP Activity Scheme.

In accordance with the gap analysis and conclusions of the Bonn regional meeting, **six national ReCAP seminars** were held in the period from September 2011 to October 2012 (in Turkey, Serbia, Albania, Kosovo\*, Bosnia and Herzegovina. The common ReCAP seminar for the FYR of Macedonia and Montenegro was organized in Skopje). Seminars were designed as national events focused on raising awareness on the EU climate policy and legislation and related opportunities, benefits and challenges. The seminars were a wake-up call to undertake all necessary steps in RENA countries towards compliance with EU climate *acquis* and becoming more cooperative within the UNFCCC process. The seminars implemented in all RENA countries have attracted a wide audience and media coverage and were attended by public administration, industry, civil society and other relevant stakeholders. Special attention was paid to the exchange of information between EU representatives and beneficiary country experts, with a focus on the identification of funding opportunities for targeted actions.

# Creation of GHG Inventories and Implementation of the Monitoring Mechanism Decision

The second Activity Scheme under this Working group focused on the application of the EU MMD, as one of the most important tools providing transparency, accuracy, comparability, consistency and completeness of GHG inventories.

Based on the common need identified, this Activity included practical capacity-building trainings related to special implementation tools (Monitoring Mechanism Regulation (MMR) tools, Common Reporter Format (CRF) tables). **Through the MMD regional exercise** (implemented from January 2012 to October 2012 in all RENA countries), the actual preparation of inventories was supported. The MMD exercise focused on methods of data collection, interpretation and submission through the CRF tools of the UNFCCC in compiling data for GHG registries. Since it was decided that this exercise would be implemented in the field of the combustion sector, beneficiary countries were invited to nominate national field experts who would work on the CRF Reporter as well as on the identification of installations (as per ETS Annex-I). The aim of this exercise was to increase the technical and institutional capacity of RENA countries for the preparation and submission of National Inventory Reports, by using the appropriate tools and guidelines, as well as to create a pool of regional experts or the so-called expert taskforce to carry out the work on GHG inventory. With the help of the UNFCCC Secretariat, through this exercise, RENA facilitated the process of installing the CRF reporter in all beneficiary countries (both, Annex I and Non-Annex I). As a result of this exercise, the inventory process for the combustion fuel sector using the UNFCCC and MMD methods started in all beneficiary countries. Additionally, this exercise provided the basis for the identification of major gaps in this field and possible project proposals for future consideration.

Regional trainings, organized under this activity, provided a framework for the exchange of experiences among beneficiary country representatives, the EU MS and EC representatives regarding basic national system requirements that need to be accomplished for the proper implementation of EU climate change policies as well as for fulfillment of the Kyoto requirements.

**Regional training on MMD** and its implementing provisions (Skopje, FYR of Macedonia) aimed to improve the understanding of the GHG inventory process in EU member states. The training provided an overview of main implementing requirements of the MMD (including a presentation of its implementing provisions), and a comparison of GHG inventories required for UNFCCC Annex I and Annex II countries, by presenting main technical and institutional challenges for the acceding countries. The training approach (including presentations of actual GHG inventory processes under the UNFCCC, the legal background and institutional arrangements in all RENA countries) ensured the exchange of experiences and best practices among countries of the region.

**Regional training on the use of the CRF Programme in the framework of the MMD** (Tirana, Albania) aimed to improve the skills of RENA country representatives regarding the use of CRF Reporter software (*a tool developed under the UNFCCC, consisting of a series of standardized data tables with mainly numerical information submitted electronically, and used for submitting GHG inventories, as part of Annex I country obligation*). Beside theoretical introductions on the required steps for compiling data and ensuring the compliance with requirements of the UNFCCC guidelines and the EU MMD, an overview of Romanian, German and Croatian experiences on the CRF methodology, as well as the current state of play regarding the preparation of GHG inventories in RENA countries, were presented. The central part of the training was a hands-on exercise on starting an inventory by using the CRF



Reporter and filling out an inventory as well as on main practical aspects and procedures for a proper use of this tool which greatly improved the participants' knowledge and skills in this area.

**Regional training on MMD exercise results** (Dubrovnik, Croatia) aimed to support the exchange of experiences and overall capacity building for improvement of GHG emission inventories in the framework of the MMD and the future MMR. RENA country experts presented the results of an exercise implemented within the framework of this WG, as well as the identified gaps (legal, institutional, data quality and availability). Moreover, the representatives of Turkey and Croatia provided an overview of their experience in preparing national inventory reports, in accordance with the Annex I country obligations. Panel discussions on MMD/MMR implementation, carried out within this training, ensured an insight into the steps which need to be taken to further strengthen MMD/MMR implementation in RENA countries from an EU accession perspective.

# Capacity Building on the EU Emissions Trading System (EU ETS)

The third Activity Scheme under this Working group focused on the implementation of the EU ETS, as the cornerstone of the EU climate policy. Bearing in mind that in most RENA countries the process of transposition of relevant EU legislation has not started yet, this working group tasks centered upon the capacity building program addressed to representatives of competent authorities in beneficiary countries, with the aim to support the process of establishment of basic structures for future emission trading within the framework of the EU ETS. Beside three regional trainings on mechanisms for EU ETS implementation, this Activity provided hands-on assistance in development of a national list of installations in line with the third phase of the EU ETS. Moreover, following the current status of approximation in Croatia, and in order to step up its efforts to align with the EU climate *acquis*, a **special national workshop on the inclusion of aviation in EU ETS** was organized, and provided significant capacity building program for representatives of relevant institutions and the aircraft sector with regard to major obligations arising from the EU membership.

**Regional training on the EU Emission Trading Scheme** (Istanbul, Turkey) aimed to introduce the scope and main requirements of a revised EU ETS Directive (2009/29/EC), as well as to enhance the awareness of positive effects of participation in the carbon market. A brief introduction to the historical context of the EU ETS system was followed by an overview of the implementation experiences from the first two trading periods (2005-2007, 2008-2012) in the EU MS, and main requirements of the revised Directive, whose implementation was about to start (2013). Special attention was paid to the relationship between monitoring, reporting and verification mechanisms and the effective implementation of this legislation as well as to the changing role of the CDM (Clean Development Mechanism). Different points of view of the EU ETS requirements were presented– the Croatian experience in development of the national system for participation in the EU ETS, the experience of the Romanian industry sector, the Hungarian experience with inclusion of aviation in the EU ETS system, as well as NGO views on ETS in the post-2012 period. Moreover, the training served as a platform for informal discussions on major steps to be taken by (potential) candidate countries to prepare for the EU ETS implementation between policy-makers of RENA countries, RENA experts, EU MS climate experts, and representatives of DG CLIMA.

**Regional training on Monitoring, Reporting and Verification- MRV** (Zagreb, Croatia) focused on the MRV of GHG emissions as a precondition for proper implementation of any cap and trade scheme. Since the implementation of the MRV mechanisms is considered the mayor challenge for both administration and industry, this training aimed to provide an overview of different approaches to set up the MRV at national level. A general introduction to the EU ETS post-2012 (including main legal and institutional requirements for participatory countries) was followed by a detailed overview of the tasks and responsibilities of competent authorities and operators. Since the development of the monitoring plan plays the central role in the EU ETS framework, special attention was paid to the main principles of monitoring and reporting, the content of monitoring plans, the methodology and use of activity data. The general experience of the EU MS, as well as detailed presentations of German experiences with regard to monitoring and reporting from installations was presented. The representatives of Croatia, as an acceding country, provided an overview of the current situation in this country and experiences regarding the preparation for the EU ETS post-2012. In addition, the participants were acquainted with the latest EU developments in this field, including new Regulations (on monitoring and reporting, accreditation and verification) that will enter into force in 2013.





**Regional training on the functioning of Registries** (Dubrovnik, Croatia) provided an overview of the role and main features of the functioning of the Registries in the context of the EU ETS, the UNFCCC and the Kyoto Protocol. Following the requirements of the UNFCCC/Kyoto Protocol as well as requirements of the EU climate *acquis* (the EU ETS Directive), EU member states are obliged to put in place the standardized, electronic national registries to allow emission trading.

The scope and requirements of new EU Registries Regulation was presented, as well as the role and obligations of national administrators in its implementation. The training addressed the security issues related to the Registry's functioning, the relationship between this Regulation and the MMD, as well as the correlation between the UNFCCC requirements and the EU registries. Moreover, the training provided a framework for discussing the necessary steps to be undertaken by candidate and potential candidate countries, as well as for the exchange of information and expertise among the countries of the region, RENA experts and DG CLIMA representatives.

# Achieved Outcomes and Main Conclusions

Bearing in mind the existing and planned national and regional initiatives in the field of climate change, RENA Working Group 2 Activities focused on building upon the existing processes and initiatives rather than preparing other (regional) strategic action plans. Within the period 2011-2013, the activities implemented under this working group covered not only trainings on some of the most important issues in this field, but also enhanced the public awareness campaign through national high-level events and seminars. RENA proved to be a vehicle for regional opportunities to implement elements of EU climate *acquis*.

National ReCAP seminars, focused on sharing experiences regarding the opportunities and challenges of the climate *acquis* implementation attracted broader participation than expected. These seminars comprised **public awareness events**, with significant media attention. In most cases, these events were followed by requests for organization of more specific seminars and workshops, requests for additional information and assistance on IPA project development, which reflects the real need for further capacity building in the climate change area in all beneficiary countries. More **specialized and technical trainings** were delivered in the field of monitoring and reporting under the MMD and the UNFCCC. Besides the practical training on the use of appropriate guidelines and tools, joint work of national experts and the RENA team led to the identification of main institutional, legal and quality data gaps in one of the most relevant sector for the MMD implementation (fuel quality) in all beneficiary countries. Furthermore, the RENA team provided **assistance to national authorities in translating these gaps and needs into concrete project proposals** to be financed by bilateral/international donors. At the same time, workshops and seminars on the EU ETS provided an overview of the cycle of implementation of this complex mechanism, by presenting the existing EU mechanisms (the functioning of the EU register) as well as institutional preconditions for proper implementation of the EU ETS. In addition, within the framework of this RENA working group **number of important practical activities was implemented** (development of an inventory for the combustion fuel sector, including a regional list of installations, analysis of national systems, assistance in IPA project development upon request, etc.).

Beside the participation of all beneficiary countries (representatives of the institutions competent for climate change and national experts in certain fields of relevance for the implementation of climate change policies), this program included experts from EU member states as well as from relevant EU institutions. In addition, some of the most important practical activities were supported by the UNFCCC Secretariat. Thus, one of the main results of this program was the **creation of the platform for the cooperation and exchange of experiences** between the countries from the region, the EC experts and the EU member states experts.



# Evaluation

A summary of training evaluation shows that most participants indicated that the objectives of trainings were met (rated between good and excellent), that the content of the trainings was well suited to their knowledge and experiences and that the facilitators were well- prepared and knowledgeable. The overall conclusion, according to the analysis of evaluation forms filled by the participants is that the trainings organized under this RENA WG met their expectations as regards the workshop content. The evaluations of national ReCAP seminars showed that these events were successful in terms of achieving the objective of sharing knowledge and experiences on EU climate policy with a broader audience. In addition, the Seminars clearly succeeded in further enhancement of cooperation and promotion of positive change.



Graph 5: Evaluation results of Climate Working Group capacity building activities

## Identified Priorities and Future Steps

RENA WG 2 activities provided a basis for the assessment of capacity-building and skills- improvement needs in this area in all beneficiary countries. Based on the results of the consultations with beneficiary country coordinators, as well as on the previous EC Progress Reports, it can be concluded that major approximation gaps in the area of EU climate policy arise from insufficient administrative capacity. As most beneficiary countries are Non-Annex I countries, the range of actions in the region is limited. Moreover, public and political awareness on the challenges of implementation of the climate *acquis* is very low; consequently, national climate policies are generic and non-integrated, without elementary cross-sectorial cooperation required for the achievement of convergence with the EU climate *acquis*. The administrative capacity necessary for development and implementation of climate change policies, including the alignment with the climate *acquis* remains weak in all acceding countries.

Thus, the activities of the follow up EC initiative – ECRAN should place the focus on the following:

- **Further development of national climate policies in beneficiary countries;**
- **Targeted regional and national trainings and practical assistance** in implementation of the important requirements of the EU climate *acquis* and legislation that were insufficiently addressed under the RENA, such as ozone-depleting substances, f-gases, monitoring of cars and vans, CCS, fuel quality monitoring plans, etc.
- Provision of **hands-on assistance** and short missions to support the drafting and fine tuning of key policy documents and legislation upon the request of beneficiary countries.
- **Follow up on the public awareness campaign** addressed to policy makers and citizens, initiated under the RENA;
- Further **development of a regional forum for the exchange of information and experiences.**



# NATURE PROTECTION

## EU Nature Protection Policy

The EU Nature protection policy is built around two pillars: the system of species protection and the Natura 2000 network of protected sites.

The biodiversity loss is an enormous challenge in the EU, with around 25% of species currently threatened with extinction and 88% of overexploited or significantly depleted fish stocks. Two pieces of European legislation are cornerstones of the EU's policy response to this challenge- the Birds Directive (Directive 2009/147/EC - codified version of Directive 79/409/EEC) and the Habitats Directive (92/43/EEC). The Birds Directive provides a framework for wild birds conservation and management. It was adopted unanimously by Members States as a response to increasing concern about the decline in Europe's wild birds populations. This Directive assures strict protection of Europe's wild birds, it identifies 194 species and sub-species which are threatened and in need of special conservation measures. In 1979, the Bern Convention was also adopted with the aim to preserve natural habitats, wild plants and animal species. The EU ratified the Convention in 1982 and implemented it through the Habitats Directive. The aim of the Habitats Directive is to promote the maintenance of biodiversity through the conservation of natural habitats and wild fauna and flora. It assures the conservation of a wide range of rare, threatened or endemic species, including around 450 animals, 500 plants and 231 habitats.

The Habitats Directive introduces a coherent European ecological network of protected areas called *Natura 2000*. *Natura 2000* is the biggest ecological network in the world and covers around 18% of land in the EU countries. Human activities in *Natura 2000* ecological network are often needed to preserve the richness of the sites, so implementation of Nature Management plans is an important point in the nature protection activities. As nature heritage does not recognize administrative borders, nowadays a lot of trans-boundary areas in the EU are protected.



# Current Status in RENA Countries

Nature protection *acquis* needs to be transposed and implemented by all of the enlargement countries by the date of accession. The establishment of *Natura 2000* requires the designation of the Sites of Community Importance (SCI) as Special Conservation Areas. Special Protection Areas (SPA) should be designated by the date of accession according to the Birds Directive. RENA countries should, at the date of accession, have designated SPAs as well as submitted a list of potential SCIs to the European Commission.

The Emerald Network is an important basis for the proposed list of *Natura 2000* sites. The *Natura 2000* network is the EU contribution to the “Emerald network” of Areas of Special Conservation Interest (ASCIs). The Emerald Network is an ecological, pan-European network aiming to conserve flora, fauna and natural habitats. Members of the Emerald Network are the European Union’s member states as well as other countries including Albania, Croatia, former Yugoslav Republic of Macedonia, Serbia and Turkey, also parties to the Bern Convention. According to EC Annual Progress Reports, most RENA countries, with the exemption of Croatia, have just started implementing the necessary steps towards transposition and implementation of relevant EU nature protection legislation.

**Albania** has achieved a good level of Birds and Habitats Directives transposition. The implementation of the Birds Directive is in an advanced stage, and full implementation is scheduled for 2013. However, the implementation of the Habitats Directive in this country is at a very early stage.

In **Bosnia and Herzegovina**, most provisions of the Birds and Habitats Directives were transposed in 2012. Although the implementation of these directives has not started yet, it is expected in the near future. In Croatia, the status of transposition and implementation of the Birds and Habitats Directive is in the most advanced stage. A majority of obligations stipulated by these directives have been fulfilled, and the remaining transposition and implementation measures are linked to the Croatia’s accession to the EU.

The **fYR of Macedonia** has partially transposed the Birds and Habitats Directive and the implementation of these directives is in an early phase. However, it is expected that the IPA funded project (envisaged to start in 2013) will provide the assistance for further transposition, as well as the capacity building for proper implementation of both directives.

In **Kosovo\***, both directives have been almost fully transposed, due to the recent adoption of new nature protection legislation. The implementation of the Birds Directive hasn’t started yet, while the implementation of the Habitats Directive is in an initial stage.

In **Montenegro**, the Birds Directive is partially transposed and further alignment with its provisions is expected in the forthcoming years. The level of implementation of this Directive is low. Even though the level of transposition of the Habitats Directive is advanced, its implementation in Montenegro is very limited.

In **Serbia**, the Birds Directive is fully transposed, and the transposition of the Habitats Directive is in the most advanced stage. The implementation of both directives has started.

Although **Turkey** reached a high level of transposition of the Birds and Habitats Directives, the implementation is partial. However, the new nature protection legislation is expected to provide basis for the implementation of remaining requirements of the nature EU legislation.

## RENA Working Group 3, Nature Protection Sub-Group/ Summary of Activities

In line with the EU accession process, progress in the transposition and implementation of the EU nature protection *acquis* has been made in the South East Europe (SEE) region. All RENA countries understand the need to increase the surface of the protected areas and to apply the EU nature protection mechanisms on their territories. On the other hand, most areas eligible for protection and conservation have a geographical transboundary dimension that requires cross-border cooperation.

A range of different cross-border activities and projects for strengthening the cooperation in the field of nature protection have been implemented within the region (e.g. Dinaric Arc Initiative included 42 Western Balkans projects, UNDP Coastal biodiversity conservation in Dalmatia, *Neretva Delta*, *Lake Prespa*, etc.). Most of these initiatives focused on the preservation of ecological integrity of the region by establishing the network of protected areas and by integration of the EU nature protection *acquis* in other sectorial policies. As natural resources management involves important social and economic development issues relevant for municipal and regional development, these initiatives intended to strengthen the role of the local communities in the entire process.

RENA Nature Protection Sub-group provided a framework for further development of the regional cooperation in the area of nature protection. The central point of the RENA Nature Protection Sub-Group program was the idea that the local communities could gain from the cross-border cooperation in nature resources management; thus, the program was designed to

link the nature protection principles with the relevant development topics. In order to support current conservation and protection activities and to ensure coordination with other ongoing activities, the following cross-border protected areas (pilot sites) were chosen for carrying out theoretical and practical training programs: *Gornje Podunavlje/Kopacki rit* (Hungary, Croatia, Serbia), *Dojran Lake* (fYR of Macedonia and Greece), *Djerdap National Park* (Romania, Serbia), *Shara National Park* (Albania, fYR of Macedonia and Kosovo\*) and *Tara National Park* (related to Dinaric Arc initiative, Serbia, BiH).

One of the main features of this program was the establishment of linkages between representatives of the relevant ministries of the beneficiary countries and the local site managers and local stakeholders in the selected cross-border areas. The training program aimed at two main target groups: representatives of the relevant ministries of the beneficiary countries (*target group 1*) and local stakeholders in the selected areas, including the representatives of municipalities, business sector, local site managers (*target group 2*).

The training program was divided into six modules that included each a three-day trainings. The first day was addressed to *target group 1* (representatives of the ministries), and included theoretical aspects related to the selected topics. Practical exercises on development and implementation of nature protection management plans were carried out during the second and third day, with the participation of *target group 2* (local stakeholders).



Graph 6: Nature Protection Sub-group Activities

**Regional training on development and implementation of nature sites management plans** was held in cross-border site *Kopački rit* Nature Park (Croatia). The training started with an introduction to the EU nature *acquis* and continued with details about the nature site management planning and development. Participants were asked to provide information about Natura 2000 management planning and the minimum requirements for the preparation and implementation of the management plans in their countries. Examples of management plans and processes from England, Scotland and Estonia were provided by RENA experts. During the second and third day, the participants received information about Kopački rit Nature Park and were trained for the preparation and implementation of management plans, identification of sources of financing, and the necessary requirements for the establishment and management of Natura 2000 protected areas.

**Regional training on nature management and strengthening local economies** was held in the cross-border site *Dojran Lake* (fYR Macedonia), with the aim of transferring knowledge about the capacities of protected areas to support the local economy and employment, and about the sustainable use of resources. The participants were trained in drafting IPA project fiches. They received information about other instruments for financing nature protection and were informed about the EU 7<sup>th</sup> Framework Program (FP7) for funding research and technological development in Europe. The cross-border nature of *Dojran Lake*, its characteristics and natural value as well the ecosystem services available in the areas were also discussed and analyzed.

**Regional training on communication strategies with stakeholders**, held in the National Park Djerdap (Serbia), aimed to acquaint participants with the Aarhus Convention provisions related to public consultation processes and communication activities with stakeholders. The participants were informed about the existent flora and fauna and the management activities of the *National Park Djerdap* which is also part of the Iron Gates gorge lying in Eastern Serbia, on the border with Romania. RENA experts presented the three pillars of the Aarhus Convention and the state of its ratification in the RENA countries, together with the basic communication tools and strategies, with particular reference to the role of communication in implementing Natura 2000 management plans. Practical lessons on the preparation of *National Park Djerdap* Management Plan and key

competences needed for its preparation were presented and discussed among participants.

**Regional training on conducting nature impact assessment** was held in cross-border National Park Mali Sharr (Kosovo\*). RENA experts presented and discussed the data necessary for conducting an impact analysis, the necessary steps for developing a complete Nature Impact Assessment, and the experiences gained in EU MSby dealing with gaps in knowledge and data. The differences between an *Appropriate Assessment and Environmental Impact Assessment* were also discussed. An introduction and a brief overview of the history of the *National Park Sharr* were presented to participants. A group work was organized to discuss threats and opportunities of *National Park Mali Sharr* from the sides of Kosovo and of fYR of Macedonia r points of view. A comprehensive and interactive method of work gave rise to a number of questions concerning management planning process and stakeholder involvement.

**Regional training on monitoring for Natura 2000** was held in the cross-border site *National Park Tara* (Serbia). The monitoring principles and objectives were presented by the RENA experts together with the EU legal requirements as contained in the Natura 2000 legislation. Explanations about the process of data collection and issuance of biodiversity and nature reports at the national and EU level were given. The participants were presented a brief overview of the financing opportunities (e.g IPA, LIFE+) for nature protection at national and regional level. On the second day the participants were introduced to *Tara National Park* and during the field visit discussed its main features. The discussion was structured along the guidelines for a Management Plan production. The group worked on the conservation objectives, opportunities and threats, best practices, monitoring and external and internal communication tools for *National Park Tara*.

**Regional training on practical Natura 2000 site management, financing and networking**. Activities performed during the training focused on financing nature protection in the EU and the enlargement countries (LIFE+ and IPA) and on managing and financing nature protection in the Member States. The park management challenges in the RENA countries were discussed. Particular attention was given to pre- and post-accession experiences in Natura 2000 management and the lessons learnt from Estonia, Belgium and Slovenia.



# Achieved Outcomes and Main Conclusions

RENA Nature Protection Sub-group activities implemented in the period 2010-2013 significantly contributed to **awareness raising** regarding the positive impacts of nature management on the local and national economies. The **capacity for the implementation of EU nature protection legislation** has been strengthened. Moreover, this WG succeeded in establishing a **network for cooperation** in the field of nature protection at regional as well as local level in cross-border protected areas.

**The Nature Protection Sub-group program**, divided into six modules, aimed to inform the participants on highly relevant development topics and to combine them with natural resource management. Trans-boundary areas involved are generally poorly developed and require the creation of new business opportunities and financial mechanisms to support these activities. The two-year training program was designed to promote coexistence between humans and nature through implementation of Nature Management Plans according to Nature *acquis* requirements and cross-border cooperation.

An important feature of this program was the **link between the implementation of the Birds and Habitats Directives with the local economic development**. Theoretical presentations, including relevant experiences of EU member states on creating business and employment opportunities in transboundary protected areas, combined with practical work contributed to awareness raising at all levels regarding the synergy between positive socio-economic impacts and enhanced biodiversity protection.

**The capacity building program** covered different topics, including development of nature sites implementation plans, strengthening of local economy through improvement of nature protection management and communication with stakeholders, impact assessment procedures, monitoring of nature protection areas, etc., which provided an overview of the main opportunities and challenges of implementation of the EU nature protection *acquis* in cross-border areas, as well as significant capacity building for efficient implementation of nature management plans. The diversity of participants (representatives of central, regional and local authorities, as well as other local stakeholders) opened up the possibility for establishment of direct communication and exchange of information on concrete issues. The diversity of topics and the pragmatic and flexible approach resulted in **strengthening of cooperation** on significant issues of transboundary importance related to the nature management plans and local socio-economic development.

Additionally, this multi-module training program was designed to **support both the ongoing and the developing cross-border nature protection initiatives in the region**. In order to strengthen the networking in this area, as well as to ensure the synergy with similar activities, the experts involved in current initiatives under other donor programs were closely involved in this program as trainers and/or observers.

# Evaluation

The analysis of evaluation forms showed that the objectives of the workshop were met and the content of the workshop was well suited to the level of understanding and experience of the participants. As for experts engaged, most of participants indicated that workshop facilitators were well-prepared. Among the important recommendations made, was the need for more concrete examples, exercises and practical work.





# Identified Priorities and Future Steps



Generally, the process of alignment with relevant nature protection *acquis* varies in the beneficiary countries. In most of the countries, this process is in progress; however, the implementation and enforcement of nature protection legislation remains at an early stage, due to insufficient human, administrative and financial resources. A special concern of all RENA countries is related to possible negative impacts on (potential) nature protection sites and species of community interest through the ongoing and future large infrastructural projects. In order to provide the supremacy of nature protection principles, in accordance with the EU *acquis* requirements, these countries will have to develop appropriate assessment instruments and ensure the administrative capacity for its implementation in the shortest possible time. Thus, the capacity for development and implementation of nature protection plans, as well as the role of stakeholders and the public in the management of protected areas has to be strengthened in all beneficiary countries.

In order to respond to these emerging needs, the following elements are recommended for a follow-up under the ECRAN:

- **Capacity building for proper implementation of Article 6 of the Habitats Directive**, with a special focus on impact assessment instruments, assessment of implementation status and identification of steps towards pSCI and SPAs designation, including the evaluation of costs and available data.
- **Awareness raising** on the importance, opportunities and benefits of the Natura 2000;
- **Preparation of participatory nature management plan for a selected cross-border pilot site** to provide for a practical experience to the beneficiary countries;
- **Strengthening of capacities** on the economics of biodiversity conservation, the EU nature legislation, green infrastructure, etc. addressed to representatives of industry, academic society, NGO and governmental sector;
- **Strengthening of regional cooperation between Nature Protected Areas through establishment of regional network.**





# WATER MANAGEMENT

## New European Water Policy

The water management sector is one of the most regulated areas in the environmental sector, with almost forty-year long history of development of political programs and legally binding legislation regulating different aspects of water quality issues. Bearing in mind the need for an accelerated development of global approach in this area, as well as, the need for ensuring a long-term sustainable use of water resources, in the late 90s, the EU launched a new water policy approach. With the adoption of the Water Framework Directive (2000/60/EC) (WFD), the main document of this new approach within the European Community water policy, the EU started rationalizing the existing legislation related to the quality of surface water and groundwater. The WFD reiterated the main objectives regarding water protection, expanded the scope of water protection to all waters, and bounded its member states to achieve a good status of all waters by 2015. The implementation of the WFD is a complex process that requires a coherent action at the Community, member state and local levels. In addition, this integrated approach requires a close cooperation with non-member states and international water bodies in order to ensure the full implementation of the WFD and meeting its objectives.

In terms of EU approximation process, the European water management policy is one of the most challenging areas of the environment sector and the implementation of its provisions requires significant investments (most frequently around 20% of the total cost of environmental approximation). Generally speaking, the implementation of the WFD requires identification of river basins (RBD), river bodies and protected areas, the pressures and measures, as well as introduction of different types of monitoring and designation of environmental standards assigned to different water bodies. The fulfillment of all these requirements is necessary for the development of the RBMPs (River Basin Management Plans), as basic means of WFD implementation. In addition, the complexity of implementation process requires significant national efforts especially in terms of planning, institutional and financial arrangements, and capacity building activities.



# Current Status of Affairs in RENA Countries

In most RENA countries, the WFD harmonization process has already started through the adoption of new water laws (these laws introduced principles of the aforementioned directive in Serbia, Montenegro, Croatia, Bosnia and Herzegovina, FYR of Macedonia and Turkey), whereas in all remaining countries the drafting of new laws is currently underway. With the exception of Croatia, which has recently accomplished the WFD transposition, in the remaining beneficiary countries the level of transposition and plans for further alignment with relevant EU legislation vary from country to country. However, in all RENA countries the drafting of legislation that will further transpose certain provisions of this Directive is still underway. Therefore, in the forthcoming years, all beneficiary countries are expected to make significant progress in the state of WFD transposition.

All beneficiary countries started the process of WFD implementation, established institutional arrangements, and undertook certain steps towards development of the RBMPs. However, depending on the status of transposition which has been achieved so far, the level of WFD implementation and the timetable for future activities is different in each country.

**Albania** completed preliminary identification of river basin districts, prepared a draft Law which will transpose major parts of the WFD and enable the implementation of relevant provisions necessary for the adoption of the RBMP in the years to come.

**Bosnia and Hezegovina** identified river basin districts and defined the steps for the adoption of the RBMPs in the forthcoming years.

**Croatia** has fully transposed the WFD and finalized all the necessary steps for RBMP publishing, including the institutional arrangements for effective and full implementation to be achieved by the end of the second planning cycle specified in the Directive (2020).

Since the **fYR of Macedonia** has almost fully transposed the WFD, the implementation process has been accelerated - river basin districts have been identified, the activities necessary for the development of RBMPs undertaken, and agreements regarding the management of international basins have been signed with neighbouring countries.

The WFD implementation in **Montenegro** is at an early stage, but the institutional settings for the transposition and implementation of the Directive, and the timetable for full implementation is underway.

Similarly, **Kosovo\*** made all institutional adjustments necessary for appropriate implementation of this Directive and will carry out further approximation in accordance with the WFD upon the adoption of a new Water Law which will provide a legal framework for the WFD implementation.

**Serbia** achieved a high level of compliance with the WFD and it has already started its implementation – the RBDs are identified whereas the RBMPs are under preparation and its publication is expected in the foreseeable future.

**Turkey** has made significant progress in the implementation process and there is an ongoing process for the development of Basin Protection Action Plans for 25 basin districts, which will be used as the basis for the RBMPs.

## RENA Working Group 3, Water Management Sub-Group / Summary of Activities

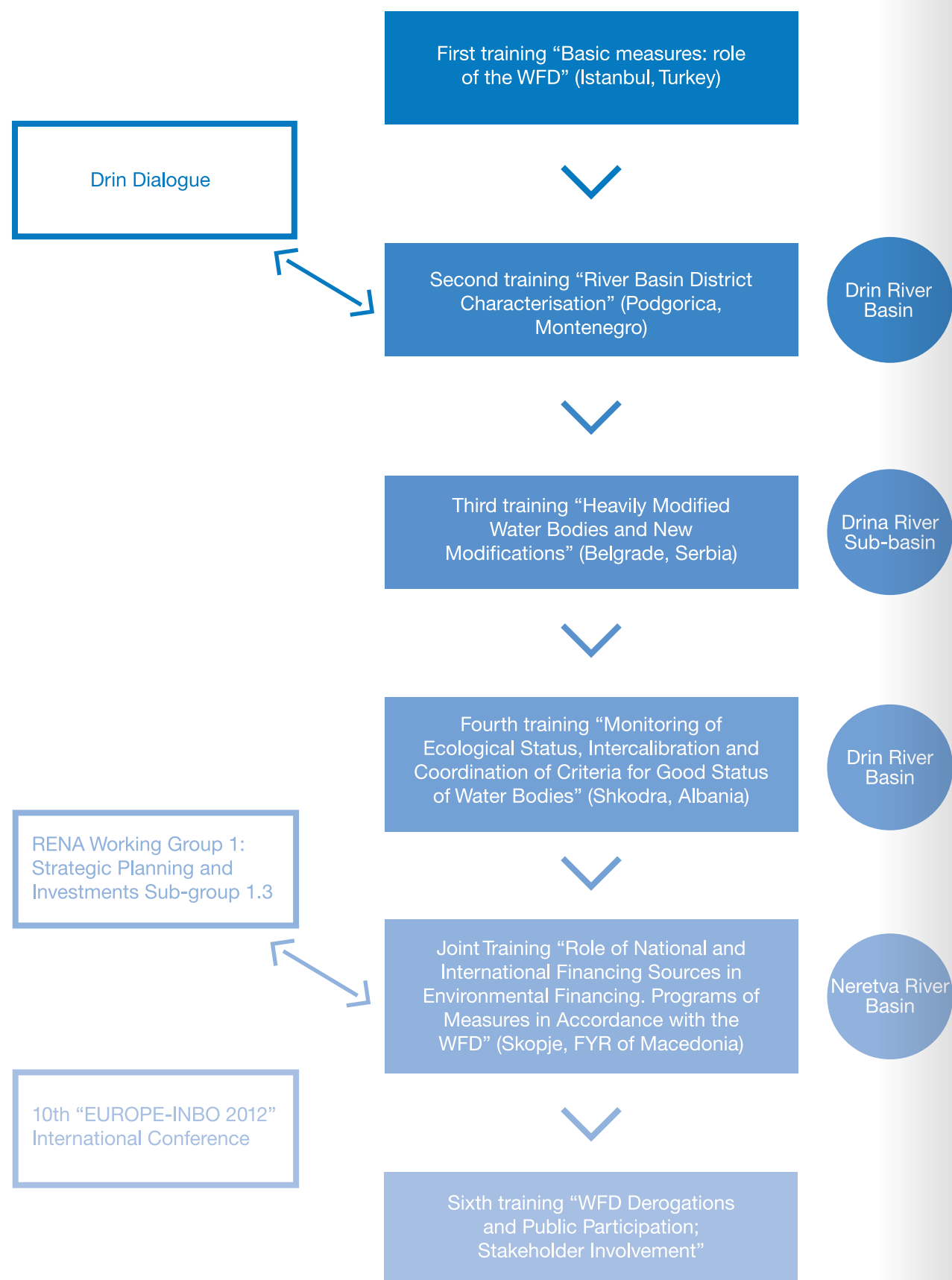
Since the implementation of EU water quality legislation (primarily the WFD) has trans-boundary effects, the preconditions for achievement of its main objective (good quality status for all waters) requires close cooperation between member and non-member states. Having in mind that thirteen river basins are shared by the SEE countries and about 90% of their territory falls within shared basins, the coordinated action among the riparian countries is very important. Having in mind that all beneficiary countries are facing challenges of EU approximation process in the water management area, which means that it is necessary to adjust the existing national systems to WFD requirements, there is a strong need to develop complementary national activities in order to enable regional approach to the ongoing development of national water management policies. This need has been recognized within the previous EC regional initiatives (*Regional Environmental Reconstruction Programme (REReP)*), which stimulated cross-border cooperation and civil society development. In 2007, environment ministers agreed on the necessity

of a joint effort to address cross-border issues in several sectors, including water management, which led to development of RENA programs dealing with this issue, as an EC follow-up regional initiative.

Taking into account the above mentioned observations, a general objective of activities designed under RENA Water Management Sub-group was to support current processes in the beneficiary countries and streamline coherent actions in the region, with a special focus on accession challenges, and to ensure synergies in alignment with the *acquis*, previously carried out under various other instruments.

The specific objective of the Sub-group activities was the creation of a regional forum of officials to provide a platform for the exchange of experiences on issues of trans-boundary relevance, to support cooperation among neighbouring countries and strengthen the administrative capacity of the beneficiary countries for the implementation of EU water quality legislation.





Graph 8: RENA Water Management Sub-group Activities

Since there is an on-going cooperation in the management of shared basins (e.g. Sava river management activities, Drin Dialogue, DABLAS activities, HORIZON 2020, etc.), this Sub-group aimed to provide an additional platform for enhancing such cooperation. Three pilot sites (*Drina river basin, Drina river sub-basin and Neretva*) were chosen as training locations within this Sub-group in order to use the outcomes and experiences of existing regional processes of the WFD implementation and provide synergies between the existing processes.

#### Regional training basic measures of the WFD

(Istanbul, Turkey) presented the main requirements of the Water Framework Directive as well as experiences of EU MS in its implementation. The overall goal was to acquaint the participants with the provisions of Urban Waste Water Treatment Directive (UWWTD), Drinking water Directive, Nitrates and Bathing Water Directives and their incorporation in the overall Programme of Measures including country-specific problems, implementation challenges and synergies with other related sectors. RENA experts presented the experiences gained through the implementation of the above mentioned directives in Denmark and Lithuania, whereas Turkish national experts explained the main issues related to UWWTD implementation in Turkey hereby providing useful information and basis for the exchange of experiences among all participants. It also contributed to a better understanding of some specific requirements of the mentioned directives. The overview of different approaches emphasized the need for taking into account the differences between the countries in which this process takes place as well as the progress achieved in the process of EU integration. The experiences gained by the MS in the preparation of Programmes of Measures according to the WFD proved to be very useful for the participants and led to a follow-up discussion on specific issues related to the same process in each beneficiary country.

#### Regional training on River Basin District characterisation

(Podgorica, Montenegro) addressed all major steps in the RBD characterization in accordance with the WFD (*including delineation of water bodies, pressures and impacts assessment encompassing diffuse and point pollution, water abstraction and morphological pressures, adequate monitoring systems and typology, the criteria for heavily modified water body delineation, identification of water bodies at risk and other relevant issues*). RENA experts informed the participants about the provisions of WFD Article 5 which included the characterization, review of human impact and economic analysis. An exchange of experiences regarding RBD characterization in MS and RENA countries followed. In addition, the RENA experts presented specific implementation approaches of the WFD river basin

district characterization processes in Denmark, Germany and Lithuania. The focus of the exercises regarding RBD characterization was the development of typology for rivers in the Drin river basin including the four steps of the RBD characterization process. The participants were provided expert training in an interactive process of decision-making in order to get knowledge in the field of typology, water body delineation and Impress analysis. The practical approach and a diversity of experiences and viewpoints presented during the workshop stimulated the participants' interest in similar training sessions.

#### Regional training on Heavily Modified Water Bodies and New Modifications

(Belgrade, Serbia) was organized with the objective to strengthen knowledge on the exemptions to environmental objectives in accordance with the WFD (*identification and designation of heavily modified (HMWB) and artificial water bodies (AWB) and new hydrological modifications*). Bearing in mind that, in specific cases, the WFD allows identification and designation of water bodies, which, under particular circumstances, may achieve good ecological potential (GEP) instead of good ecological status, the training workshop focused on practical examples of relevant implementing provisions of this Directive. Presentations given by the RENA experts provided a comprehensive review of legal solutions and HMWB and AWB management. Serbia presented its experience regarding HMWB, AWB and New Modifications, covering both legal and institutional frameworks, in relation to river basin management, as well as its main findings on the HMWB and AWB designation process. In addition, each participating country presented its current WFD implementation status with a special focus on the designation of HMWBs. Different aspects of relevant WFD provisions and experiences presented by EU MS used for a practical exercise performed on the Drina river sub-basin during the workshop, contributed to the general overview of diverse approaches to this topic and led to a productive discussion among the participants. The main insights concerning the importance of tailoring WFD implementation to national conditions influenced the discussion on many country specific issues raised during the workshop.

#### Regional training on monitoring of ecological status, intercalibration and coordination of criteria for good status of water bodies

(Shkodra, Albania), improved the knowledge on WFD requirements regarding the designation and implementation of monitoring programs for surface and groundwater, inter-calibration and coordination of criteria for achieving a good status of water bodies. Pursuant to Article 8 of this Directive, monitoring programmes are required to establish a coherent and comprehensive review of the water status in each river basin district. The experience



in implementation shows that the development of ecological assessment and classification systems is one of the most important and technically challenging segments of WFD implementation. Short presentations were given by each country representative on their experience in monitoring ecological status, followed by an extensive discussion. Additionally, an overview of monitoring experiences in Germany and Lithuania was given by RENA experts. One of the main workshop outcomes was a discussion on comparative analyses of the current status of WFD implementation. Although there is an obvious difference in the level of transposition of the WFD among RENA countries, most participants noticed that main problems lie in the lack of funding and administrative capacity as well as ineffective cooperation between responsible institutions. Exchange of experiences regarding environmental monitoring, good status classification and issues related to inter-calibration in EU MS and RENA countries led to the overall conclusion that trans-boundary cooperation will improve the knowledge and cooperation in this field.

**Regional training on role of national and international financing sources in environmental financing - Programmes of Measures in accordance with the WFD** (Skopje, FYR of Macedonia) was organized jointly with the RENA Investment Planning Sub-group. Although the purpose of this workshop was to acquaint the participants with the procedures required for WFD implementation and with the preparation of financial planning documentation using RBMP as an example, a special emphasis was put on the importance of coordinating planning activities at the national level as well as on significance of the exchange of experiences and best practices. Most importantly, the preparation of the above mentioned plans requires cooperation of national institutions dealing with water quality, water management, financial planning in the environmental

sector and overall financial planning. Since the application of such plans has significant cross-border effects it also implies the necessity of establishing good cooperation with neighbouring countries and the harmonization of national plans. Participation of representatives from the water management and financial planning sectors, which are two most important sectors for RBMP development, contributed to the better understanding of the process in its entirety.

**Regional training on WFD derogations and public participation and stakeholder involvement** (Istanbul, Turkey) provided the participants with information on the requirements of the WFD regarding public participation, the scope, timing and main challenges and experiences gained by the EU Member States in this process. Article 14 of the Directive requires member states "to encourage the active involvement of interested parties" in the implementation of the Directive which is generally acknowledged to be an important addition to the Aarhus Convention. Access to information, public consultations and active stakeholder involvement are three main forms of public participation which were discussed during the workshop. Experiences of public participation process with the emphasis on stakeholder involvement in Denmark, Germany and Lithuania were presented by RENA experts. Practical examples from *Neretva river basin* were used during the workshop. The workshop participants attended also a side event of the 10th "EUROPE-INBO 2012" international conference and provided presentations with their countries' experience. The exchange of experiences between EU MS, the Western Balkan countries and Turkey on involving the public in the preparation and implementation of RBMPs along with practical exercises resulted in a fruitful discussion on stakeholder involvement and future cooperation regarding public participation.

# Achieved Outcomes and Main Conclusions

From 2011 to 2012, the training programme developed under this Sub-group included **six regional trainings** which covered the major steps required for developing a RBMP. Each of them, in addition to the theoretical material presented, aimed at presenting examples from EU MS (primarily Denmark, Germany and Lithuania) as well as RENA countries, and at analysing pilot cases related to specific topics of the workshop.

The main feature of the capacity building program was the **practical application of theory** and the use of relevant guidelines and real data for WFD implementation for the purpose of strengthening the administrative capacity and supporting current approximation processes in the RENA countries. All trainings were organized as **joint pilot projects** in shared river basins. Moreover, pilot sites were selected so as to cover all Western Balkan countries (in line with geographical and natural conditions), and Turkey (which does not share basins with WB countries) and to cover all types of water bodies subject to this Directive.

All Sub-group activities were developed in such a way that **complemented with other initiatives and projects present in the region**. Experts from other parallel donor programs in this field were involved in these Sub-group trainings, either as trainers or observers. Joint trainings with other initiatives and projects, as well as other RENA Working groups (Investment Planning Sub-group) offered the opportunity to exchange experiences and views as well as to promote inter-sectorial cooperation.

The topics addressed under this Sub-group established a **framework for the exchange of experiences and information between countries of the region** in terms of their present performance and progress. During this process, the most important common issues have been identified, as well as, areas of potential cooperation among beneficiaries. It may be concluded that the assistance of the RENA team, provided basis for improving cooperation among participatory countries as well as for establishing a regional network of experts. In the forthcoming period this should significantly improve the administrative capacity of the beneficiary countries, especially when it comes to investment planning and implementation of this directive.





# Evaluation

According to the evaluation sheets filled in by the participants, the overall training program was assessed as either excellent or good. Most participants concluded that the trainings met their expectations and contributed to the overall improvement of their knowledge and skills. Most participants were satisfied with the training methods and approach. The summary of evaluation sheets showed that the training program was interactive, well-suited to the level of participants' experience and led to the successful attainment of the objectives.



Graph 9: Evaluation results of Water Management Sub-group capacity building activities

## Identified Priorities and Future Steps

Most RENA countries lack a clear strategic framework for sustainable water management. In all these countries, the transposition and implementation of heavy investment directives, including water quality directives are at an early stage. All beneficiary countries should take into consideration the cost-intensive WFD basic measures (the UWWT, Nitrates, and Drinking Water Directives) in the context of further approximation in this sector. Moreover, all the beneficiary countries should focus on developing economic analyses as important tools for implementation planning, as well as on developing skills for the application of economic principles such as “the Polluter-Pays” principle. Since the fragmentation of the administrative water management sector in the Western Balkan countries is one of the main obstacles for effective implementation planning, all the countries will have to put significant efforts into the promotion of inter-sectorial cooperation and capacity-building programs, in order to ensure coherent and sustainable national actions in this field.

In order to support the on-going approximation process in the beneficiary countries, in the following years several priorities should be envisaged:

- **capacity building related to water management** through further enhancement of regional cooperation, exchange of experiences, good practices, expertise and awareness-raising.
- further **strengthening of regional cooperation and networking** with other regional initiatives in the area of water management;
- **practical assistance in developing transboundary RBMP**;
- strengthening of capacities for **development of economic analyses required for WFD implementation and the implementation of Marine Strategy Directive**, etc.
- **financial planning and application of economic principles in WFD implementation.**





# EIA & SEA

## EU Policy on Environmental Assessment

Environmental assessment is a process that ensures that the environmental implications of human action are taken into account and mitigated before implementation takes place. An environmental assessment can be undertaken for individual projects, such as a dam, motorway, airport or factory, on the basis of Directive 2011/92/EU (Environmental Impact Assessment– EIA Directive) or for public plans or programs on the basis of Directive 2001/42/EC (Strategic Environmental Assessment– SEA Directive). The common principle of both Directives is to ensure that plans, programs and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorization with a view to reduce their impact on the environment. Consultation with the public is a key feature of environmental assessment procedures.

The EIA Directive was adopted in 1985 and amended several times (in 1997, 2003 and 2007) in order to adapt to the current legal and technical developments. The Directive applies to private and public projects (as defined in its annexes) and lays down rules for environmental impact assessment procedures, including public participation and public consultation with affected neighboring countries. In 2001, the SEA Directive extended the impact assessment procedure to include plans and programs likely to have significant effect on the environment. The SEA procedures apply to a wide range of plans and programs enabling the identification and prevention of environmental impacts upfront from the planning phase. For streamlining the legislation on environmental impact assessment, 25 years after the adoption of the EIA Directive, the EC launched a review process which resulted in the adoption of a new EIA Directive in 2011 (2011/92/EU).

*The EU is a Party to the UNECE Espoo (EIA) Convention, which sets out the obligations of all Parties to assess the environmental impact of certain activities at an early stage of planning and lays down the general obligation to notify and consult each other on all major projects*

*under consideration that are likely to have a significant adverse environmental impact across boundaries, and to the Kyiv (SEA) Protocol to the ESPOO Convention (which requires its Parties to evaluate the environmental consequences of their official draft plans and programs).*



# Current Status of Affairs in RENA Countries

The process of harmonizing the national legislation with the requirements of the EIA and SEA Directives has been initiated in all RENA countries. So far, some of the countries have achieved full compliance with both Directives (Croatia, Montenegro, Kosovo\*, Serbia, the FYR of Macedonia), meaning that all the procedures required by the Directives have already been established. The remaining RENA countries are in the process of drafting the legislation to provide further alignment with the relevant provisions of these Directives.

The implementation of the two Directives in all RENA countries is still at an early stage. All these countries are facing a lack of administrative capacity for appropriate implementation, especially when it comes to the SEA procedures. There is also a strong need for further development and improvement of the mechanisms to ensure full public engagement and consultation, as addition to the existing legal obligation of public consultation set out by national legislation.

*With the exception of Turkey, all RENA countries have introduced provisions related to the transboundary EIA/SEA procedures laid down in the Directives. Beside Turkey and Kosovo\*, all the countries are Parties to the UNECE ESPOO Convention and signatories/parties of the SEA Protocol to the ESPOO Convention. Moreover, all Balkan countries, with the exception of Kosovo\*, are signatories of the Multilateral agreement*

*among the countries of the South East Europe on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (Bucharest, 2008), which entered into force in 2011. It can be expected that, upon ratification of the Protocol and the Multilateral agreement, the implementation of both assessment procedures in cross-border context will significantly improve in the region.*

Depending on the status of transposition which has been achieved so far, the level of EIA/SEA implementation and the timetable for future activities differs for each country.

In **Albania**, the new Law on EIA (adopted in 2011 and entered into force in January 2013) and accompanying by-laws provided almost full transposition of the EIA Directive. A new competent authority (Environmental Protection Agency) was designated and a three-year transitional period foreseen for the reaching its full capacity. There is an ongoing process of transposition of the SEA Directive, and full compliance of Albanian national legislation with the requirements of the Directive is expected in the upcoming period.

Most of the EIA procedures have been transposed in **Bosnia and Herzegovina**. The transposition of the SEA Directive is in the initial stage and the SEA procedure is mandatory only for drafting spatial planning documents. A wider scope of application of the SEA procedures will be set out in the new legislation to be adopted in the forthcoming period. In Croatia, both Directives have been transposed and fully implemented at national level. According to the Croatian national legislation, the scope of application of environmental impact assessment is even broader than is required by the Directive – i.e. annexes include other types of projects and stipulate stricter thresholds, and strategic impact assessment is mandatory for all plans and programs of sectors covered by the SEA Directive and for the spatial plans developed for/ in all the counties.

**Kosovo\*** has fully transposed both impact assessment directives. Legal framework for the full implementation was created in 2010 (SEA) and 2011 (EIA), with the adoption of relevant Laws that lay down all the procedures required for the impact assessments.

The EIA and SEA procedures are in place in the **FYR of Macedonia**, and both directives have been fully implemented. There are several on-going cases of EIA in transboundary context. In the upcoming period, certain mechanisms and arrangements necessary for the transboundary consultations will be developed in order to improve the implementation of the relevant provisions of the directives. In **Montenegro**, the legislation related to the EIA and SEA fully complies with the EU Directives. Moreover, the existing national legal framework for the implementation of the SEA Directive goes beyond the requirements in several aspects (e.g. SEA applies to all strategic documents). So far, Montenegro hasn't had any experience regarding the transboundary impact assessment.

In **Serbia**, both Directives have been fully transposed and the implementation is on the way. The EIA procedures apply to all projects, as listed in the Annexes of the EIA Directive. The national legal framework for the SEA implementation goes beyond the Directive's requirements in several aspects (i.e. the final SEA statement, issued by the environmental authority, has to be followed by the governmental body, when approving the plan or program). The Serbian authorities performed several procedures related to the cross-border EIA/SEA impact assessment, including the strategic impact assessment of an IPA program.

In **Turkey**, the legal framework for the implementation of EIA procedures has been harmonized with the requirements of the EIA Directive, with the exception of provisions related to transboundary issues. Draft legislation providing further alignment with the SEA Directive is under preparation. The transposition and implementation of the EIA and SEA Directives' provisions related to transboundary consultations is expected by the date of accession to the EU.





# RENA Working Group 3, EIA /SEA Sub-Group / Summary of Activities

All RENA countries are in the process of aligning their national EIA and SEA procedures in accordance with the EC requirements; however, there is a strong need for further development of cooperation regarding EIA and SEA cross-border issues. Developing clear procedures for transboundary EIA and SEA is of greatest importance, not only for the RENA countries, but also for all the countries potentially affected by projects/plans subject to an EIA/SEA procedure.

The common need for development of best practices and capacity building in this area was recognized earlier. In 2003, within the *Regional Environmental Reconstruction Programme (REReP)*, a *Training Resource Manual for the South East Europe* was elaborated, along with a comparative analysis of EIA/SEA Directives implementation in SEE countries, and pilot studies on SEA regulations and procedures in REReP countries/territories was carried out (2007-2008). A *Resource Manual to Support Application of the Protocol on SEA under UNECE* was also developed.

Through its Sub-group on the EIA/SEA cross border cooperation, RENA provided further strengthening of regional cooperation and capacity building for the appropriate implementation of EIA/SEA procedures. The objective of this RENA activity was to create a platform for exchange of experiences regarding issues of transboundary relevance, as well as to support the capacity building process, including development of best practice documents.

In order to support current processes, the work of this Sub-group was designed based on the information gathered from selected pilot sites, concrete cross-border infrastructure projects which are subject to the EIA/SEA procedures, in accordance with requirements of EIA/SEA Directives. Three pilot sites were selected for the trainings implemented under this Sub-group: *Neretva/Trebišnjica river basin management* with focus on upper horizon (cross-border countries – Croatia and BiH); *four HPPs on Moraca river* (cross border countries – Montenegro and Albania); and *Motorway Morinë – Merdar* (cross border countries Kosovo\* and Albania).

Regional training “Approaches to transposition of EIA/SEA Directives; Application of EIA/SEA for IPA projects”



Regional training “SEA for IPA Programs”



Regional training “SEA/EIA – main differences and common features”

Pilot case study  
Regional project  
Neretva-Trebišnjica



Regional training “Transboundary SEA”

Case study “Four  
HPPs on Moraca  
River”



Regional training “Transboundary EIA, including consultation and interpretation of transboundary impacts”

The Motorway  
Morinë – Merdar  
case study

Graph 10: RENA EIA/SEA Sub-group Activities



**Regional training on approaches to transposition of EIA/SEA Directives and application of EIA/SEA for IPA projects (Istanbul, Turkey) focused on the transposition of EIA/SEA directives and their application for IPA projects.** This first seminar, from a series of five regional trainings, addressed various aspects of EIA and SEA implementation including transboundary consultations. The key principles of implementation of EIA and SEA Directives and the experiences of EU MS (UK and the Czech Republic) were presented. Representatives of the RENA countries provided a comparative overview of the approximation status in this area and presented their experiences with regard to the implementation of the two Directives. A significant part of the training was dedicated to identifying crucial gaps between the requirements of the Directives and the national legislation of the beneficiary countries.

**Regional training on SEA for IPA programmes** (Dubrovnik, Croatia) provided practical training on carrying out SEA for the IPA Operational Programme through a case study. The training was based on group work following all usual steps in the SEA procedures in a transboundary context. In order to provide overall information on the role of the SEA procedure in the preparation and implementation of IPA Operational Programme, RENA experts prepared an overview of the application of the SEA (procedural steps, framework and methodological support) as well as an overview of the IPA components and planning. The training approach and subjects discussed provided useful information on the role of the SEA. The practical experience that the participants gained through this workshop would be helpful in their future activities (development of the ToR for a specific SEA process and coordination of the SEA process for IPA Operational Programme).

**Regional training on main differences and common features of SEA/EIA** (Mostar, BiH) was focused on main similarities and differences between the SEA and EIA and their role in the planning and project preparation. The participants learned about the EIA and SEA directives and the main legal acts and documents related to the EIA and SEA which have so far been adopted in the EU. Moreover, the RENA experts provided information on the role of EIA and SEA in the preparation and implementation of plans, programmes and projects. Through the interactive sessions, participants were instructed how to decide if a SEA or EIA should be applied and how to coordinate transboundary consultations within the SEA and EIA process. The theoretical part was followed by practical work on the pilot case study Regional project *Neretva-Trebišnjica*,

which included a meeting with local stakeholders and a visit to the study area *Hutovo Blato National Park*. Extensive discussions were held among participants on practical problems and pressures related to the EIA and SEA processes coming from the political decision makers and developers.

**Regional training on transboundary SEA** (Budva, Montenegro) provided an overview of the main steps for application of the SEA to programmes, plans or other strategic documents likely to have impacts beyond national borders, since this became an important cross-border cooperation tool in the EU. The training was focused on the practical application of the SEA and EIA in a transboundary context including public consultations and interpretation of transboundary impacts. It also provided a comprehensive description of the process of coordinating transboundary consultations within the SEA process. A pilot case study entitled “*Four HPPs on Moraca River* (Montenegro and Albania cross-border project)” was used for the purposes of the training, followed by a study visit to the area of the future HPPs and other useful meetings with all relevant stakeholders. Moreover, this workshop provided a framework for roundtable discussions concerning the draft outline of the *Brief Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities*, and was concluded with the approval of this document.

**Regional training on transboundary EIA, including consultation and interpretation of transboundary impacts** (Tirana, Albania) intended to strengthen the knowledge and cooperation on cross-border EIA. After a brief introduction to the main principles of transboundary assessment and consultations given by the RENA experts, participants were informed about two real cases of EIA in the Czech Republic. Moreover, participants were provided with information related to the background and legal framework of EIA, including the EIA Directive, Espoo Convention and Bucharest Agreement of Transboundary Assessment and the role of public participation in the EIA process in the EU Member States. The practical work was based on the EIA of the *Motorway Morinë – Merdar* and discussions referring to the Guide on Transboundary Consultations Process: Steps, Activities to be Carried Out and Responsibilities. During the training, the attendants learned about challenges of the EIA Directive application in/to infrastructural projects financed by the IFIs. Participants were satisfied with combined theoretical presentations, practical work and meetings with local stakeholders during the training and expressed their willingness to improve cross border cooperation among the RENA countries.

# Achieved Outcomes and Main Conclusions

The EIA/SEA Sub-group involved mainly representatives from the environmental authorities. A **forum of officials from the candidate countries and potential candidates** has been created in order to exchange experience on issues of transboundary relevance related to the transposition, implementation and enforcement of the EIA and SEA Directives. Five regional trainings, which gathered representatives of institutions responsible for the implementation of these directives and other relevant stakeholders, provided a comparative review of legal and administrative systems in the Western Balkans and Turkey. The most important gaps in the national systems were identified as well as the main obstacles for the effective cross-border implementation of EIA and SEA.

The **training program was based on selected pilot sites** (cross-border infrastructure projects) in order to reflect the inter-sectorial approach required for proper implementation of the both directives and importance of their full implementation at the national and international level. The practical work combined with the theoretical sessions (e.g. explanation of the legislative framework) contributed to a better understanding of the EIA and SEA requirements, and the main aspects of their implementation.

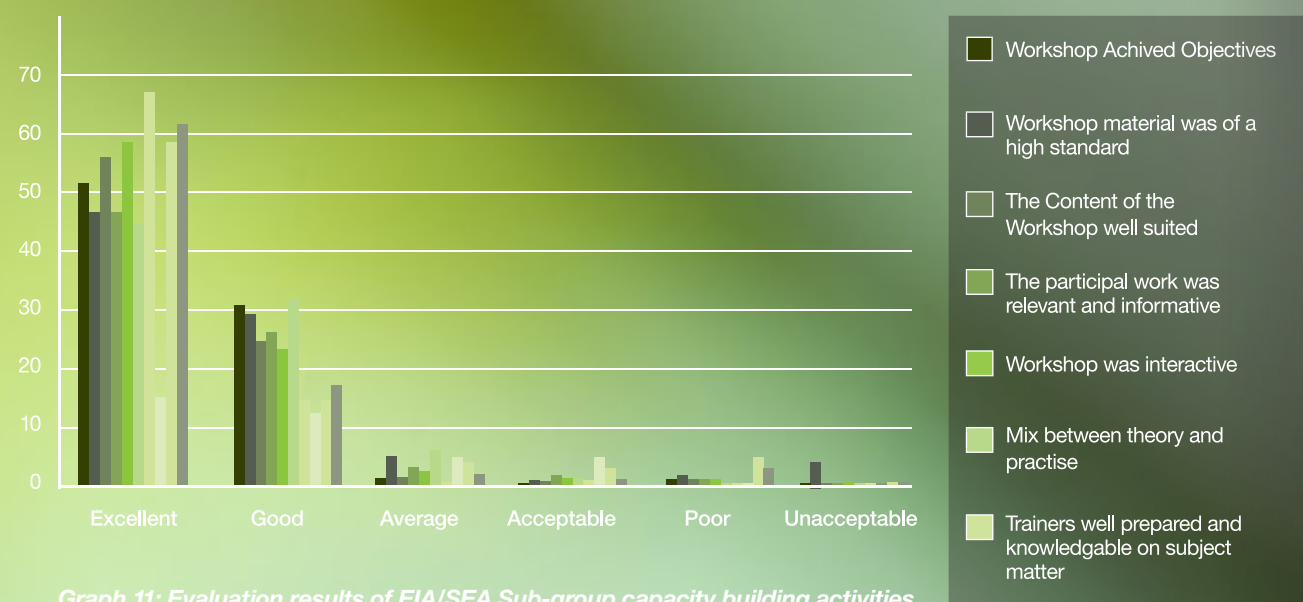
In addition and based on the discussions and needs identified during the implementation of the training programme, **The Guide to Transboundary Consultations Process: Steps, Activities to be Carried-out and Responsibilities** has been developed. The document is based on the requirements stipulated by the EIA/SEA EU Directives, UNECE SEA Protocol and related Conventions, in particular the Espoo and Aarhus, and provides practical suggestions for procedural arrangements within the transboundary consultations procedure (i.e. the optimal moment for consultation initiation, means to be used, solution to possible language issues, etc.). This document, assigned to relevant beneficiary organisations, will be used as a basic tool for achieving compliance with the environmental *acquis* in various types of projects with the IPA and International Financial Institution's financial assistance.





# Evaluation

The summary of the training evaluations shows that the delivered training programme and the involved lecturers were well prepared and knowledgeable. The participants were satisfied with the methods and approach, as well as with the content of the training topics discussed during the training session. The group work discussions were productive and the trainees actively participated in all training sessions.



Graph 11: Evaluation results of EIA/SEA Sub-group capacity building activities

# Identified Priorities and Future Steps

The interactive approach of the EIA /SEA/ RENA Working group provided the basis for a gap analysis related to the implementation of the SEA and EIA Directives. Based on presentations and discussions between representatives of participating countries it can be concluded that weaknesses still exist regarding the administrative capacity for implementation of the EIA and SEA, especially at the local level. The Working group revealed that in some of these countries the lack of implementation and enforcement of the legislation remains a concern. The absence of a central/centralized system for publishing information on the on-going EIAs/SEAs has been noted in most of the countries. Public participation in the environmental decision-making process and public access to environmental information remains weak. The alignment with the EIA and SEA Directives has been fully achieved in most of the countries but further assistance is needed at all levels — international, national, regional and local to facilitate the communication between the relevant authorities and to create a relevant pool of experts in this particular area.

Successful cooperation on EIA and SEA cross-border issues is considered a necessity since most of RENA/ ECRAN countries share common water and nature resources. Most of the RENA countries achieved a high level of alignment of their national systems in accordance with the requirements set out in the EIA/SEA Directives; however, all these countries are facing a lack of capacity for effective implementation, especially regarding the SEA procedure.

A follow up programme would need to focus on:

- Capacity building for the **correct transposition and implementation of EIA and SEA Directives**, as well as on capacity building for **environmental assessments in specific policy areas** (i.e. interconnections between environmental and other policies) and **other types of environmental assessments** (i.e. appropriate assessment, in accordance with the Habitat Directive).
- Improvement of **public consultation processes, awareness raising and development of efficient platforms for communication with NGOs**, as important requirements of both directives.
- A **Train Trainers Programme** to facilitate the capacity building of local authorities for the proper implementation of the EIA/SEA procedures at regional and local levels.





# ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT NETWORK FOR ACCESSION (ECENA)

## EU Policy on the Enforcement of EU Environmental Legislation

EU Member States are obliged to properly enforcement the EU environmental *acquis* on their territory, however, the disparity in the interpretation of the implementation requirements was considered to be the main obstacle for the effective and full enforcement at community level. In order to strengthen the compliance with the EU environmental *acquis* in the EU member states and to improve the consistency of its implementation, in 2001 the EP and Council adopted the *Recommendation 2001/31/EC Providing Minimum Criteria for Environmental Inspections* (RMCEI). This document established guidelines for the environmental inspections of “controlled installations” (meaning all *installations* that are subject to licensing, permits and authorization, according to the EU environmental *acquis*) and provided minimum criteria for all activities required for efficient enforcement of the relevant *acquis* (including: establishment of environmental inspection plan, performing inspections, reporting on the inspections and investigations of serious accidents, incidents and non-compliance situations).

Having in mind the perspective of EU membership, all RENA countries will have to adopt EU standards in environmental area and closely cooperate for the enforcement in a cross-border context, together with the authorities of the neighboring EU Member States.

*The European Union Network for the Implementation of the EU environmental acquis (IMPEL) was set up in 1992 as an informal Network of European Regulatory Authorities dealing with the implementation and enforcement of the EU environmental acquis. Over the past years, IMPEL developed into a considerable, widely known informal organization dealing with*

*the promotion of the exchange of information and experience and the development of greater consistency of approach in the implementation and enforcement of the environmental legislation,. Today, IMPEL has 30 members (including the EC), and since 2012 this organization has been open for all EU enlargement countries.*

# Current Status of Affairs in RENA Countries

Candidate countries and potential candidates put significant effort in harmonizing their national legislation with the EU environmental *acquis* and for the alignment of the national procedures for the enforcement in accordance with the EU standards. However, in most of the RENA countries the implementation and enforcement of the EU environmental *acquis* is at an early stage, including systematic monitoring and reporting in line with the EU *acquis* requirements.

Initially, only the candidate countries were invited to join the RENA project, based on the EC initiative, IMPEL (Croatia, Turkey, the FYR of Macedonia). During IMPEL opened its membership to all enlargement countries.

All RENA countries established an institutional setup for performing environmental inspection control and surveillance, however, in most cases the administrative capacity remains weak compared to the EU standards. Development of clear procedures, especially in terms of cooperation with local self-government authorities is considered as priority for increasing the effectiveness of national environmental inspectorates.

In **Albania**, the Environmental Inspectorate, under the responsibility of the Ministry competent for environmental protection, is the main authority dealing with inspection and control of compliance with the environmental legislation. The new Law on Inspectorate (2012) provided the basis for institutional changes, by shifting the environmental inspection to an independent Inspectorate Body.

In **Bosnia and Herzegovina**, the horizontal Law on Inspectorate (2006) consolidated various ministry inspectorates (including the environmental inspectorate) within two independent institutions (*Federal General Inspectorate and Republika Srpska General Inspectorate*). This Law sets the general principles of inspection control (powers and responsibilities of inspectors, methods and procedures of inspection work, etc.), and the sectorial laws (i.e. the Law on Environmental Protection) specify the responsibilities of the respective Inspectorate for Supervision and Enforcement, including the accountability to the relevant Ministry. The work of both Inspectorates complies with the RMCEI requirements.

**Croatia** had to put significant effort into the alignment with EU standards in the process of enforcing the EU legislation. The Environmental Inspectorate, under the responsibility of the ministry competent for environment, is performing inspection activities in accordance with the recommendations contained in the relevant EU legislation. Moreover, relevant institutions from Croatia actively participate in all significant European networks, including IMPEL activities and projects.

Similarly to Albania and Bosnia and Herzegovina, the enforcement of environmental legislation in the **FYR of Macedonia** falls under the responsibility of the State Environmental Inspectorate, an independent institution. All

relevant legislation regulating the inspection, compliance, control and enforcement of environmental regulations take into account the RMCEI recommendations. Moreover, a special Law on State Environmental Inspectorate which is under preparation will ensure full compliance with the EU standards in this area.

In **Kosovo\***, the environmental inspectorate has been established under the ministry competent for the environment. The RMCEI minimal criteria are introduced into the legal system, however, the lack of financial resources and the lack of monitoring equipment contribute to a low inspection performance, comparing to the requirements of the EU environmental *acquis*.

In **Montenegro**, the environmental inspectorate, established under the Environmental Protection Agency, is governed by the horizontal Law on Inspectorates. In addition to the general principles of inspection work set within the aforementioned law, the environmental inspection is applying recommendations of relevant EU legislation, including the RMCEI.

In **Serbia**, the environmental inspectorate is an integral part of the ministry competent for environmental protection. Vertical division of environmental inspection competences (between central, provincial and local level), and internal organization which includes special departments for monitoring of specific fields of environmental protection allows the specialization of inspectors. In accordance with the Decision on Planning and Reporting on Environmental Inspections (2007), the planning method, reporting and record keeping on inspections have been unified for all republic inspectors, in accordance with the RMCEI requirements. Moreover, there is an intention to unify the inspection work at all levels (provincial and local), through enforcing the RMCEI minimum criteria.

In **Turkey**, the environmental inspectorate is part of the Ministry competent for environmental protection. In order to overcome the issue of overlapping competences in the field of environmental inspection and to clarify areas of responsibility several by-laws and/or amendments to the framework law have been adopted in the past years. Moreover, a new *By-Law on Environmental Inspection Procedures* came into force in 2009, with the purpose of regulating certain elements of the environmental inspection process in accordance with the RMCEI.





# RENA Working Group 4, ECENA / Summary of Activities

In the Western Balkans, the EC support to the establishment of a capacity building network for effective enforcement of the EU environmental *acquis* has existed for the past twelve years. The Balkan Environmental Regulatory Compliance and Enforcement Network (BERCEN), established in 2001, included Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Serbia and Montenegro, as part of the Stabilization and Association Process. In 2005, this network was replaced by the Environmental Compliance and Enforcement Network for Accession (ECENA), implemented under the REReP, which provided a framework for further promotion of compliance with EU environmental requirements in all the countries of this region. Both organizations included Romania and Bulgaria as observer countries, as well as the European Commission, and ensured cooperation with similar EU initiatives. The implementation of activities under these initiatives started in the early stage of approximation and significantly contributed to streamlining the national institutional and legal system of beneficiary countries to EU environmental *acquis* requirements. Pursuing the EU practice in the field

of networking of member state institutions dealing with inspection, permitting and enforcement of EU environmental *acquis*, the EC continued providing support to these activities, by integrating ECENA in the RENA initiative in 2010.

The training program under the ECENA Working Group was developed to improve the administrative capacity of the RENA countries for better enforcing the EU environmental legislation requirements that have so far been incorporated into national legal systems. Following the model designed under IMPEL, as well as priorities set at the EU level, the ECENA Working Group covered three clusters: **training and exchange** (activities related to training of inspectors and permit writers), **cross-border enforcement** (activities related to capacity building and strengthening of regional cooperation on enforcement of the EU ETS, nature protection legislation and transboundary shipment of waste) and **institutional and methodological development** (activities included the development of country specific assessment reports).

## Capacity Building Regarding Compliance with Environmental Legislation

**Sub-regional trainings** were organized in each RENA country for inspectors and permit writers working with national authorities, and in all cases included a number of participants from other beneficiary countries. General training sessions, covering the regulatory cycle and RMCEI were followed by practical trainings on the selected pilot sites (site visits and common inspections of various installations) and presentation of common inspection results. For each beneficiary country a general training programme was developed in such a way that encompassed general subjects, including the inspection and permitting functions; a presentation of the main features of selected subjects (*special subjects and specific directives and regulations were selected from a list that included IED/IPPC with EIA, LCP, PRTR, RMCEI, SEVESO II, VOCs, waste and chemical management and environmental crime*); on-site visit/common inspection of a specific industry as well as reporting and presentations of common inspection results.

## Transfrontier Shipment of Waste

**The first regional training on cross-border inspection of Trans-frontier Shipment of Waste (TSW)** (Istanbul, Turkey) was held in order to increase the capacity of the Western Balkans countries and Turkey with regard to compliance and enforcement of WSR (Waste Shipment Regulation) mechanisms. As this topic is an IMPEL priority, IMPEL TFS (a specific network dealing with issues of trans-frontier shipment of waste) experts were present. After overviewing international and European legislation referring to transboundary shipments of waste, introductions to the Basel Convention, OECD Decision on transboundary movements of non-hazardous waste and EU Waste Shipment Regulation as well as appropriate discussions, the participants followed port inspection training in the *Ambarli* port in Istanbul, the biggest port of Turkey. Presentations were given on inspection sampling and return of waste in case illegal shipment was discovered. Participants concluded that practical examples during the site visit were the most suitable approach towards understanding inspection procedures. Tools developed by IMPEL were recognized as important for the exchange of information in RENA countries and Member States.

The second regional training on cross-border inspection of TSW (Skopje, FYR of Macedonia) was based on road transport examples. RENA experts presented and discussed the enforcement of waste shipment rules

as well as different ways of waste stream identification and classification. Basic requirements of enforcement of transboundary shipment of waste, such as the implementation of international rules into the national legislation, legal basis, and collaboration between national and/or neighbouring institutions were discussed. Various implementation methods (traffic inspection, port inspection, inspection phases) were presented. In addition, the IMPEL guidance note (tool that provides an overview of relations between type of waste, transport means regulation to be applied) and the booklet "IMPEL's Waste Watch" was distributed. Several case studies on illegal transport of waste were presented showing irregularities and key evidence to be discussed by the participants. Unlike the previous TSW workshop (focused on harbor and ship transport), *Kumanovo/Tabanovce* border crossing was selected for the site visit this time, in order to provide practical examples on TSW on road transport. Divided in two groups, participants took part in inspection demonstration and customs office visit to discuss the inspection and administration procedures. An integrated electronic license control system of Macedonia (EXIM) was demonstrated. In conclusion, participants suggested that RENA follow-up should include an informal network of inspectors/police for TSW and environmental crime, with common cross-border on-site inspections in the region.

## EU - ETS

**Regional training on Monitoring, Reporting and Verification** (Zagreb, Croatia) focused on climate *acquis* and ETS directive as the EU's key tool for reducing greenhouse gas emissions and measures for cost-effective cutting of GHG emissions was organised in order to raise awareness of operators and competent authorities. The content of EU climate and energy package, its overall objective to limit temperature increase to 2°C above pre-industrial level, and the EC-proposed binding legislation were explained. Taking into account that most RENA countries haven't yet started its implementation (due to the fact that most of

them are non-annex I countries), the workshop aimed to clarify the annual procedure of monitoring, reporting and verification as well as the "compliance cycle" of the EU ETS. RENA experts gave an in-depth presentation of the role of all relevant parties with a specific control function within a "compliance cycle" and its hierarchy. Although ETS operates in all 27 Member States together with Lichtenstein, Iceland and Norway, insight in ETS compliance and enforcement mechanisms raised the interest of Western Balkans and Turkey professionals in climate change policy, indicating the importance of capacity building to start its implementation.

## Inspection and Enforcement in Cross Border Nature Protection Areas

**The first of the two regional trainings on inspection and enforcement in nature protection cross-border areas** (Ohrid, FYR of Macedonia) was organized with the main aim of creating a forum of officials from candidate countries and potential candidates to exchange experience on issues of transboundary relevance including transposition, implementation and enforcement of the EU legislation on nature. Some illustrative examples of the progress made in the area of nature protection in 2012 in RENA countries were presented, since the workshop focused mainly on enforcement aspects. Participants were informed about Habitats and Wild Birds Directives with special emphasis on Natura 2000 ecological network, particularly on Natura 2000 Management Plans, with examples from Austria and Scotland. Moreover, the enforcement aspect of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) were presented and discussed. RENA experts together with the Green Force experts covered important elements of nature inspection (compliance, monitoring and enforcement) illustrated by examples from Austria, Scotland and Ireland. A working exercise was based on illegal logging, protection of Habitats and Bird Directives species and the establishment of Natura 2000 sites. In the follow-up to this workshop, participants were informed about country experiences of Turkey and Albania and visited Lake Ohrid as a Natural and Cultural World Heritage Site and National Park *Galicica* visitor's center.

**The second regional training on inspection and enforcement in cross-border nature protection** (Shkodra, Albania) aimed to provide more practical experience to the participants. The workshop started with a session on Natura 2000 Management Plans with examples from Austria followed by illegal logging and EU Timber Regulation, FLEGT and CITES license systems. As the second in a series of workshops on the same topic, this workshop was based on more practical examples from the region. A site visit was organized at the Lake Shkodra protected area where explanations about illegal fishing and overfishing were given by the local fishing guard. Participants also met representatives of Transboundary Forum of Shkodra Lake which served as a transboundary platform for CSO's dialogue and cooperation between Albania and Montenegro. The working group exercise on national nature protection measures was organized. Main outcomes were presented with special emphasis on the need for transposing EU experiences in the RENA countries.

## Country External Assessments

In addition to the capacity building program, **country external assessments** were prepared providing overview of the national, regional and local capacity for the whole regulatory cycle, covering all aspects of environmental protection with a special focus on pollution control, as a priority area of interest to ECENA/IMPEL. Based on interviews with various national stakeholders, analyses performed, available documents (including similar assessments undertaken under the auspices of the IMPEL network), RENA team produced **seven external reports** (for each RENA country, with the exception of Croatia). These documents present an overview of the current situation in terms of implementing EU legislation and include the institutional setup and administrative capacity, as well as an assessment of weaknesses and strengths of the existing national system. Furthermore, national assessment reports comprise recommendations for the improvement of the national capacity to meet EU requirements for the implementation and enforcement of EU legislation.





# Achieved Outcomes and Main Conclusions

Similarly to previous regional networks, through development of the ECENA working plan, special attention was given to the **enhancement of cooperation with the existing projects, initiatives and networks at regional and the EU levels** (IMPEL, GreenForce, etc.). Bearing in mind the importance of IMPEL activities at the Community level, the activities of ECENA Working Group were planned so that they don't overlap with the activities provided by IMPEL, fact that provided the coherence of actions between the two networks. Moreover, the ECENA Working Group created a framework for discussions between the EC, IMPEL representatives and the RENA countries.

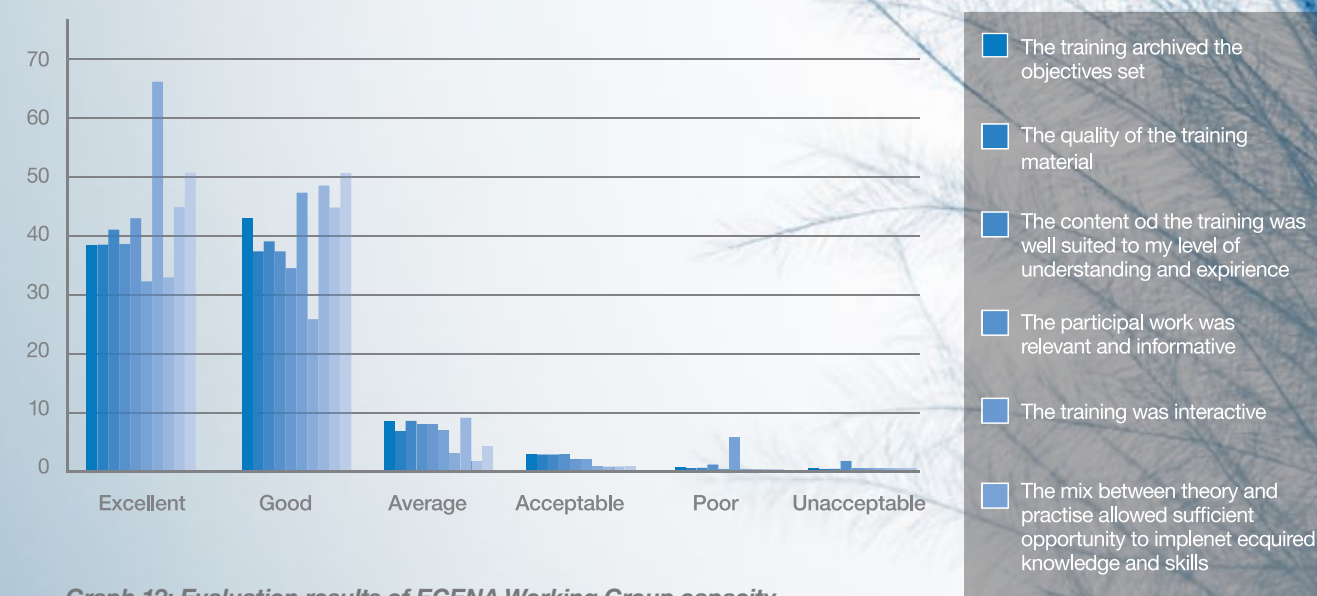
**The capacity building program** developed under this RENA WG and the aforementioned activities aimed to improve the capacity of ECENA members for the implementation and enforcement of the EU environmental and climate change *acquis*. Sub-regional and regional trainings, besides their theoretical and practical components, provided a **framework for the exchange of experiences** among inspection agencies and inspection bodies of the beneficiary countries and contributed to the creation of a pool of well-trained environmental inspectors and permit writers in the region. All trainings implemented under this RENA WG were designed in a way that covers main practical aspects of enforcement of environmental legislation, and included site visits, common inspections, reporting, etc. This practical approach contributed to a better understanding of the specific problems and potential solutions of implementation and enforcement of environmental laws at both national and regional levels.

The country-specific assessment of the environmental protection implementation and enforcement setup was carried out through the **development of national external reports**. As independent evaluations of national, regional and local environmental capacity covering the entire regulatory cycle (policy, legislation, permitting, verification, control and monitoring), the national external reports represent a review of the national response to the environmental *acquis* obligations. Within these documents, major national institutional and legal gaps were identified. Useful recommendations on policy, legislative and practical implementation priorities were made, providing the basis for the improvement of existing national and institutional framework and technical arrangements for effective implementation and enforcement of the environmental *acquis* in the beneficiary countries.

**The network approach** developed within the ECENA Working Group facilitated the exchange of information between the European Commission, EU Member States, relevant organizations and non-member states. Furthermore, regional cooperation in this field established within previous initiatives, was consolidated by providing a framework for the exchange of experiences and best practices between the RENA countries.

# Evaluation

Evaluation forms fulfilled by participants showed that the trainings and presentations were considered excellent and good. All participants had a good background, with 72% having more than five years of experience in inspection and surveillance. Some countries participated with a very experienced target group with more than 50% of participants having more than 10 years of experience. The representatives of other countries with much less experience needed more targeted training on various aspects. The participants were particularly satisfied with the practical work during the site visits and inspection demonstrations. Among the most important conclusions was the opportunity to exchange experiences with colleagues from the region and obtain important contacts for future cooperation.



**Graph 12: Evaluation results of ECENA Working Group capacity building activities**



# Identified Priorities and Future Steps

Based on the achievement of ECENA Working Group Activities and priorities set at the EU level, a follow-up program will need to provide support on three main axes: capacity building, institutional and methodological support and cross-border cooperation.

- **The capacity building activities** should aim at strengthening the capacity and at the development of a strong enforcement system required for proper implementation of obligations arising from the EU environmental and climate change legislation. In order to reflect the complexity of the implementation requirements with regard to different parts of the *acquis*, participation of representatives from policy areas would be beneficial.
- Regional trainings on **cross-border cooperation** in the field of enforcement of the EU Nature Protection legislation, the TFS and the REACH and CLP Regulation
- capacity building for the **application of new methodology and various tools** developed for inspection purposes within IMPEL and similar EU networks (e.g. “easy tools” as a new rule-based methodology for the drafting of inspection plans)
- Update of the **national external assessment reports**;
- **Strengthening the network approach** through intensification of cooperation with other networks that actively work on enforcing the EC environmental and climate change legislation (e.g European Forum of Judges for Environment (EUFJE), the European Network of Prosecutors for Environment (ENPE) and the European Police Office (EUROPOL)).

# CONCLUSIONS

## Key Factors of RENA's Success

By virtue of implementing carefully designed and highly diversified activities based on environmental and climate *acquis*-related priority areas of approximation, RENA has been identified as a successful and effective regional cooperation platform providing a forum for exchange of experiences and best practices in the EU pre-accession and accession context.

The effectiveness of RENA derives from strong regional cooperation coupled by the **multi-beneficiary approach**, which constitutes the main mechanism for achieving its objectives. By means of tailor-made country specific support developed in the light of multi-beneficiary approach, the beneficiaries of RENA have been able to achieve a greater understanding of the steps and measures needed to transpose and implement the EU environmental *acquis*, as well as to gain knowledge on specific problems and potential solutions related to the transposition, implementation and enforcement of EU legislation. Facilitated by project activities, such as regional training programs, seminars, capacity building workshops and pilot projects, RENA applied a **consistent approach** to EU candidate countries and potential candidates for achieving their accession-related obligations, while taking into consideration the different stages of alignment with the *acquis*, as well as the constantly evolving targets to be reached by both EU Member States and membership aspirants.

Ensuring **regional cooperation, networking and strong partnership** greatly contributed to the effectiveness of the implemented multi-annual work program. By applying a **multi-stakeholder approach**, the implemented activities of RENA proved to be more successful, as being more appropriate and understandable by all stakeholders.

**Participation** in project activities and **ownership** of the achieved results was essential for an efficient environmental dialogue between the European Commission and the beneficiary countries. In the light of this, all stakeholders were regularly involved in the project and were kept informed about RENA's key messages, thus further strengthening political commitment, involvement and ownership of beneficiaries in relation to the results achieved. An efficient and well-functioning **governance structure** was of fundamental importance for providing support to the eight beneficiary countries involved in the project, namely Albania, Bosnia and Herzegovina, Croatia, Kosovo\*, FYR of Macedonia, Montenegro, Serbia, and Turkey. RENA primarily supported administrative authorities in charge of environment and natural resources, these being ministries with primary responsibility for environmental protection and other ministries, institutions and authorities responsible for areas relating to chemicals, forests, water, or climate.

By regularly assessing the progress made in the transposition and implementation of the environmental and climate *acquis*, the activities related to the accession and pre-accession process implemented under RENA were designed based on the needs and priorities of the beneficiary countries. The **flexible design** of the project allowed taking into account different stages of alignment with the *acquis*, with the purpose of ensuring tailor-made country specific support that covers the accession, the pre-accession and the negotiation process.



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Relating to the European Commission's **environmental dialogue** with candidate countries and potential candidates, **communication along** with the exchange of experience and best practices was fundamental for RENA at both the technical and political level. In line with the countries' needs and priorities, a wide range of tasks was carried out across several sectors and involved a large number of stakeholders from different countries. Project activities were well coordinated with other regional settings, initiatives and national assistance programs. Moreover, with the purpose of **avoiding duplications and capitalizing on synergies**, RENA served as a framework for achieving coherence between numerous activities in the process of alignment with the EU environmental *acquis*. In the light of this, RENA successfully coordinated and cooperated with other stakeholders working in the region, including International Financing Institutions, bilateral donors, international organizations (e.g. INTERPOL, UNDP); other relevant initiatives and projects, such as WBIF, DABLAS, HORIZON 2020, IMPEL, INECE, RCC; Environmental Civil Society Organizations and Non-Governmental Organizations through the Environmental Forum; as well as neighboring EU member states and other EU member states.

A well-organized **dissemination of information** in relation to project activities, outcomes and products proved to be a fundamental element for the effectiveness of RENA. In this respect, and in line with EC visibility guidelines, the RENA Secretariat developed and deployed communication tools, thus creating an information hub consisting of the RENA website, databases of projects and outputs, extranet as RENA partners' area and a number of newsletters.





# RENA SECRETARIAT

In order to ensure the sound management, coordination and logistic support of activities implemented under the four Working Groups, a project Secretariat has been established in Human Dynamics offices in Vienna, Austria and its partner companies in the beneficiary region. The RENA Secretariat has provided support through its permanent staff, as well as other administrative structures whenever deemed necessary. In addition to serving as an office for RENA experts, the Secretariat also ensures on-site regional coordination and implementation.

Throughout project implementation, the Secretariat has proved to be an essential element of RENA in terms of coordinating overall project activities, ensuring the regional dimension (participation and benefits for all beneficiaries), successful coordination and communication between the Consultant, the Contracting Authority and Beneficiary countries, as well as an effective networking with other stakeholders in the region.

In order to ensure smooth implementation, administrative and logistic support has been provided in the preparation and organization of all meetings, including Steering Committee meetings, Working Group meetings as well as all relevant events, workshops, trainings, seminars and other events. The Secretariat also supports the participation of beneficiary staff in other initiatives related to RENA, as well as carrying out of duty missions by experts.

The RENA website, newsletters and helpdesk facilitated the sharing of information, communication and networking between all RENA stakeholders in relation to project progress.

All materials used / created within RENA are available on the website: [www.renanetwork.org](http://www.renanetwork.org).







## ***Regional Environmental Network for Accession***

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