



ReSPA

Regional School
of Public Administration

Workshop on

INSTITUTION BUILDING FOR EU MEMBERSHIP AND LAW APPROXIMATION

12-14 February 2013

Danilovgrad, Montenegro

PROVISIONAL PROGRAMME



Background

To build the relevant institutions and capacities that can deliver better quality services to citizens in a more effective and more efficient manner is the ambition of each public service. Both sectoral and horizontal capacities are important. SIGMA has identified six core areas of public administration that are important from the point of view of horizontal capacities. The successful public administration reform in these areas also reflects the interests of the European Commission to assist prospective member states in participating in European integration.

The ability of the government to formulate coherent and cohesive policies, the ability to ensure that policies are evenly implemented across the board and the capacity to lobby for its policies at the EU level all depend on how well these horizontal capacities are developed.

Institution building for EU membership is closely linked to the coordination issues, coordination within sectors and horizontal coordination. Coordinated efforts are naturally also needed in the area of law approximation. The scope of EU legal acts often spans over several sectors in national law; therefore approximation involves experts from more sectors. The basic underlying principle is that if the EU laws are properly introduced to the national legal system, then their implementation should be easier. It goes without saying that the law approximation as well as institution and capacities building track records are important in fulfilling the EU accession criteria. The West Balkan countries as the candidate or prospective candidate EU countries are now in a good position to reflect these requirements in their public administration structures and capacities building in order to be well prepared for incorporation of EU body of law.

Objectives

- To appreciate the necessity for institution and capacities building, highlighted with the lessons learnt from Croatia.
- To become familiar with what is required for effective implementation of EU law and identify what capacities are necessary.
- To become aware of law approximation issues, develop the skills on how to approximate and have the opportunity to discuss the approximation challenges in Slovakia and compare with recent experience of Croatia.

Content

The training will cover mainly two areas:

- First, there are sessions and exercises reviewing the EU context and the need for horizontal administrative capacities, while distinguishing the two levels of this, namely during the process of EU policies formulation, and during the process of their implementation in Member States. In both cases the attention will be brought to coordination issues. Lessons from Croatian public administration and its changes will be used as examples.

- Second, there are presentations and workshops related to EU law approximation issues in general and specifically in the Slovak Republic and Croatia. The sessions will cover legal and technical issues of approximation, practical issues of law application as well as capacity issues.

Target Group

Experienced (mid to senior level) civil servants dealing with approximation issues across the line ministries, especially those involved in the EU internal market issues.

Workshop Trainers

The training will be led by three experienced NISPAcee trainers:

Mr. Boris Balog, senior legal expert / trainer. He is a Doctor of Law. He has long-term practical experiences in the law approximation based on his positions in the Slovak National Council and Ministry of Economy. At present, he is working at the Ministry of Environment in the position of Director of the Department of Legislation. During the years 2002 - 2004 and 2010 -2012 he was working in the National Council of the Slovak Republic; his last position being General Director of the Section of Parliamentary Agenda in the Chancellery of the National Council of the Slovak Republic. In the years 2004 – 2009 he was working at the Ministry of Economy in the position of the Director of the Department of Legislation and Law. Simultaneously, he is lecturing at the PanEuropean University - Faculty of Law since 2009 as the expert on constitutional law. In 2011 - 2012 Mr. Balog was involved as the legal expert in the NISPAcee/UNDP/SlovakAid project "Implementation of the Public Administration Reform Strategy in Montenegro". Since 2012 he has been cooperating as a legal expert in the NISPAcee/SlovakAid project "Montenegrin capacity building for approximation of EU legislation".

Mgr. Marta Jendekova, is a senior expert in the European Affairs unit at a NISPAcee member institution - AINova, Slovakia. She has an MA in EU Legal Studies from EIPA Luxembourg/University of Nancy, France (2001). She has been involved in EU integration affairs since 1997 when she administered several international training projects for civil servants dealing with law approximation issues. Since 2001, she has been a trainer on EU topics, especially the institutional and legal framework of the EU, specialised EU terminology, EU information sources and practical aspects of the EU decision-making process, including law implementation, approximation, capacity building for managing EU affairs at national and sub-national levels, and national coordination of EU affairs. She has provided trainings, mainly for civil servants in Slovakia, but also internationally, for example, within the MEDA project, and SlovakAid projects in Serbia/Montenegro. She is a member of Team Europe Slovakia, a group of experts created by the Representation of the European Commission in Bratislava.

Mr. Vedran Ulabi holds a PhD in administrative law and public administration and works as an assistant professor at the Faculty of Law Zagreb, Croatia. He was involved as an expert in more than a dozen EU funded projects in Croatia and abroad (e.g. Serbia, Albania, Ukraine) covering legal framework and institution building for regional/cohesion policy, general administrative procedure, legislative procedure and cross-border cooperation. Currently is engaged as an expert in several ministerial working groups in Croatia, particularly for the

administrative procedure and administrative simplification and for the preparation of legal framework for regional policy in Croatia. He has closely cooperated with SIGMA Initiative preparing factual analysis of the Croatian legislation (Administrative law and civil service) for the SIGMA annual reports to the European Commission. During the EU-Croatia negotiations he was involved in activities in Chapter 22 (Regional policy and coordination of structural instruments). He is an active member of several professional associations in Croatia such as Institute for Public Administration, Regional Studies Associations (Croatian section), etc. Teaches various courses at different study levels associated with public administration such as Administrative science, Reform of public administration in the European context, Local government, Public services, etc. Publishes books and articles on wide range of topics connected with public administration and participated in numerous conferences, seminars, round tables and workshops in Croatia and abroad as an organizer, chair of sessions and speaker.

Methodology

The training deals mostly with practical issues, therefore it is based on various interactive teaching methods involving the participants such as brainstorming, group work and discussion in plenary, as well as case studies.

DRAFT TRAINING PROGRAMME

Day 1- 12 February 2013

09.00 - 10.30	Opening Introduction to the programme and expectations Institutions and capacities building (for EU membership)
10.30 - 10.45	<i>Coffee break</i>
10.45 - 12.15	Discussion: How do the administrative capacities matter? Europeanization of Public Administration – case of Croatia
12.15 - 13.15	<i>Lunch break</i>
13.15 - 14.30	Identification of institutional and organizational provisions of the EU integration process – case of Slovakia. (Group work)
14.30 - 14.45	<i>Coffee break</i>
14.45 - 16.00	How does the EU policy making system work Case study: Adoption of an EU directive How member states achieve their goals Case study: identifying factors of influence in EU policy-making Reflection on DAY 1

Day 2- 13 February 2013

09.00 - 10.30	Review of DAY 1 Implementation of EU law What the implementation really is ECJ Judgments on implementation (Discussion in groups)
10.30 - 10.45	<i>Coffee break</i>
10.45 - 12.15	What “good implementation” means (Presentations and discussion in plenary) Linking policy making and implementation; emphasis on coordination
12.15 - 13.15	<i>Lunch break</i>
13.15 - 14.45	Implementation and approximation How to approximate the EU law with national law – requirements and steps, examples from EU countries.
14.45 - 15.15	<i>Coffee break</i>
15.15 - 16.30	Building capacities for approximation of law. Lessons learnt from Croatia-EU negotiations. Reflection on DAY 2

Day 3- 14 February 2013

09.00 - 10.30	Review of DAY2 Case of Slovakia: Institutional framework of approximation, methodology and process, Constitutional prerequisites - Parliament's and Government's Legislative Rules and their changes
10.30 - 10.45	<i>Coffee break</i>
10.45 - 12.15	Application of the <i>acquis communautaire</i> by the national bodies and courts. Implementation of a directive – selected legal and practical issues.
12.15 - 13.15	<i>Lunch break</i>
13.15 - 14.45	Case studies on approximation – Slovakia and Croatia
14.45 - 15.15	<i>Coffee break</i>
15.15 - 16.30	Bringing it all together – challenges of approximation, administrative capacities and coordination. (Panel discussion) Closing remarks