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AND TOURISM

Negotiating Team for the Accession of Montenegro to the European Union
Working Group for Chapter 27 – Environment and Climate Change

Strategic Planning after Screening: defining new needs

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ECRAN Regional Training on the role of strategic documents in
approximation and management of the negotiation process for Chapter 27
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- ▶ Montenegro signed a Stabilization and Association Agreement in 2007;
- ▶ Candidate status was granted in December 2010;
- ▶ In June 2012, Montenegro has started the negotiation process with the EU.





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Challenges in the field of Chapter 27-Environment and Climate Change

- ▶ Legislative/administrative (legal transposition of EU Acquis) – about 1/3 of Acquis
- ▶ Implementation:
 - Practical implementation of Acquis
 - Enforcement
- ▶ Financial (building environmental infrastructure)



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Preparation for Screening Process

- ▶ Working Group on Preparation of Accession Negotiations for Chapter 27 - Environment and Climate Change was formed on January 17th 2013;
- ▶ 61 member of WG;
- ▶ RENA Workshop held in January 2013 in Podgorica.



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Explanatory Screening

- ▶ February 04th - 08th 2013;
- ▶ About 120 regulations were presented by experts of the European Commission who held 52 presentations
- ▶ Objective:
 - to have all elements necessary to prepare for bilateral session;
 - to have clear vision on how to align with this Chapter.



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Preparation for Bilateral Screening

- ▶ Limited time between ES and BS;
- ▶ 18th – 22nd March 2013;
- ▶ 61 Power Point Presentation and cc. 1200 pages of written material sent to EC delivered by Montenegro (questionnaires and additional questions by EC);
- ▶ Largest Team of EC.



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Bilateral Screening

- ▶ Screening is very much about describing:
 1. What is the situation?
 2. What remains to be done?
 3. How and when we will achieve full compliance?
- ▶ All these questions shall be answered directive by directive regarding transposition, institutional system and implementation.
- ▶ **To provide real, objective and accurate information!**



Bilateral Screening

▶ Key Questions:

1. Wheather MNE fully accepts Acquis?
2. Can MNE identify areas that will be the most challenging?



Lessons learned:

- ▶ Realistic and solid strategic planning;
- ▶ Good prioritization;
- ▶ Exchange of information and coordination;
- ▶ Strong ownership and clear distribution of responsibilities;
- ▶ Well organized and strong administration;
- ▶ Proper financial planing;
- ▶ Time needed.....Transitional periods



Transitional periods

- Must be limited in time and scope

- ▶ **Derogations**

- ▶ **Investment Heavy Directives**

- Air quality
- Waste
- Water quality
- Control of industrial pollutions and risk management



Lessons learned (II):

- ▶ Screening process allowed us to assess our preparations and identify our readiness to complete approximation process
- ▶ We had to answer **HOW** and **WHEN** some activities will be implemented
- ▶ Usually answers to these two questions you have to find in planning documents
- ▶ We have to admit that there were cases we would not be able to find right answers because of incomplete or missing planning documents

Screening Report

- I) Sum up of the Acquis obligations;
- II) Sum up the situation in MNE
- III) Assessment done by EC of situation in MNE
- IV) EC Recommendation
 - ▶ The first draft sent to MNE on October 2013;
 - ▶ European Council adopted Screening Report on December 17th 2013;
 - ▶ 1 Benchmark

Challenges (I)

- ▶ At the same time very systematic screening of wide range of EU requirements allowed us to identify several problems:
 - In some cases it was not very clear how to complete transposition – which legal acts to develop to fully transpose requirements,
 - In some cases was difficult to agree on date when full transposition will be achieved,
 - In few cases problems remained in institutional competencies and division of labor among several involved institutions,
 - In some cases date for full implementation was missing



Challenges (II)

- ▶ Most of identified problems can be summarized as remaining tasks for approximation planning:
 - **Plans for transposition** (when and how all requirements will be transposed)
 - **Plans for institutional capacity development**
 - **Plans for implementation**
- ▶ Therefore, as continuation of dialog after the screening we started very detailed review of all assessments provided in the Screening Report and developing plan for closing all identified shortcomings – **Meta Plan**



PLANNING OF TRANSPOSITION

- ▶ **Process includes:**
 - Assessment of current status,
 - Assessment of existing transposition plans,
 - Identification of actions to achieve full transposition,
 - Defining date for full transposition,
 - Ensuring that each of our transposition action is foreseen in some planning document.



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META PLAN FOR TRANSPOSITION

- ▶ There are **several options** we consider for addressing transposition plans:
 - Revision of the National Programme for Accession of Montenegro to the EU for the period 2014-2018. to include plan for transposition
 - Development of the National Approximation Strategy (IPA 2012-2013), which will include plan for transposition



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PLANNING OF IMPLEMENTATION

- Assessment of areas where implementation plans are missing or not sufficient
- Assessing of areas where implementation plans are in place but not backed with investment and financing plans
- Assessment of areas where transitional periods might be expected



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META PLAN FOR IMPLEMENTATION

Options considered include:

- Development of the National Approximation Strategy
- Development of the Investment Plan
- Checking if recently revised Waste Management Strategy includes all issues raised in the Screening Report and following approval
- Revision of Air protection strategy to respond to comments made in the Screening Report
- Development of DSIPs for identified directives requiring of transitional periods



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PLANNING OF INSTITUTIONAL DEVELOPMENT

► Process includes:

- Assessment if competencies are assigned, shall be revised or reallocated
- Assessment if new institutions shall be established
- Assessment of areas where administrative capacity shall be improved
- Assessment of actual needs for people and resources



META PLAN FOR INSTITUTIONAL DEVELOPMENT

- ▶ **Options considered include:**
 - Developing Plan for Strengthening of Institutional Capacities in Environmental Sector
 - Institutional development plan as part of the National Approximation Strategy
 - Strengthening of institutional part of the NPA



DEVELOPING OF META PLAN

- List of all planning documents with timetables and resources will be prepared in nearest future
- Will be used to structure internal processes for further approximation of the environmental requirements and preparing Chapter 27 for negotiations
- We will use this document for communication with the European Commission as a **road map** to present our further activities



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OPENING BENCHMARK MEETING

- May 13-14th 2014;
- Action plans for Chapter 27, with the emphasise put on 4 challenging Sub-Chapters;
- Concept Note of the Strategic Planing.



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CONCLUSIONS

- ▶ Screening process is demanding and targeted preparation shall start early
- ▶ Written information answering screening questionnaires is good way to identify gaps and plan how to address them
- ▶ Attention shall be paid to planning documents in order to have answers on how and when requirements will be transposed and implemented
- ▶ Just title of the planning document is not sufficient. Substance matters
- ▶ Good coordination with all institutions involved is essential, as also on the capability and capacities of the candidate country



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Thank you for your attention!

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