

THE LAST THIRD: ACHIEVEMENTS AND RESULTS IN THE AUGUST 2021 - NOVEMBER 2022 PERIOD

POLICY AND LEGAL ADVICE
CENTRE (PLAC III) PROJECT

BELGRADE, NOVEMBER 2022

This publication is produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the Consortium led by the DMI Associates in cooperation with Eastern Bridge Group and GIZ, and may in no way be taken to reflect the views of the European Union.

© Copyright 2019 Policy and Legal Advice Centre (PLAC III)

TABLE OF CONTENTS

Introduction	4
About the project	5
They said about the project	10
Main achievements in the reporting period – info graphic	12
Legal acts and strategic documents drafted – info graphic	13
Chapter 3	14
Chapter 8	19
Chapter 9	22
Chapter 10	25
Chapter 12	29
Chapter 13	33
Chapter 15	35
Chapter 27	44
Chapter 33	54
Horizontal activities	56
Photo gallery	61

INTRODUCTION

A EU-funded project implemented in Serbia, the Policy and Legal Advice Centre (PLAC III) takes up, by its nature, a particular place in the large spectre of projects financed by the EU in the country. As of January 2019, when it was started, the project has been providing legal assistance to the Serbian Government in the process of the harmonisation of the national legislation with Union acquis through amending the existing and drafting new legislation and assisting in the process of accession negotiations. PLAC III is the fifth project in line providing legal assistance to the process of association with the EU and to the negotiation process, which makes it one of EU projects with the longest “tradition” in Serbia.

Implemented in close cooperation with the beneficiary institutions – the Ministry of European Integration, the Negotiation Team and line ministries, the project supports Serbia on its path to the EU through diligent work on the main task, which is harmonisation of the national legislation with Union acquis. The project’s implementation flow reflects the needs of beneficiary institutions, but also mirrors the state of play of the whole process of European integration in Serbia. In order to enable the Serbian administration to be acquainted with a spectre as large as possible of the best EU practices, the project engages experts from all over the European Union.

This brochure presents an overview of the results achieved by the PLAC III project in the period between August 2021 and November 2022. The 16-month period could be seen as the last third of the project implementation and a closure of yet another in a line of PLAC projects implemented in Serbia. Throughout the whole implementation cycle, the project team invested maximum effort to attain the main project objective - achieving a high level of effective alignment of the national legislation with Union acquis and its implementation in the Republic of Serbia.

ABOUT THE PROJECT

The Policy and Legal Advice Centre (PLAC III) project is managed by the Delegation of the European Union to the Republic of Serbia and implemented by a consortium led by DMI Associates in cooperation with Eastern Bridge Group and GIZ. The project provides legal assistance to the Serbian Government in the process of the harmonisation of the national legislation with Union *acquis* through amending the existing and drafting new legislation. That entails providing a legal basis for the introduction of European standards in all spheres of life and work in Serbia – from financial and market regulations, health and energy to environmental protection. The project also assists in the process of accession negotiations through a comprehensive assistance provided, among others, through seminars, study tours, workshops and trainings.

The assistance provided by the Project shall contribute to an enhanced compatibility of the national legislation with EU legislation and its effective implementation and further strengthening of the capacities of relevant national structures to successfully carry out accession negotiations. By achieving a high level of effective alignment of the national legislation with Union *acquis* and its implementation, the Serbian administration will be enabled to effectively conduct accession negotiations and successfully manage overall EU integration and pre-accession assistance geared towards EU membership.

The project started in January 2019. The planned project duration of 30 months (July 2021) has been extended till November 2022. Like all over the globe, the COVID-19 pandemic has affected the working mode of the project team and project experts and caused a shift to remote work, though not affecting performance.

BENEFICIARIES

The main beneficiary is the Ministry of European Integration. The immediate project beneficiaries are line ministries and institutions involved in legal harmonisation in specific areas under different negotiating chapters.

PLAC III covers 11 negotiation chapters as the project's priority areas:

Chapter 3: Right of establishment and freedom to provide services; Chapter 8: Competition policy; Chapter 9: Financial services; Chapter 10: Information society and media; Chapter 12: Food safety, veterinary and phytosanitary policy; Chapter 13: Fisheries; Chapter 15: Energy; Chapter 16: Taxation; Chapter 27: Environment and climate change; Chapter 28: Consumer and health protection; Chapter 33: Financial and budgetary provisions. Additionally, the horizontal issues of the human rights' concept in the legislative development, the status of whistle-blowers in Serbian society and personal data protection are addressed.

PLAC III IMPLEMENTATION

The total budget of the project is EUR 3,623,220.

The Project's work plan envisages the engagement of project experts in various areas under the negotiating chapters mentioned above. Furthermore, 3,122 expert working days have been spent working with beneficiary institutions in providing support to the harmonisation of the national legislation with Union acquis and the institutional capacity-building of relevant national structures for a successful carrying out of accession negotiations. The allocation of the number of working days to a particular chapter corresponds to the project priorities which were agreed upon in consultations with the beneficiary institution. At the same time, it is a reflection of the current state of play of accession negotiations between Serbia and the EU. The project team management demonstrated flexibility in the course of implementation, adapting to beneficiary needs.

CHAPTER	TOTAL NUMBER OF AVAILABLE WORKING DAYS	NUMBER OF EXPERTS ENGAGED IN THE PERIOD VIII/2021 – XI/2022	NUMBER OF WORKING DAYS SPENT IN THE PERIOD VIII/2021 – XI/2022
Chapter 3	275	3	54
Chapter 8	197	1	25
Chapter 9	235	1	40
Chapter 10	95	1	62
Chapter 12	664	3	69
Chapter 13	20	1	20
Chapter 15	311	7	107
Chapter 16	35		
Chapter 27	720	9	215
Chapter 28	194		
Chapter 33	45	1	25
Horizontal (HR)	113	3	62
Sub-total		72	686
Visibility & capacity building	219	2	73
Total	3.122	34	759

The Project work plan envisages the realisation of planned results through 91 activities. In the August 2021 – November 2022 period, a total of 29 activities were finalised:

CHAPTER	NUMBER OF ACTIVITIES PLANNED	NUMBER OF ACTIVITIES FINALISED IN THE PERIOD VIII/2021 – XI/2022
Chapter 3	10	3
Chapter 8	5	1
Chapter 9	9	1
Chapter 10	3	3
Chapter 12	15	2
Chapter 13	1	1
Chapter 15	13	7
Chapter 16	2	
Chapter 27	21	7
Chapter 28	7	
Chapter 33	2	1
Horizontal (HR)	3	3
Total	91	29

OVERVIEW OF PROJECT ACTIVITIES

Project activities are diverse and include the following:

- Assisting relevant institutions in the preparation of laws, bylaws, regulations, strategies, action plans and guidelines as well as in developing the necessary implementation follow-up measures in monitoring the implementation of harmonised legislation;
- Preparing the national administration for the practical aspects and challenges in the implementation of harmonised regulations and supporting the establishing of functional coordination mechanisms to facilitate implementation;
- Assisting institutions in assessing the effects of the pieces of legislation to be harmonised and to accurately anticipate the financial implications of their implementation;
- Providing support to relevant institutions and structures in different phases of the negotiation process for accession to the EU;
- Horizontal activities covering issues related to all negotiation chapters and the entire EU accession process.

Activities are designed with the project beneficiaries according to their needs and after thorough discussion, taking into account the current state of play of accession negotiations as well as the National Programme for Adoption of the Acquis (NPAA) priorities. They incorporate the transfer of the know-how from recent accession experiences and the use of examples from the best European practices. For that reason, the PLAC III project gathers experts from all over Europe to be involved in the implementation of project activities, along with their Serbian colleagues.

How does the PLAC III project implement its activities?

In close cooperation with beneficiary institutions and representatives of the working group for each negotiation chapter, the PLAC III project team defines areas in which activities will be implemented. In practice, that means that the beneficiary institution chooses the priority areas for the harmonisation of the relevant national legislation with Union acquis and prepares, with the help of the PLAC team, the Terms of Reference. In the next step, PLAC III chooses a legal expert or a group of experts whose expertise is adequate to the needs of the beneficiary. The process of selection is done in a maximally transparent way and is open for all European citizens. The most important part is the expert work in close coordination with the beneficiary institution, in order to have a detailed overview of the existing legislative framework in this particular area, to produce a legal gap analysis of a level of compliance of legislation with Union acquis and finally, to draft recommendations for harmonisation. Most often, PLAC III experts present to the beneficiary institution and relevant stakeholder organisations a comparative analysis on how the EU Member States had harmonised the same area.

Recommendations for the alignment of Serbian legislation with Union acquis are drafted in the form of the following:

- Draft laws;
- Amendments to the existing laws;
- Draft bylaws;
- Strategic documents that will serve as a basis for legal harmonisation.

Finally, the expertise and recommendations are usually shared with representatives of the beneficiary institution during a workshop or training sessions.

Another type of activity is the organisation of study tours during which representatives of beneficiary institutions have the opportunity to gain insights and knowledge from their colleagues in the respective EU Member State.

PLAC III has recruited experts from all over Europe that work, along with their Serbian colleagues, on the harmonisation of Serbian legislation with Union acquis. The lifting of travel restrictions related to the COVID-19 pandemic has enabled a return to live meetings between project experts and beneficiary institutions, as well as training sessions and workshops; however, some activities had to be held online or in a hybrid mode – both live and on online platforms.

The PLAC III experts that were engaged in the reporting period came from the following European countries:

Croatia, Germany, Ireland, Montenegro, Romania, Northern Macedonia, Serbia and Slovenia.



THEY SAID ABOUT THE PROJECT

Former Minister of European Integration, **Mrs. Jadranka Joksimović** (from 29 June 2017 to 26 October 2022):
We monitor citizen needs through the PLAC III project – the focus is on food safety and the environment



With regard to the reforms, we highly appreciate EU assistance in adapting our legislative framework to Union acquis. The PLAC III project includes support in four clusters, i.e. 11 negotiating chapters. The fact that we have jointly decided to receive the most comprehensive and most extensive technical and expert assistance for Chapters 12 – food security and 27 – the environment and climate change, clearly indicates the intention of this Government to monitor not only the needs of the accession process and the implementation of the EU Green Agenda for the Western Balkans but primarily the needs of the citizens – their right to safe food and a clean environment. It is especially important for us that through this project we can directly contribute to the improvement of food safety – through the harmonization of legislation and learning about examples of the best European practice, and consequently, an even better protection of consumer rights. Of the numerous activities that have been implemented so far, I would like to emphasize the key ones from Chapter 27 regarding the work on the harmonisation of the national legislation with Union acquis concerning regulations related to water quality, waste management (including electronic and electrical waste) and the law on environmental accountability. The citizens of Serbia are always the end beneficiaries of all these activities. In this way, European standards are becoming part of their everyday lives. The project functions in a way that it enables us to quickly acquire knowledge and examples of good European practice by hiring experts from EU member states that bring experience related to EU accession from their own countries. In fact, all the knowledge is about the ultimate common goal of both the European Union and Serbia, and that is our full membership in that community of European nations and citizens.

(Excerpts from the op-ed written for PLAC III project's blog section, published in November 2021)

Head of the EU Delegation to the Republic of Serbia,
Ambassador **Emanuele Giaufret**: *The EU is Serbia's partner on
the path to green transformation*



The PLAC III project provides expert support to the Serbian negotiation structure in charge of carrying out the accession negotiations. The assistance is comprehensive and it has been provided, among others, through workshops, trainings, study tours delivered within the framework of the Project. PLAC III provides a large number of working days to Chapter 27 – Environment and Climate Change (705 working days, more than one fifth of the total number of 3,102 WDs). The Outputs that have been delivered so far by the Project have fully reflected the intensive efforts of Serbia that brought about the opening of Cluster 4 (Green Agenda and Sustainable Connectivity) in December 2021. The Project's assistance is demand-driven and PLAC III experts (most of them coming from the EU Member States which provides the opportunity to share the best EU practices) work in close cooperation with the Ministry of Environmental Protection and the Negotiating Group for Chapter 27.

PLAC III supported Serbian demands in development of policies and legislation including, among others:

- Delivery of regulatory impact assessment of the draft law on the environmental liability for compliance with Environmental Liability Directive 2004/35/EC;
 - Delivery of an ex-ante effects analysis conducted in the area of circular economy which will serve as a starter document in the determination process of the relevant public policy in order that Serbia can achieve the goals set in the EU Circular Economy Action Plan;
 - Drafting a regulation on the interoperability of data sets and services of the National Spatial Data Infrastructure to align with the INSPIRE Directive;
 - Drafting by-laws implementing a new Law on Climate Change to align Serbia with the EU requirements regarding the monitoring, reporting and verification of greenhouse gas emissions as a precondition for phasing in CO₂ emitters in the EU ETS;
 - Delivering policy impact and legal gap assessment reports and a number of legal draft proposals to align waste management rules in force with Directive (EU) 2018/851 amending the Waste Framework Directive and EU's Circular Economy Package governing waste streams;
 - Delivering the drinking water legislation compliant with the new Drinking Water Directive, etc.
- More will come from PLAC III support, such as the transposition of new EU requirements regarding extended producer responsibility, end-of-waste status and single plastic use, implementing municipal waste management plans in compliance with the revised Union waste management acquis and alignment with the EU rules governing CO₂ capturing and storage. Stay tuned!

(Excerpts from the op-ed written for PLAC III project's blog section, published in April 2022)

MAIN ACHIEVEMENTS AND RESULTS

in the period August 2021 – November 2022

During 16 months of the Implementation, the Policy and Legal Advice Centre (PLAC III) project has finalized 29 activities in areas related to 9 negotiation chapters (3, 8, 9, 10, 12, 13, 15, 27 and 33; three activities were implemented as horizontal, covering issues related to all negotiation chapters and the entire EU accession process). Beneficiary Institutions were line ministries, government agencies and regulatory bodies. In addition, 21 public events with more than 530 participants were organised.



Activities finalised in negotiation chapters **9**



Project experts engaged **32**



Working days spent **686**

43

EU legal acts transposed/harmonised



111

Legal documents (laws, bylaws and strategic documents) drafted



21

Public events held (workshops and training sessions)



Total number of participants **538**

RESULTS

Overview of legal acts and strategic documents drafted with the support of PLAC III project

In the period August 2021 - November 2022, 111 legal acts and strategic documents were drafted with the support of the Policy and Legal Advice Centre (PLAC III) project. Drafted documents will provide a basis for full harmonisation of national legislation with Union acquis in various areas, from financial services, recognition of professional qualifications to consumer and health and environmental protection.



CHAPTER 3

RIGHT OF THE ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

EU natural and legal persons have the right to establish themselves in any Member State and to provide cross-border services. For certain regulated professions, there are rules on the mutual recognition of qualifications. Postal services are gradually being opened up for the competition. The PLAC III project has provided assistance to beneficiary institutions in relation to all three areas of the chapter – services, mutual recognition of professional qualifications and postal services.

1. ASSISTANCE IN PREPARATION OF THE LIST OF REGULATED PROFESSIONS AND A BYLAW IN LINE WITH THE DIRECTIVE ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

The provision of services and the recognition of professional qualifications enable people to work throughout the EU. According to Directive 2005/36/EC on the recognition of professional qualifications, the automatic system for the recognition of foreign professional qualifications is applied for seven regulated professions. These are medical doctors, nurses, dentists, veterinarians, midwives, pharmacists and architects. The Directive also stipulates a general system of recognition for other regulated professions such as teachers, translators and real estate agents, and a system of recognition based on a professional experience (for example carpenters, upholsterers and cosmeticians). The amended version of that directive from 2013 introduced the principle of reciprocity and mutual recognition, as well as a framework for mutual evaluation based on training. In September 2019, the Republic of Serbia adopted the Law on Regulated Professions and Professional Qualifications, which will enter into force on the day of accession to the European Union. It regulates the general system of recognition and automatic system of recognition of qualifications. The adoption of this law has completed the transposition of relevant Union acquis – Directive 2005/36/EC, its amended version from 2013 and Regulation 1024/2012 on administrative cooperation through the Internal Market Information System.

In the process of further harmonisation, the PLAC III project has provided support to the line ministries in reviewing a preliminary list of regulated professions in accordance with new EU legislation and in drafting a bylaw with the updated list in line with the national law and in full compliance with Directive 2005/36/EC. The project expert has analysed the preliminary list of regulated professions made in 2017 and after consultations with the competent ministries in several sectors, has made recommendations for further harmonisation. The list refers to the areas under the jurisdiction of 11 Ministries and includes 145 professions.

Beneficiary institution: Ministry of Education, Science and Technological Development

Number of experts engaged: 1

Number of working days: 10

Outputs:

- A list of regulated professions was prepared;
- A workshop for representatives of several Serbian government ministries was held.

Harmonisation with Union acquis: Directive 2005/36/EC on the recognition of professional qualifications.

Recommendations

Although the expert's recommendation is that the List of regulated professions has to be adopted by a Government Conclusion, the issue must be left open at this time, since it is not possible to exactly define the form of Government Act used to adopt the list. It is also recommended to determine the national contact point and establish a national Database on regulated professions in the Republic of Serbia. Regarding the designation of a competent body that will check the qualifications of foreign persons and recognize exams passed in EU Member States, it is recommended to be one body (ministry, chamber, or a third party).

2. SUPPORT IN THE HARMONISATION OF LEGISLATION IN THE FIELD OF POSTAL SERVICES WITH REGARD TO THE FULL ACCOMPLISHMENT OF THE INTERNAL MARKET OF COMMUNITY POSTAL SERVICES

The PLAC III project has provided comprehensive support to the Ministry of Trade, Tourism and Telecommunications in harmonising legislation on postal services that has also included the drafting of a national strategy for postal services for the 2020-2024 period. The completion of the process of harmonisation in this sub-area of the Negotiation Chapter 3 was done by harmonising the national legislation with Regulation (EU) No 2018/664 on cross-border parcel delivery services, as well as with horizontal EU legislation that have impact on the provision of postal services. The Law on Postal Services, which entered into force in November 2019, is in line with the relevant Union acquis and with most provisions of the Third Postal Directive 2008/06/EC. A total of 16 by-laws were also passed in the period of one year after the adoption of the Law. The Project's assistance included an analysis of the Law and a set of by-laws as well as drafting a proposal how to achieve harmonisation with the Regulation on cross-border parcel delivery services that, among other, takes into account securing the respect of GDPR Regulation on personal data protection. As regards the horizontal regulations that have an impact on the provision of postal services, the Law on Postal Services was analysed in relation to "non-postal regulations" relating to state aid, dangerous goods in postal items, consumer rights, and sustainable development, all of which have a direct impact on the postal market. The assistance provided also included analysing possibilities for the implementation of an out-of-court dispute settlement within RATEL (the Republic Telecommunications Agency) as the National Regulatory Authority. Special emphasis was put on the so-called eIDAS Regulation (Regulation 910/2014) on electronic identification and trust services for electronic transactions in the internal market, which provides a legal basis for electronic remote user identification in the EU Member States.

Beneficiary institution: Ministry of Trade, Tourism and Telecommunications

Number of experts engaged: 1

Number of working days: 13

Outputs:

- A legal gap analysis report with the recommendations on alignment with the Third Postal Directive and Regulation (EU) 2018/644 and analyses of compliance of regulations on the postal services with EU non-postal regulations having a direct impact on the postal market were drafted;
- Recommendations to bring postal legislation in compliance with EU legislation;
- A draft of the recommended structure of an act governing an out-of-court Alternative Dispute Resolution procedure before NRA/RATEL and a draft of a form for initiating the Alternative Dispute Resolution before NRA/RATEL;
- A workshop for the representatives of the line Ministry and RATEL was held.

Harmonisation with Union acquis: Directive 97/67/EC (Postal Directive); Directive 2002/39/EC (on further opening of the postal service market); Directive 2008/06/EC (Third Postal Directive); Regulation (EU) No 2018/664 on cross-border parcel delivery services.

Recommendations

Most of the gaps identified should be overcome with a revision of the Draft Law on Postal Services that the line Ministry intends to carry out in line with the Strategy and Action Plan. It is recommended that further assistance be provided in this connection, in order to plan the legislative correctly and to implement the measures for reaching full harmonisation and implementation of the EU postal services acquis, primarily in the area of consumer protection and the financing of a universal service obligation in accordance with EU rules applicable to the financing of services of general economic interest.

3. FREEDOM TO PROVIDE SERVICES AND RECOGNITION OF PROFESSIONAL QUALIFICATIONS IN THE FIELD OF ENVIRONMENTAL PROTECTION

In 2020, support of PLAC III project was provided for the sector of environment in order to identify services and professional qualifications in the field of environmental protection to be able to fulfill all the requirements of the relevant Union acquis, i.e. Directive 2005/36/EC on the recognition of professional qualifications and Directive 2006/123/EC on services in the internal market. Legal gap analysis (LGA), which provides comparison between the provisions of the Directives and the corresponding provisions of the relevant Serbian legislation and draft recommendations on how to achieve a full alignment with the acquis, were prepared. The ongoing project support has built up on this by assisting the Ministry of Environmental Protection in drafting amendments to the laws and bylaws in the field of environmental protection and preparing new relevant bylaws in relation to requirements of two Directives. A total of 9 laws and 11 bylaws (8 Rulebooks and 3 Government Decrees) were identified as those that need to be amended in order to bring them in full conformity with missing requirements of the Service Directive and Professional Qualifications Directive, for which texts of amendments were prepared. Out of this number, expert support included screening and alignment support in relation to one new Draft Law and one new Draft Rulebook which in between two PLAC activities were already prepared by the line Ministry, and two whole new draft rulebooks prepared by the expert in order to overcome legislative gaps detected. This number of legislation in total regulates 16 services/professional activities in Serbia.

Beneficiary institution: Ministry of Environmental Protection;
Ministry of Trade, Tourism and Telecommunications

Number of experts engaged: 1

Number of working days: 33

Outputs:

- Amendments were drafted to 9 laws and 11 bylaws (8 Rulebooks and 3 Decrees) in order to bring them in conformity with missing requirements of the Service Directive and Directive on Professional qualifications.

Harmonisation with Union acquis: Directive 2005/36/EC on the recognition of professional qualifications; Directive 2006/123/EC on services in the internal market.

Recommendations

The Ministry of Trade, Tourism and Telecommunications would significantly benefit from similar kind of support (legislative drafting) in order to implement screening (LGA) findings in other sectors that are part in the Action Plan for Implementation of the Services Directive [2023-2025], whereas Ministry of Environmental Protection would significantly benefit from specialized training on Professional Qualifications Directive focused only on professions in their sector and practical aspects of application of general system of recognition in case of establishment or cross-border provision of services by EU professionals.

CHAPTER 8

COMPETITION POLICY

EU rules protect free competition. They include antitrust rules against restrictive agreements between companies and abuse of dominant positions, and include rules on concentrations between companies which would significantly impede competition. EU rules also set out a system of State aid control. Governments are only allowed to grant state aid if restrictive conditions are met, with a view to preventing competition distortion. Negotiation Chapter 8 is one of the most crucial and demanding chapters in the process of Serbia's accession negotiation with the EU, especially in the area of State aid. PLAC III assistance has been focused on the legal assessment of national rules and existing aid schemes, drafting secondary legislation and guidelines on aligning aid schemes and individual State aid for various categories of horizontal aid (aid for regional development, for research and development, for training, etc.) with EU rules on State aid.

1. ASSISTANCE IN IMPLEMENTING EU STATE AID ACQUIS IN THE AREA OF RESEARCH, DEVELOPMENT AND INNOVATION

The PLAC III project has provided support to the Commission for State Aid Control and its professional service in implementing State aid rules in the area of research, development and innovation with the aim of enhancing harmonisation with relevant EU regulations and their proper implementation. Also, to provide support in meeting the opening benchmarks set out for the Chapter 8. The support included an analysis of the existing aid schemes in Serbia in the area of research and development and innovation. The analysis with the aim to assess the level of harmonisation encompassed 11 legislative acts as well as respective laws regulating state aid control in Serbia. A comparative analysis with the State aid for research, development and innovation in three EU Member States – the Netherlands, Spain and Germany - was also prepared. Guidelines on the harmonisation of unaligned schemes in the area of research and development and innovation in line with EU rules were drafted. The Community framework for State aid for research and development and innovation contains the conditions for an individual assessment of the compatibility of State aid subject to notification to the European Commission in case of the intention to grant aid exceeding the financial “thresholds” for which the general block exemptions from the duty to notify the Commission regarding the aid applies. As of August 2021, new types of State aid categories have been introduced, as an addition to financing certain activities from the Horizon 2020 and Horizon Europe Programmes. This is made possible by the amendments to Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union. State aid for research and development and innovation in the EU may be granted on the basis of Paragraph 3 of Article 107 of the Treaty on the Functioning of the EU as State aid to facilitate the development of certain economic activities in the Union. In Serbia, the conditions and criteria for the harmonisation of state aid for research and development and innovation are contained in the Regulation on the conditions and criteria for the harmonisation of horizontal state aid. The Law on Innovation Activities provides a legal basis for introducing schemes for financing certain entities that form part of the innovation system from different public resources which may be considered State aid within the meaning of Article 107 if directed towards economic activity. The proposed Guidelines on the further harmonisation on State aid schemes in Serbia include a recommendation to clearly separate the economic and non-economic activities of research organisations and higher education institutions as well as to prevent a cross-subsidization of economic activity from public funds intended for the performance of their basic non-economic activity.

Beneficiary institution: Commission for State Aid Control

Number of experts engaged: 1

Number of working days: 25

Outputs:

- Comparative analysis of state aid for research, development and innovation in RS and the selected EU Member States drafted, within which an analysis of the position of the existing schemes and individual aid in the Republic of Serbia in relation to the EU State aid rules was prepared as well as a Draft Guidelines on harmonisation of financing of state aid for R&D&I in line with EU State aid rules;
- A workshop for members of Commission for State Aid Control was held.

Harmonisation with Union acquis: Article 107 of the Treaty on the Functioning of the European Union; Communication from the Commission: Framework for State aid in research and development and innovation; Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

Recommendations

Rules on State aid control for research, development and innovation activities in the Republic of Serbia are only partly aligned with respective EU State aid rules. Further harmonisation is required the compatibility rules set out in the Communication from the Commission: Framework for State aid in research and development and innovation. The majority of legislation which was analysed provides the basis for financing R&D activities performed by public entities from public resources and may be considered State aid within the meaning of Article 107 of the Treaty on the Functioning of the EU, which requires appropriate amendments and references to the application of rules governing the control of State aid.

CHAPTER 9

FINANCIAL SERVICES

Financial services are of a great importance for the functioning of the EU internal market, which is one of the foundations of European integration. EU rules aim at ensuring fair competition and the stability of financial institutions, namely banking, insurance, supplementary pensions, and investment services and securities markets. They include rules on the authorisation, operation and supervision of these institutions. Negotiating Chapter 9 is of a crucial importance to the Republic of Serbia to ensure the stability of financial markets and adequate consumer and investor protection. PLAC III project assistance focused on aligning with evolving Union acquis as well as on ensuring the proper implementation of the already harmonised legal acts, many of which were drafted with the assistance of previous PLAC projects.

1. EXPERT SUPPORT IN THE IMPLEMENTATION OF EU ACQUIS ON IMPROVING SECURITIES SETTLEMENT (CSDR)

Serbia has opened negotiations on Chapter 9, within Cluster 2 – the Internal market, which means that it has reached a satisfactory level of alignment for securities markets and investment services and it partly applies Union acquis in this area. However, the regulation in the field of financial services has been evolving rapidly during the recent years. The phasing-in of the new acquis is an on-going process. Serbia's legislation is not aligned with Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (CSDR), including the provisions of Directive 98/26/EC on settlement finality in payment and securities settlement systems (SFD). CSDR implements new standards adopted in 2012 as Principles for Financial Markets Infrastructures. The Regulation defines services and activities of central securities depositories and introduces new rules aimed at strengthening settlement discipline. It introduces a system of joint approval of CSDs and defines the obligations of the settlement internaliser. The conditions for the full implementation of the CSDR will be created prior to Serbia's EU accession. One of the recommendations of the previous PLAC Project assistance is that Securities Commission and Central Securities Depository and Clearing House (CSDCH) needs further assistance in drafting by-laws related to the implementation of CSDR and SFD. A set of 7 by-laws that fall into the mandate of the Securities Commission was prepared in 2020 and 2021, with the support of previous PLAC projects. The PLAC III project has provided support in drafting a set of CSDCH internal documents. The Project's expert assistance enabled the drafting of CSDCH internal acts that are aligned with CSDR requirements as well as with the relevant delegated acts in the field of CSDR. A total of 10 internal acts were drafted – rulebooks and procedures.

Beneficiary institution: Securities Commission;
Central Securities Depository and Clearing House (CSDCH)

Number of experts engaged: 1

Number of working days: 40

Outputs:

- Complaints management policy;
- Investment policy;
- Operating rules of the: 1. Remuneration Committee; 2. Audit Committee; 3. Risk Management Committee; 4. User Committee;
- Procedure for separate accounting of costs and revenues of the core and ancillary services;
- Compliance and internal controls policy;
- Procedure for the assessment of participants, issuers, financial instruments and other financial market infrastructure;
- Internal audit policy;
- A workshop for CSDCH and the Ministry of Finance representatives was held.

Harmonisation with Union acquis: Regulation (EU) No 909/2014/EU on improving securities settlement in the European Union and on central securities depositories (CSDR); Directive 98/26/EC on settlement finality in payment and securities settlement systems (SFD).

Recommendations

Despite the fact that provisions from CSDR have not yet been transposed into the Law on the Capital Market, the CSDCH is advised to monitor carefully how the new IT system being implemented will be able to support the requirements from the existing Law and smoothly adapt to a CSDR-compliant mode when necessary.

CHAPTER 10

INFORMATION SOCIETY AND MEDIA

The EU supports the proper functioning of the internal market for electronic communications, electronic commerce and audio-visual services. The rules protect consumers and support a universal availability of modern services. The acquis in Negotiation Chapter 10 includes specific rules on electronic communications and on information society services, particularly electronic commerce and conditional access services, and on audio-visual services. In the field of electronic communications, the acquis aims to eliminate obstacles to the effective operation of the internal market in telecommunications services and networks, to promote competition and to safeguard consumer interests in the sector, including the universal availability of modern services. Negotiating Chapter's 10 acquis harmonisation development is at an important stage in the process of the Republic of Serbia's accession negotiations with the EU. The PLAC III project support focuses on enhancing harmonisation with the relevant EU regulations and their proper implementation and providing support in meeting the obligations and recommendations set for Chapter 10, specifically in the field of electronic communications.

1. ASSISTANCE IN HARMONISATION OF THE NATIONAL LAW ON ELECTRONIC COMMUNICATIONS WITH THE RELEVANT EU REGULATIONS

In its Serbia Country Report for 2021, the European Commission states that Serbia is moderately prepared in the field of information society and media. One of the recommendations set out in the Report is that Serbia should align its electronic communications legislation with the updated EU regulatory framework, including the new European Electronic Communications Code (EECC). EECC was adopted in December 2018 and consolidated and reformed the existing regulation framework – it repeals and replaces four main legal acts in the area - the Framework Directive, the Authorisation Directive, the Access Directive and the Universal Services Directive. The PLAC III project has provided assistance to the line Ministry of Trade, Tourism and Telecommunications in drafting the new Law on Electronic Communications in order to transpose relevant Union acquis, i.e. the Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code (EECC) into the Serbian legal system. An overview of new provisions set out in EECC compared with the existing Law on Electronic Communications was prepared. The overview included the main provisions in EECC that need to be transposed in the new draft Law on Electronic Communications and expected impact on market development. The Project's expert proposed the new draft law based on the overview. The draft Law on Electronic Communications was subject to one-month long public consultations, with the participation of a PLAC III expert. Project activities also included support to the beneficiary institution in preparation of the documents necessary to be sent to the European Commission, including a report on public consultations, as well as drafting the Regulatory Impact Assessment – RIA.

Beneficiary institution: Ministry of Trade, Tourism and Telecommunications

Number of experts engaged: 1

Number of working days: 40

Outputs:

- Comparative analysis between EECC provisions and the current Serbian Law on Electronic Communications;
- Table of Concordance of Serbian legislation with the European Electronic Communications Code;
- Recommendations on how to achieve an alignment of the draft Law on electronic communications with comments, suggestions and opinions obtained from the professional and general public and relevant institutions during the public consultations process;
- Draft Law on Electronic Communications;
- Public Consultation Report;
- Regulatory Impact Analysis.

Harmonisation with Union acquis: Directive (EU) 2018/1972 of the European Parliament and of the Council establishing the European Electronic Communications Code.

Recommendations

The dynamic development of the electronic communications sector and high value of electronic communications market impose obligations for policy makers of constant harmonisation and monitoring of EU regulations in this area in order to provide regulatory and institutional conditions for the accelerated development of the electronic communications market in Serbia. The adoption of the new Law on Electronic Communications is imperative in this process.

2. ASSISTANCE IN DRAFTING ACQUIS-COMPLIANT LEGISLATION IN THE INFORMATION SOCIETY FIELD

The Serbian Law on Electronic Government adopted in April 2018 is in line with Directive 2013/37/EU that regulates the re-use of public sector information. For the first time, the Law has included a re-use of data from the public sector; it stipulates that the Authority shall allow the re-use of data in machine-readable and open form in accordance with a free license, unless otherwise specified. The Authority is obliged to publish open data from the scope of its competence on the national Open Data Portal in a way that enables its easy search and reuse. The Republic of Serbia adopted the Open Data Portal Regulation in January 2019. The last COVID-19 crisis has brought new challenges in data spaces, and thus the European Union adopted the new Open Data and Re-use of Public Information Directive (2019/1024/EU). The law on electronic government aims at full alignment and harmonisation with the EU regulatory framework in this field so necessary changes in its text have to be prepared in order to start the new law adoption process. The PLAC III project has provided assistance to the line Ministry to enhance harmonisation with the relevant EU regulations by transposing the new Directive (EU) 2019/1024. Project assistance included an analysis of the level of alignment of national legislation with the Directive. Apart from the Law on electronic government and the Open Data Portal Regulation, the analysis also included the Law on Free Access to Information of Public Importance, since the procedures for assessing requests for information of public importance and for the re-use of public sector information are the same. A Table of Concordance assessing the level of alignment of three legislative acts with Directive (EU) 2019/1024 was prepared, as well as amendments to the Law on Electronic Government, the Regulation on the operation of Open Data Portal and the Law on Free Access to Information of Public Importance.

Beneficiary institution: Ministry of Public Administration and Local Self-Government

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Amendments to the Law on Electronic Government, the Open Data Portal Regulation and the Law on Free Access to Information of Public Importance;
- The Table of Concordance related to the alignment of Directive 2019/1024/EU on open data and the re-use of public sector information with the Law on Electronic Government, the Open Data Portal Regulation and the Law on Free Access to Information of Public Importance.

Harmonisation with Union acquis: Directive 2019/1024/EU on open data and the re-use of public sector information.

Recommendations

According to the Table of Concordance, the Law on Electronic Government, Regulation on the operation of the Open Data Portal and the Law on Free access to information of public importance should be amended in order to achieve a satisfactory level of alignment with Directive (EU) 2019/1024 on open data and the re-use of public sector information.

3. ASSISTANCE IN THE PROCESS OF HARMONISING THE NATIONAL LAW ON BROADBAND COMMUNICATIONS INFRASTRUCTURE WITH RELEVANT EU REGULATIONS

Broadband infrastructure represents a foundation for modern, inclusive, smart, digital society and for introduction of broadband services, such as e-government, e-health, elearning, e-commerce etc., and is extremely important both for citizens and economy. By developing broadband infrastructure, Serbia is also making an important step in preparation for integration into the Digital Single Market. The European Commission recommended, in its Country Report for Serbia, alignment the electronic communications legislation with the updated EU regulatory framework, with a note that the law on broadband has yet to be adopted. PLAC III project has provided support to the line Ministry in drafting a Law on Broadband Communications Infrastructure that would transpose relevant Union acquis. The acquis consists of Directive (EU) 2018/1972 establishing the European Electronic Communications Code (EECC) and Directive 2014/61/EU on measures to reduce the costs of deploying high-speed electronic communications networks (Cost Reduction Directive - CRD). The Draft Law was presented to members of the broad working group (representatives from relevant ministries, electronic communications regulator - RATEL, electronic communications operators, public institutions, and professional associations) before initiating a public consultations procedure. Also, Table of Concordance on the CRD and update of Table of Concordance on EECC were prepared based on the final Draft Law.

Beneficiary institution: Ministry of Trade, Tourism and Telecommunications

Number of experts engaged: 1

Number of working days: 35

Outputs:

- Draft Law on Broadband Communications Infrastructure;
- Table of Concordance on the Cost Reduction Directive;
- Updated Table of Concordance on the EECC Directive;
- Recommendations on how to achieve alignment of the Draft Law with comments, suggestions and opinions obtained from relevant ministries, sector regulator, operators and other relevant institutions.

Harmonisation with Union acquis: Directive (EU) 2018/1972 establishing the European Electronic Communications Code; Directive 2014/61/EU on measures to reduce the costs of deploying high-speed electronic communications networks.

Recommendations

The dynamic development of the electronic communications sector and high value of the electronic communications market impose the obligation for policy makers of constant harmonisation and monitoring of European Union regulations in this area in order to provide regulatory and institutional conditions for the accelerated development of the electronic communications market in the Republic of Serbia. The adoption of the new Law on Electronic Communications and the new Law on Broadband Communications Infrastructure is imperative in this process.

CHAPTER 12

FOOD SAFETY, THE VETERINARY AND PHYTOSANITARY POLICY

EU hygiene rules for foodstuff production ensure a high level of food safety. Animal health and welfare and the safety of food of animal origin are safeguarded together with the quality of seeds, plant protection material, protection against harmful organisms and animal nutrition. The Republic of Serbia is intensively preparing for negotiations with the EU regarding Chapter 12. The PLAC III project singled out Chapter 12 as one of the most important, allocating around one quarter of all expert working days to it. Assistance in the reporting period focused on harmonisation of national legislation regulating food safety and the use of ionizing radiation in food conservation.

1. ASSISTANCE IN DRAFTING ACQUIS-COMPLIANT LEGISLATION FOR USING IONIZING RADIATION IN FOOD CONSERVATION OR FOOD INGREDIENTS

Treating food and food ingredients with ionizing radiation is a method that is increasingly used worldwide as a way of food conservation. The PLAC III project has provided support to the Ministry of Health and the Ministry of Agriculture, Water Management and Forestry in harmonising the national laws with relevant Union acquis and preparing the national administration for the implementation of harmonised legislation. In Serbia, in accordance with the Law on Food Safety, competences for food safety are shared between the Ministry of Agriculture and the Ministry of Health. The use of radiation sources is defined by the Law on Radiation and Nuclear Security and Safety, while market entry is regulated by the Rulebook on conditions under which food and general use items preserved by ionizing radiation may be placed on the market. In the EU, the treatment of food with ionizing radiation is regulated by Framework Directive 1999/2/EC, which prescribes general and technical aspects, the labelling of irradiated food and the conditions for authorising food irradiation. Based on that directive, a list of national authorisations for food or food ingredients that can be treated with ionizing radiation was made, as well as a list of facilities in Member States that have authorization for food irradiation. Implementing Directive 1999/3/EC stipulates that in the EU dried aromatic herbs, spices and vegetable seasonings can be treated with ionizing radiation, setting 10 kGy as the maximum radiation dose. Project experts drafted a proposal for the legal basis for the transposition of relevant EU acquis in the area of ionizing radiation. The proposal has included amendments to the Law on Food Safety, a draft Rulebook on food treated with ionizing radiation with a list of foods that can be treated and the procedures for official control of irradiated food. A draft Rulebook on the treatment of food with ionizing radiation refers to food suitable for human consumption and prescribes the requirements for food labelling, as well as the requirements that the facility must meet in order to irradiate food.

Beneficiary institution: Ministry of Agriculture, Forestry and Water Management; Ministry of Health

Number of experts engaged: 2

Number of working days: 49

Outputs:

- Legal and institutional gap analysis including the proposal for a division of responsibilities;
- A road map for the transposition of EU acquis;
- Proposal for the amendments to the Law on food safety;
- Rulebook on food treated with ionizing irradiation;
- List of approved facilities for the treatment of food and foodstuffs with ionizing radiation;
- The procedures for food irradiation;
- Table of Concordance for Directive 1999/2/EC;
- Table of Concordance for Directive 1999/3/EC;
- Table of Concordance for Commission Decision 2002/840/EC;
- Two workshops for representatives of beneficiary institutions were held.

Harmonisation with Union acquis: Directive 1999/2/EC on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation; Directive 1999/3/EC on the establishment of a Community list of foods and food ingredients treated with ionising radiation; 2002/840/EC: Commission Decision adopting the list of approved facilities in third countries for food irradiation.

Recommendations

Training should be provided to inspectors responsible for the control of a food irradiation facility and food treated with ionizing radiation. It is recommended to agree on the procedure for food irradiation facility approval as well as to set up a monitoring programme for food treated with ionizing radiation and support laboratory method accreditation for the detection of irradiated food treatment. Furthermore, it has been recommended that the competent commission that will deal with that area should be multidisciplinary and should include SRBATOM (Directorate for Radiation and Nuclear Safety of Serbia).

2. ASSISTANCE IN DEVELOPING LEGISLATION AND A GUIDE WHICH WILL DETERMINE THE IMPLEMENTATION OF A MONITORING PROGRAMME FOR THE MATERIALS AND ARTICLES INTENDED TO COME INTO CONTACT WITH FOOD AND PRODUCTS OF GENERAL USE

The EU requirements on materials and articles intended to come into contact with food are governed by Regulation (EC) 1935/2004 and Commission Regulation (EC) 2023/2006. In particular, Regulation (EC) 1935/2004 lays down the common rules for packaging materials and articles such as bottles and containers, which come, or may come, into contact with food, either directly or indirectly. It seeks to protect human health and consumer interests as well as ensure that the products used may be sold anywhere in the European Economic Area. Commission Regulation (EC) 2023/2006 lays down rules on good manufacturing practices for materials and articles that come into contact with food. In Serbia, the area of food contact materials and articles is governed by the Law on Food Safety and by the Law on Products of General Use, which provide the basis for harmonisation with relevant Union acquis. According to the 2021 Country Report, Serbia should, among others, consistently apply and improve the risk-based approach to sanitary control at its borders. Based on the division of the competences in accordance with the Law on Food Safety and the Law on Products of General Use, the Ministry of Health is a competent authority for the establishment of policy, legislative and sanitary control in the area of materials and articles intended to come into contact with food and it is responsible for the adoption of the Monitoring Programme. The adequate implementation of the requirements will require appropriate guidance to the relevant personnel to implement a monitoring programme compatible with the risk-based approach required by the relevant EU legislation. The PLAC III project provided support to the line Ministry in drafting a bylaw which will be harmonized with Union acquis and in developing a guide for implementing the monitoring programme in accordance with the risk-based approach. A Rulebook on implementation of a monitoring programme for products of general use and materials and articles intended to come into contact with food and three guidance documents which will determine the implementation of a monitoring programme were drafted. The Rulebook is intended to complement the efforts of Serbia to align its general product safety monitoring system with the requirements of Chapter 28 in relation to children's toys, personal hygiene products, facial and body care products, cleaning products, as well as tobacco derivatives. Guidance documents cover the main products monitored by the Ministry of Health which are contained in the proposed Law on Products of General Use – toys, cosmetics and food contact material.

Beneficiary institution: Ministry of Agriculture, Forestry and Water Management; Ministry of Health

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Draft Rulebook on the implementation of a Monitoring Programme of Products of General Use and Materials and Articles intended to come into contact with Food;
- Three Guidance Documents on the Implementation of a Monitoring Programme of Products of General Use and Materials and Articles intended to come into contact with Food for: 1. Toys; 2. Cosmetics; 3. Food Contact Materials (FCMs) were drafted;
- Draft Table - Monitoring Programme of Products of General Use and Materials and Articles intended to come into contact with food;
- A workshop for the Ministry of Health representatives was held.

Harmonisation with Union acquis: Regulation (EU) 1935/2004 on materials and articles intended to come into contact with food; Commission Regulation (EC) 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food.

Recommendations

It is recommended that once the beneficiary – the Ministry of Health – comes to an agreement on the final text version of the three Guidance Documents, work with a publisher should be carried out to create a document with good graphics and examples, in line with similar documents published by the authorities in EU Member States. The Guidance Documents should then be distributed amongst government ministries in addition to stakeholders in the toy, cosmetics and food sectors, as well as being placed on the Ministry of Health website.

CHAPTER 13

FISHERIES

The acquis on fisheries consists of regulations which require no transposition into national legislation. However, it requires the introduction of measures to prepare the administration and the operators for participation in the common fisheries policy, which covers market policy, resource and fleet management, inspection and control, structural actions and state aid control. In some cases, the existing fisheries agreements and conventions with third countries or international organisations need to be adapted. In the reporting period, the PLAC III project has provided assistance to the national administration in assessing capacity needs necessary for a successful implementation of Chapter 13 related measures.

1. ASSISTANCE IN IDENTIFYING INSTITUTIONAL NEEDS FOR CHAPTER 13 - FISHERIES

Serbia opened Negotiating Chapter 13 in June 2018. For the temporary closure of the chapter, a benchmark has been set requiring that Serbia “present[s] an action plan that will ensure full compliance with the requirements of the EU legislation by the date of accession, in particular regarding the organisation of the markets, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing.” The action plan will be the main instrument for the on-going process of the alignment of national legislation and the Union acquis in the area of fisheries. Since Serbia has no access to the sea, the substantial part of the fisheries acquis will not require implementation efforts. Certain measures will however need to be implemented and national legislation adapted to ensure the correct application of Union acquis. PLAC III project’s expertise provided the national state administration with the first Assessment Report of institutional and administrative capacities needs necessary for the implementation of acquis in Chapter 13. The Report included an analysis of the entire Serbian administration and institutions that are involved in the implementation of the fishery policy which was compared to the requirements for full implementation of the EU fishery policy and Union acquis in Chapter 13. The assessment made a comparison of the tasks, job description and employees carried out today, with the need arising from the implementation of relevant EU regulations in fisheries. A justification and reasoning for the proposed number of employees was given as well as a timeline that includes a three-year period in the Assessment Report and Workload Analysis drafted by the project expert.

A description of posts and institutional needs was given for all seven segments of the acquis (market organisation, structural support, state aid, data collection, resource management, aquaculture and inspection and control). A Project expert shared the experiences of Croatia, with recommendations for some adjustment to be made similarly as in Croatia, but adapted to Serbian circumstances. Suggestions from the Negotiation Group for Chapter 13 and the representatives of the ministries, as well as the results of a questionnaire distributed among them, were included in the final Assessment Report.

Beneficiary institution: Ministry of Agriculture, Forestry and Water Management

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Assessment report of the institutional and administrative capacity needed for the implementation of Union acquis for Chapter 13, with recommendations;
- Workload analysis for the implementation of structural support measures;
- Two workshops for representatives of the Ministries of Agriculture, Finance and Environmental Protection, as well as the Statistical Office of the Republic of Serbia were held.

Recommendations

Fisheries and aquaculture must be visible within the Ministry of Agriculture, Forestry and Water Management. The Ministry must name a team leader and establish a team of people that will start immediately to prepare strategic documents, harmonise legislation and develop appropriate procedures. Preparations connected to the establishment of an IT system for the implementation of structural measures and for all other segments of the fisheries and aquaculture policy should also begin.

CHAPTER 15

ENERGY

Energy is traditionally the most important field of operations of the European Union. Today, management of the energy sector is one of the most important activity areas of EU institutions. EU energy policy covers energy supply, infrastructure, the internal energy market, consumers, renewable energy, energy efficiency, nuclear energy, nuclear safety and radiation protection. PLAC III has provided assistance in the further harmonisation of national legislation with key Directive 2013/59/Euratom by upgrading strategies on existing sources of radiation exposure and on nuclear security. The project also provided assistance in establishing the minimum required level of emergency oil stocks in accordance with Union acquis.

1. ASSISTANCE ON A FURTHER UPGRADE OF THE DRAFT OF THE EXISTING EXPOSURE SITUATION STRATEGY IN ACCORDANCE WITH THE REQUIREMENTS OF UNION ACQUIS

The general responsibilities of the Member States and competent authorities and other requirements for regulatory control, as required by Council Directive 2013/59/Euratom are partially transposed into the Serbian legal framework. According to the Screening Report, Chapter 15 - Energy (III.i), Serbia will need to further adapt its national legislation to reach full alignment with this Directive, that lays down Basic Safety Standards for Protection against the dangers arising from exposure to Ionising radiation. The Law on Radiation and Nuclear Safety and Security that came into force in December 2018 is partially harmonised with Directive 2013/59/Euratom, and a full harmonisation is expected by adopting bylaws in the next period. A very important part for transposition and further implementation are the requirements of Articles 100 and 101 of the Directive related to the existing exposure situations and establishment of strategies to ensure the appropriate management of existing exposure situations. PLAC III assistance to the Serbian Radiation and Nuclear Safety and Security Directorate (SRBATOM) enabled a review and upgrading of the first draft of the Existing Exposure Situation Strategy. The first complete draft Strategy prepared by SRBATOM, tackled three main exposure situations – radon exposure, building materials and the phosphogypsum landfill in Subotica. After consultations with stakeholders, it has been identified that two additional exposure situations should be included in the Strategy – uranium sites and the existing exposure situation related to contamination as a result of nuclear or radiological emergency. The Existing Exposure Situation Management Strategy establishes a framework for the management of the existing exposure situations in Serbia for the next seven years, following the provisions of the Law on Radiation and Nuclear Safety and Security and the requirements of Articles 100 and 101 of EU Council Directive 2013/59/Euratom. The Strategy stresses that risk assessment should be the very first step, considering the fact that the existing sites are managed by rules set decades ago. Also, it recommends the involvement of various stakeholders in further development and implementation of the Strategy.

Beneficiary institution: Serbian Radiation and Nuclear Safety and Security Directorate (SRBATOM)

Number of experts engaged: 1

Number of working days: 10

Outputs:

- Draft of the existing Exposure Situation Management Strategy for the 2022 – 2028 period (Republic of Serbia).

Harmonisation with Union acquis: Council Directive 2013/59/Euratom.

Recommendations

It is highly advisable to put the legislation fully in line with EU acquis. As the Strategy requires inputs from several stakeholders, they should be involved in the further development of the Strategy.

2. ASSISTANCE ON THE FURTHER UPGRADE OF THE DRAFT RADIATION AND NUCLEAR SECURITY STRATEGY IN ACCORDANCE WITH RELEVANT REQUIREMENTS OF EU ACQUIS AND THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

Directive 2013/59/Euratom sets general safety requirements for the control of radioactive sources and prescribes requirements in case of any loss, theft and unauthorised use, with a special emphasis on the control of high-activity sealed sources. In addition, it prescribes requirements for the training of exposed workers and information provided to them, which also covers safe management and control of high-activity sealed sources. In Serbia, the third revision of the National Programme for Adoption of the Acquis (NPAA) for the 2018-2021 period plans further improvements of the national legislation in order to comply with the requirements of Union acquis in the field of radiation protection and nuclear safety. The Law on the Ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material - CPPNM, in force as of 2016, envisages the adoption of a Radiation and Nuclear Security Strategy in order to determine long-term strategic direction and policies in compliance with international standards and principles in this area as well as international commitments under CPPNM. The PLAC III project provided expert assistance to the Serbian Radiation and Nuclear Safety and Security Directorate in developing the Draft Radiation and Nuclear Security Strategy. The draft document, prepared by SRBATOM, was revised to be in line with the national legal framework and provisions of EU Directive 2013/59 and the international standards set by CPPNM, the International Atomic Energy Agency and others. As a basis for the revision, an analysis of relevant national laws and international legal instruments in the field was conducted. Several ministries of the Serbian government provided inputs on their fields of work to the Strategy which will be subject to further procedure of adoption within the authorities (the Government).

Beneficiary institution: Serbian Radiation and Nuclear Safety and Security Directorate (SRBATOM)

Number of experts engaged: 1

Number of working days: 10

Outputs:

- Draft of the revised Radiation and Nuclear Security Strategy.

Harmonisation with Union acquis: Council Directive 2013/59/Euratom.

Recommendations

The Government's adoption of the Strategy reviewed and revised with PLAC III assistance will create a clear picture and show the priorities on actions to enhance and sustain radiation and nuclear security in Serbia and thereby reduce the risk of a nuclear security event.

3. ASSISTING SERBIA IN ITS EFFORTS TO ESTABLISH THE MINIMUM REQUIRED LEVEL OF EMERGENCY OIL STOCKS IN ACCORDANCE WITH UNION ACQUIS AND TO ESTABLISH EFFECTIVE PROCEDURES FOR AN EMERGENCY RESPONSE IN THE CASE OF A DOMESTIC OIL MARKET SUPPLY DISRUPTION

The issue of emergency oil stocks is considered to be a key benchmark for opening EU negotiations on Chapter 15 - Energy. In late 2015, Serbia commenced the physical purchase of crude oil and petroleum products for the purpose of establishing emergency oil stocks under Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products by no later than 1 January 2023. Serbia has purchased a significant amount of crude oil for emergency stockholding purposes so far, and plans to purchase additional quantities. In parallel with building up the emergency stocks level, the Directive required Serbia to introduce a legal framework on how to manage an oil supply crisis. Therefore, in summer 2019, the Government of the Republic of Serbia adopted the Emergency Response Plan, which lays out the procedures and steps to be undertaken by the main entities in Serbia responsible for taking action during an oil supply crisis. According to the Emergency Response Plan, the guiding principle when releasing emergency oil stocks in a domestic supply disruption is the fair and equal treatment of all oil companies which have been paying the emergency oil stockholding fee. The release of emergency stocks of crude oil is to be converted into volumes of petroleum products based on the terms of the processing agreement or a crude-for-product swap agreement concluded between the Administration for Reserves of Energy-Generating Products and the refiner. The resulting volumes of petroleum products would be offered to all oil companies based on the proportionality principle described in the Emergency Response Plan. However, currently there is no concluded agreement between the Administration for Reserves of Energy Generating Products and the refiner. Further on, in order to maintain the emergency crude oil stocks fit for purpose at all times (i.e. to preserve the quality of crude oil), the Emergency Response Plan requires the Administration for Reserves of Energy-Generating Products and the refiner (NIS) to conclude crude-for-crude exchange agreements. The PLAC III project has provided assistance to the Ministry of Mining and Energy in drafting the agreements that are in line with the Emergency Response Plan: the Draft Crude Oil Processing Agreement; the Draft Crude Oil for Petroleum Products Exchange Agreement and the Draft Agreement of Crude Oil for Crude Oil Exchange. The agreements drafted allow Serbia to proceed with the procurement of an additional amount of crude oil for emergency stockholding purposes in order to establish the minimum required level by the deadline stipulated in the Directive.

Beneficiary institution: Ministry of Mining and Energy

Number of experts engaged: 1

Number of working days: 30

Outputs:

- Draft Crude Oil Processing Agreement;
- Draft Crude Oil for Petroleum Products Exchange;
- Draft Agreement on Crude Oil for Crude Exchange.

Harmonisation with Union acquis: Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products.

Recommendations

The general impression is that work on emergency oil stockholding has gained momentum in Serbia and the team responsible for the establishment of oil stocks is currently maintaining this momentum well. This momentum should be maintained and, to this end, a regular review of Serbia's progress in relation to the establishment of emergency oil stocks is recommended for the future.

4. ASSISTANCE IN HARMONISATION WITH THE RELEVANT EU POLICY AND LEGISLATION ON RENEWABLE ENERGY AND THEIR PROPER IMPLEMENTATION

The EU Renewable Energy Directive (EU) 2018/2001 in its latest, revised version foresees competitive procedures e.g. market premiums (FiP) as standard direct instruments for granting support for the production of electricity from renewable energy sources, allowing for use of feed-in tariffs only in the case of small-scale installations or demonstration projects. Such an approach is fully in line with earlier issued EC Guidelines on State Aid for Environmental Protection and the Energy and EC Guidance on the Design of Renewables Support Schemes. The latest Report on the Implementation of the National Renewable Energy Action Plan (2018-2019) issued by the Serbian Ministry of Mining and Energy reveals that although a steady growth in building new capacities for the production of electricity from renewable energy sources was maintained in the last two years, the planned quantities have not been achieved (e.g. the share of RES in the Gross Final Energy Consumption in 2019 was 21.44% of the planned 25.6%). This is far below the target of 27% set for 2020. In its Country Progress Report for 2020, the European Commission reiterated Serbia's lagging behind the trajectory towards the 27% target, as well as the need to "intensify efforts to switch from feed-in tariffs (FiT) to an auction-based scheme." Also, the Energy Community Secretariat states in its report on Serbia that "in terms of target achievement, Serbia is lagging behind in all sectors: electricity, transport and heating and cooling." The Secretariat recommended that "the adoption of the necessary legal and regulatory framework to implement renewables auctions in line with the State Aid Guidelines" should be one of the priorities for Serbia during the next reporting period (2021). In order to further align with Union acquis related to renewables and state aid, but also to address the slow penetration of RES in the electricity sector, in early 2021, the Ministry of Mining and Energy initiated the drafting of a new Law on Renewable Energy. The draft Law envisages that both support mechanisms – FiP and FiT are established on auctions, whereby the Energy Agency is empowered to adopt methodology setting tariff design parameters for establishing FiP in the auction process as well as methodology setting tariff design parameters for establishing FiT in the auction process. The PLAC III project has provided support to the Energy Agency of the Republic of Serbia in establishing support mechanisms that would enable a greater use of RES. The project provided assistance to the Agency in developing methodologies for both types of support (market premiums and feed-in tariffs). The two methodologies for setting design parameters for FiP and FiT auctions for renewable energy sources, as well as the two methodologies of setting the same parameters in the case of high efficiency co-generation (CHP) envisaged by the Law on Energy Efficiency were drafted. The main idea of support mechanisms is to guarantee that the investor will return his investment within a certain period of time as well as encourage investors to invest in CHP.

Beneficiary institution: Energy Agency of the Republic of Serbia

Number of experts engaged: 1

Number of working days: 50

Outputs:

- Review of the requirements of the Serbian legislation related to RES and energy efficiency against the Union acquis requirements (including EEAG) and the EU best practice on FiP/FiT support mechanisms for RES and high-efficiency cogeneration;
- Methodologies for setting the bidding FiT and FiP prices;
 - Excel methodologies for setting the highest bidding price for FiT and FiP for RES;
 - Excel methodologies for setting the highest bidding price for FiT and FiP for CHP;
 - A workshop for representatives of Energy Agency was held.

Harmonisation with Union acquis: EU Renewable Energy Directive (Directive (EU) 2018/2001); European Commission's Guidelines on State Aid for Environmental Protection (EEAG) and Energy and EC Guidance for the Design of Renewables Support Schemes.

5. PROVIDING SUPPORT IN THE TRANSPOSITION OF UNION ACQUIS ON ENERGY LABELLING INTO NATIONAL LEGISLATION

The Ministry of Mining and Energy with its Department for Energy Efficiency has prepared a new Law on Energy Efficiency and Rational Use of Energy, which has to lead to the compliance of Serbian regulation with Union acquis in the domain of energy efficiency. The Law, adopted in April 2021, creates conditions for the transposition and adoption of the new energy labelling regulation, based on Regulation (EU) 2017/1369 of the European Parliament and on the Council for setting a framework for energy labelling. The Regulation lays down a framework that applies to energy-related products placed on the market or put into service. It provides for the labelling of those products and the provision of standard product information regarding energy efficiency, the consumption of energy and other resources by products during use and supplementary information concerning products. This way, customers are enabled to choose more efficient products in order to reduce their energy consumption. In Serbia, the PLAC project has in its previous iterations already assisted the Ministry in the 2014-2018 period in drafting secondary regulations regarding the labelling of products in accordance with Directive 2010/30/EU as repealed by the Regulation. The PLAC III project also assisted the Ministry during the first half of 2021 in drafting 6 new delegated acts supplementing the Regulation regarding new energy labelling. As the Law on Energy Efficiency and Rational Use of Energy prescribes the adoption of the Decree that will transpose Regulation 2017/1369 in full, the PLAC III project has provided support to the line Ministry in drafting the Decree. An analysis of relevant laws and documents both in Serbia and at EU level was conducted as a basis for drafting the Decree. Along with a Decree draft, a document with a part of the Decree related to the product database which was not transposed at this stage was prepared. Upon the suggestion of the beneficiary institution, a Glossary for technical terms was made.

Beneficiary institution: Ministry of Mining and Energy

Number of experts engaged: 1

Number of working days: 15

Outputs:

- Draft of a new Decree;
- Parts of the Decree related to the product database (which were not transposed in this stage);
- Glossary of technical terms.

Harmonisation with Union acquis: Regulation (EU) 2017/1369 of the European Parliament and of the Council on setting a framework for energy labelling.

Recommendations

It is recommended that the Ministry of Mining and Energy (ideally, together with the Serbian Chamber of Commerce) is to organise roundtables and workshops aimed at familiarising the stakeholders and interested parties (producers, importers, traders) with the new rules. For customers, it would be useful to organise an awareness-raising campaign focused on the importance of using energy efficient products.

6. EXPERT SUPPORT IN TRANSPOSING UNION ACQUIS ON LABELLING TYRES

Energy efficiency remains the focus of the Serbian Ministry for Mining and Energy in the next period. The Ministry continues its efforts to align Serbian legislation with that of the EU. The new Law on Energy Efficiency and Rational Use of Energy has to lead to the compliance of Serbian regulation with EU regulation in the domain of energy efficiency. The new Law creates conditions for the transposition and adoption of the new energy-labelling regulation, Regulation (EU) No 2020/740 of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) No 2017/1369 and repealing Regulation (EC) No 1222/2009. The PLAC project has already assisted the Ministry in the 2014-2018 period in drafting a secondary regulation - 5 rulebooks - regarding the previous labelling of products. The PLAC III project also assisted the Ministry during QI and II of 2021 in drafting 6 new delegated acts supplementing Regulation (EU) 2017/1369 with regard to new energy labelling. Considering that the Law on Energy Efficiency and Rational Use of Energy prescribes the adoption of the Rulebook which will transpose Regulation (EU) 2020/740, PLAC III latest assistance refers to the drafting of the Rulebook. The Law stipulates which tyre classes can be put on the market in Serbia, with only having the prescribed tyre energy label and complying with other technical requirements as well as obligations for the competent market surveillance authorities. The Rulebook applies to the energy labelling of tyres classes C1 (passenger car tyres), C2 (light commercial vehicle tyres) and C3 (heavy commercial vehicle tyres) meant to be put on the market and used by road vehicles on the territory of the Republic of Serbia. The Rulebook prescribes detailed obligations of all the relevant stakeholders, i.e. the tyre supplier, tyre distributor, vehicle suppliers and distributors regarding tyre energy labelling, as well as web hosting providers for visual advertising in distance selling and telemarketing of tyres. The content, appearance and format of the tyre energy label, the product information sheet as well as information to be provided in technical promotional materials are defined in the annexes to the Rulebook. That also refers to the obligations of public authorities for market surveillance (inspection). As an additional output, a bilingual English-Serbian Glossary of technical terms used in the legal document meant for Evronim and/or Evroteka of the Serbian government was prepared.

Beneficiary institution: Ministry of Mining and Energy

Number of experts engaged: 1

Number of working days: 15

Outputs:

- Draft Rulebook on energy labelling of tyres;
- Glossary of technical terms regarding energy labelling of tyres;
- Translation of Regulation (EU) 2020/740.

Harmonisation with Union acquis: Regulation (EU) 2020/740 of the European Parliament and of the Council on labelling tyres with respect to fuel efficiency and other parameters.

Recommendations

Due to the fact that the implementation responsibilities fall under the jurisdiction of different authorities (Ministry of Mining, Ministry of Trade, Tourism and Telecommunications, Ministry of Construction, Transport and Infrastructure and the Road Traffic Safety Agency), it is necessary to achieve a full coordination of activities between all the authorities involved in both, of a vertical and horizontal nature.

7. ASSISTANCE IN THE TRANSPOSITION OF ARTICLES 14 AND 15 OF THE ENERGY EFFICIENCY DIRECTIVE IN RESPECT TO COGENERATION

The Law on Energy Efficiency and Rational Use of Energy, in force as of April 2021, represents the legal basis for the transposition of Directive 2012/27/EU on Energy Efficiency (EED), which is the key EU law in this area. The Law defines the support mechanisms for highly efficient cogeneration (CHP - combined heat and power), i.e. a simultaneous generation in one process of thermal energy and electrical or mechanical energy. In order to fully align with the requirements of the EED regarding the promotion of efficient cogeneration, the Law foresees the adoption of a Governmental Decree which will prescribe, in detail, the content of the guarantee of origin for electricity produced in high-efficiency cogeneration, as well as the manner in which the transmission system operator keeps the register of guarantees of origin for electricity produced in highly efficient cogeneration. This way, the transposition of Articles 14 and 15 of the EED Directive will be secured. In addition to this, Article 94 of the Law foresees the adoption of another Governmental Decree by which a model of the feed-in tariff agreement will be prescribed in more detail. The PLAC project had already assisted the Ministry in the past period in drafting secondary regulation regarding minimal energy efficiency requirements for energy facilities, including the requirements for analysis for the implementation of cogeneration for new facilities and for energy facilities undergoing major rehabilitation. PLAC III expert assistance includes support to the line Ministry in drafting two Decrees regulating the area of high efficiency cogeneration. A Decree prescribing in detail the content of the guarantee of origin for electricity produced in high-efficiency cogeneration, as well as the manner in which the transmission system operator keeps the register of guarantees of origin for electricity produced in highly efficient cogeneration and a Decree prescribing the model of the feed-in tariff agreement were drafted. The model of the feed-in tariff is adapted to small cogeneration and micro cogeneration units.

Beneficiary institution: Ministry of Mining and Energy

Number of experts engaged: 1

Number of working days: 18

Outputs:

- Draft Governmental Decree on the guarantee of origin for electricity produced in high-efficiency cogeneration;
- Draft Governmental Decree on the model of the feed-in tariff agreement for high-efficiency cogeneration.

Harmonisation with Union acquis: Directive 2012/27/EU on Energy Efficiency (EED).

Recommendations

An overall recommendation to the beneficiary institution would be to prepare Drafts for the administrative procedure intended for Government adoption. The Ministry of Mining and Energy would vastly benefit from adopting two Decrees, as they would provide support to make the framework for the implementation of high-efficiency CHPs in the energy efficiency sector, the deployment of high-efficiency technologies in Serbia and compliance with current EU legal framework which would support the integration of Serbian energy market into the energy market of the European Union as well as climate change aims.

CHAPTER 27

ENVIRONMENT AND CLIMATE CHANGE

The EU promotes strong climate action, sustainable development and the protection of the environment. EU law contains provisions addressing climate change, water and air quality, waste management, nature protection, industrial pollution, chemicals, noise and civil protection. Environmental protection is recognised as one of the most challenging and complex acquis when it comes to the harmonisation of national legislation with EU standards and norms. PLAC III has provided extensive assistance to the line Ministry of Environmental Protection in several sub-areas – alignment with the acquis in the waste management sector as well as the transposition of the Single Use Plastic Directive into national legislation. Furthermore, assistance has been provided to the Ministry of Health regarding the transposition of the new revised Drinking Water Directive and Bathing Water Directive.

1. ASSISTANCE IN DRAFTING ACQUIS-COMPLIANT LEGISLATION IN THE BATHING WATER SECTOR

In the scope of preparations for negotiations in Chapter 27 on environmental protection and climate change, the Republic of Serbia has the obligation to harmonise its legislation regarding bathing water as part of its water quality policy with EU standards and regulations. The PLAC III project has provided support to the competent Ministry of Health in harmonising the legislation on bathing water. Directive 2006/7/EC on bathing water quality management has been in force since 2007. In its consolidated and revised version, the Directive stipulates a mandatory monitoring of two parameters of bathing water quality and introduces new management measures, bathing water profiles, and extended public participation and information to the public. Therefore, it also tackles the protection of the environment. Member States are obliged to identify bathing waters and to monitor and assess bathing water for at least two parameters, as well as to inform the public about water quality. Also, they have to establish and maintain profiles that contain information on pollution and sources that affect the quality of bathing water and are a risk for bathers' health and the environment. According to the Directive, it is about the use of water in terms of recreation, including bathing on the beaches. Inspectors' rights and obligations are also defined by the Directive. The Serbian Law on Waters is partially aligned with the Bathing Water Directive. With the PLAC III project expert support to the Ministry of Health, further transposition of the Directive is proposed into the domestic legislation through the amendments to the Law on Waters and by adopting a bylaw, i.e. a Rulebook. The draft Rulebook envisages the introduction of a bathing water monitoring calendar, bathing water quality assessment and classification. The annexes list the microbiological parameters that must be monitored, the rules for sampling for analysis and labelling of bathing water quality, as well as of possible bathing bans. The Rulebook on bathing water envisages the active participation of the public sector – local self-government units, which are obliged to constantly inform the public about the quality of the bathing water. Public health institutes have the same obligation. The draft Rulebook is the first document regulating bathing waters in Serbia.

Beneficiary institution: Ministry of Health; Ministry of Environmental Protection

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Amendments to the Law on Water;
- Draft Rulebook on bathing water;
- Table of Concordance – Law on Water and Law on Environmental Protection against Bathing Water Directive
- A workshop for the representatives of the Vojvodina provincial authorities, the Ministry of Health and Ministry of Environmental Protection, the local self-government and public institutes of health was held.

Harmonisation with Union acquis: The Directive 2006/7/EC on bathing water quality management.

Recommendations

It is recommended that any water-related law-drafting activity should liaise closely with all Ministries with responsibilities in the water sector, including the Ministry of Agriculture, Forestry and Water Management and the Ministry of Environmental Protection. They need to be involved in the drafting process early on as there are many implications that concern these Ministries' responsibilities.

2. ASSISTANCE IN DRAFTING THE ACQUIS-COMPLIANT LEGISLATION FOR MUNICIPAL WASTE MANAGEMENT DATA COLLECTION AND REPORTING BY LOCAL SELF-GOVERNMENTS

The aim for Republic of Serbia is to harmonise its legislation and establish a strong environmental reporting system in accordance to EU legislation requirements. In the Screening Report for Chapter 27, it is stated that the Ministry for Environmental Protection is the responsible authority for the transposition and implementation of the acquis, while the Serbian Environmental Protection Agency (SEPA) is responsible for monitoring and reporting. Regarding waste management, the European Commission's Report states that Serbia has a good level of alignment with EU acquis, however, its implementation remains at an early stage. The Serbian Law on Waste Management stipulates that the Assembly of the local self-government unit is to adopt a local waste management plan, prepared by the service of the local self-government unit in charge of waste management in cooperation with other bodies in charge of the economy, finance, environmental protection, urbanism, as well as with representatives of companies, associations, professional institutions, NGOs and other organisations dealing with environmental protection, including consumer organizations. The local self-governments are also responsible for reporting on municipal solid waste. The PLAC III project provides support in achieving a higher level of knowledge regarding the reporting obligations within the local self-governments and the professional Public Utility Services. In particular, Project experts delivered the draft Rulebook on the content and form of the report on the implementation of the provincial, regional and local waste management plans. The draft Rulebook prescribes the content and form of the report on the implementation of the regional and local waste management plan on the territory of the autonomous province, the regional plan on the territory of two or more local self-government units and the local waste management plan. It envisages, inter alia, the reporting on the measures for the remediation of unregulated landfills, on the supervision of the implementation of the regional and local plan, as well as on the assessment of costs and sources of financing. Project experts provided an analysis of the data on the status of the implementation of local waste management plans in Serbia, which showed that plans in 105 local self-government units had expired by 2020-2021, and that only 19 local plans were valid at the time of the report. On the regional level, there are no plans in 13 regions, while a regional waste management plan has been prepared in 15 regions but is valid in only four. The Rulebook, aligned with Directive (EU) 2018/851, will make a significant contribution to the establishment of an effective system of reporting by local self-government on waste management in their territory. The assistance will enhance harmonisation with relevant EU regulations concerning environmental reporting as a whole.

Beneficiary institution: Serbian Environmental Protection Agency (SEPA);
Ministry of Environmental Protection

Number of experts engaged: 2

Number of working days: 45

Outputs:

- Analysis of the practices and implementation of waste management plans at the local level;
- A draft Rulebook on the content and form of the report on the implementation of the provincial, regional and local waste management plan;
- A draft questionnaire on the implementation of the local waste management plan sent to the local self-government units;
- A report on the collection, identification, processes and data and information on the current state of the implementation of waste management plans at the local level;
- A workshop for the representatives of SEPA, the Ministry of Environmental Protection, local self-governments and public utility companies was held.

Harmonisation with Union acquis: Directive (EU) 2018/851 of the European Parliament and of the Council amending Directive 2008/98/EC on waste.

Recommendations

It is up to the state to adopt clear strategic documents on the necessary waste management system in the country, as well as the plans and legal regulations necessary for their implementation. In this regard, it is recommended to comply the Law on Waste Management with the Law on Planning Systems related to title, content and validity of waste management plans in the Republic of Serbia and to build appropriate planning capacities at a regional and local level competent for developing waste management plans and monitoring and reporting on the progress of the implementation against the targets set by the plans.

3. ASSISTANCE IN ACHIEVING A FULL TRANSPOSITION OF THE REMAINING PARTS OF THE DIRECTIVE ON THE GEOLOGICAL STORAGE OF CO₂

The geological storage of carbon dioxide is regulated by Directive 2009/31/EC (CCS Directive). The Directive was adopted as part of an EU package of climate and energy measures aimed at cutting the greenhouse gas emissions that contribute to climate change. Therefore, the topic crosses also with environmental protection and climate change. The CCS Directive creates the legal framework for the safe geological storage of CO₂; it is applied when more than 1,000 kilotons are stored. In Serbia, the main principles and priorities identified in the Directive are partially transposed through the Law on Mining and Geological Researches. The Law created the legal basis for the adoption of the secondary legislation, which will establish full compliance with the acquis relating to geological research pertaining to the identification of favourable geological formations and structures, as well as depleted deposits of mineral raw materials for storing CO₂. According to the Law, the Government will define the conditions, criteria, procedure and manners of issuing approvals and other special requirements relating to geological research pertaining to the identification of favourable geological formations and structures, as well as the depleted deposits of mineral raw materials for storing CO₂. The Ministry of Mining and Energy is responsible for proposing to the Government relevant regulations concerning geological research, except in the case when the research is done on the territory of the autonomous province, where licensing is the responsibility of provincial authorities. The Ministry is also responsible for the management and supervision of geological exploration and mining activities. The Ministry of Environmental Protection is responsible for controlling and monitoring greenhouse gas concentrations in the atmosphere and the environmental impact assessment of relevant CCS projects. The PLAC III project has provided support to the Ministry of Mining and Energy in further harmonising the legal framework with the CCS Directive. After a legal gap analysis establishing the level of the national legal framework's alignment with the Directive, a draft Governmental Regulation transposing the remaining parts of the Directive was prepared. A comparative analysis on the implementation practices in the selected EU Member States (the Netherlands, Spain, France, Germany, Romania and the UK) and the draft of the Governmental Regulation were drafted and presented by the Project expert at a workshop organised for the beneficiary institution and stakeholders.

Beneficiary institution: Ministry of Mining and Energy

Number of experts engaged: 1

Number of working days: 20

Outputs:

- The Draft Governmental Regulation transposing the CCS Directive regarding the conditions, criteria, procedure and manner of issuing permits and other special conditions regarding geological research related to the allocation of favourable geological formations and structures as well as depleted mineral deposits of raw material for CO₂ storage;
- The legal assessment and gap analysis report including the implementation practices in the selected EU MS and information on relevant EU cases;
- A workshop with the representatives of the Ministry of Mining and Energy, Ministry of Environmental Protection and the Serbian Geological Institute was held.

Harmonisation with Union acquis: Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide.

Recommendations

The CCS Directive remains only partially transposed into the national legislation. Hence, to achieve full concordance with the Directive, further transposition is needed, either through amending the Law on Mining and Geological Researches or through the adoption of a separate Law on CCS and implementing legislation (Government Regulations).

4. ASSISTANCE IN THE DRAFTING OF ACQUIS-COMPLIANT LEGISLATION FOR TECHNICAL REQUIREMENTS - END-OF-WASTE CRITERIA SPECIFY WHEN CERTAIN WASTE CEASES TO BE WASTE AND OBTAINS THE STATUS OF A PRODUCT (OR A SECONDARY RAW MATERIAL), SUCH AS PAPER, RUBBER, TEXTILES, AND AGGREGATES

The PLAC III project has provided support to the Ministry of Environmental Protection in transposing Union acquis regulating end-of-waste status into the national legislation. Relevant acquis comprises of the Waste Framework Directive 2008/98/EC, Directive (EU) 2018/851 amending Directive 2008/98/EC on waste and Regulation (EC) 66/2010 on the EU Ecolabel and GPP (Green Public Procurement) criteria for textiles. The acquis has been partially transposed through the Law on Waste Management, the Rulebook on technical requirements and other special criteria for certain types of waste that cease to be waste and the Rulebook on the content of the request for entry in the Register of byproducts and the Register of waste that has ceased to be waste. Full transposition is

planned to be achieved by amending the Law and two Rulebooks. The Waste Framework Directive prescribes that certain types of waste that have been subjected to recycling or other reuse operations cease to be waste if they meet the conditions for the substance or object to be used for certain purposes; that there is a market or demand for such substances or articles; that the substance or object meets the technical requirements for certain purposes and the conditions prescribed by law and the standards applicable to those products and that the use of the substance or object will not lead to an overall harmful impact on the environment or human health. There are three approaches to ending waste status – types of waste prescribed by the EU through the Directive, types of waste prescribed by the Member State and types of waste where it is decided on a case-by-case basis, as they are not covered by the EU or national legislation. The Waste Framework Directive states that specific criteria should be taken into account for aggregates, paper, glass, metal, rubber and textiles. PLAC III experts have produced a legal gap analysis and tables of concordance identifying a level of compliance of Serbian laws with Union acquis and recommendations for the harmonisation and implementation of the best practices and examples within EU countries. A review on practices in several EU Member States was also delivered. A draft by-law – Rulebook on technical requirements and other specific criteria for the end-of-waste of certain types of waste that are not covered by EU regulations and guidelines, as well as the conformity assessment procedure and draft amendments to the Law on Waste Management were delivered. A Report on the current institutional framework in Serbia in order to identify how the responsibilities arising from the new EU policy shall be assigned having in mind the circular economy where waste hierarchy is promoted and the waste is channeled back into the economy was prepared.

Beneficiary institution: Ministry of Environmental Protection

Number of experts engaged: 2

Number of working days: 50

Outputs:

- Draft Amendments to Article 8v of the Law on Waste Management;
- Draft Rulebook on technical requirements and other specific criteria for the end-of-waste of certain types of waste that are not covered by EU regulations and guidelines as well as the conformity assessment procedure;
- A legal gap analysis on the implementation of Article 6 of the Framework Directive on Waste 2008/98/EC;
- A Report on the institutional and legal framework in the RS related to the waste management sector with a focus on end-of-waste status including implementation of the waste management strategy and bylaws;
- Table of Concordance of the existing Law on Waste Management and the draft Law on Amendments to the Law on Waste Management;
- Table of Concordance of the draft Amendments to Article 8v of the Law on Waste Management;
- Recommendations on new identified responsibilities arising from recent EU policy;
- A workshop for representatives of the beneficiary institution was held.

Harmonisation with Union acquis: Waste Framework Directive 2008/98/EC; Directive (EU) 2018/851 amending Directive 2008/98/EC on waste; Regulation (EC) 66/2010 on the EU Ecolabel.

Recommendations

The draft Law amending the Law on Waste Management would provide the basis for a full transposition of Article 6 of the Waste Framework Directive regulating end-of-waste status. In addition, it is necessary to fully transpose the detailed criteria for the determination of the end of waste.

5. PROVIDING ASSISTANCE IN DRAFTING OF ACQUIS-COMPLIANT LEGISLATION RELATED TO SINGLE PLASTIC USE

Plastic is one of the five priority areas of the EU Action Plan for the Circular Economy. According to EU institutions data, plastic makes up to 50 percent of all litter waste in the Union. Directive (EU) 2019/904, also known as the Single Use Plastic Directive (SUP), entered into force in August 2021. Its objectives are to prevent and reduce the impact of certain plastic products on the environment, particularly the aquatic environment, as well as on human health, and to promote the transition to a circular economy. The SUP Directive prescribes measures aimed at controlling the consequences of single use plastic on the environment (pollution) as well as the actions to address the root causes of these effects (management of lost, abandoned, disposable plastic products forgotten or mismanaged). The annex of the SUP Directive lists the nine most commonly used disposable plastic products that are banned from the EU market. In addition, the ban also covers products made of oxo-degradable plastic and fishing gear containing plastic. That being said, a number of plastic products whose use is prohibited is also considered packaging in accordance with Directive 94/62/EC on packaging and packaging waste, and hence, requiring special attention to assure the full transposition and compliance with the requirements of both directives. In Serbia, the competent authority for transposition and enforcement of the EU legislation on packaging and packaging waste management is the Ministry of Environmental Protection. However, considering that the SUP Directive introduces obligations for all single-use plastic products listed in its Annex and all products made from oxo-degradable plastics, including fishing gear containing plastic, it is of a paramount importance to identify the appropriate legislative approach and sustainable institutional framework to transpose the SUP Directive into the Serbian national legal context. The PLAC III project provides support to the line Ministry to move further towards the full transposition and implementation of the waste management acquis and to strengthen the Republic of Serbia's negotiating positions for the sector. A PLAC III expert assisted the Ministry in drafting a legal act which would transpose the requirements of the SUP Directive. The proposal of a legal act is based on an overview of synergies between the products listed in the Annex to the SUP Directive and rules governing waste management, including the rules for marking product specifications. Also, a report on the best practices in selected EU Member States (Belgium, Denmark and Estonia) was prepared. A road map for the transposition of the SUP Directive into the Serbian system by proposing legal and other relevant implementing measures to achieve the goals of the SUP Directive was delivered. The proposed roadmap includes establishing a broad working group with representatives of several ministries, evaluation of the Serbian market, establishing a set of rules and responsibilities for authorities, producers and citizens, establishing deposit return schemes for drinking bottles and new extended producer responsibility schemes.

Beneficiary institution: Ministry of Environmental Protection

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Legal act proposal to transpose Directive (EU) 2019/904 on single use plastic products;
- Report on synergies of waste management and the products listed in the Annex to the SUP Directive, best practices in selected Member States;
- Road map for the transposition of Directive (EU) 2019/904 on single use plastic products;
- A workshop for representatives of the line Ministry and stakeholders was held.

Harmonisation with Union acquis: Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment; Directive 94/62/EC on Packaging and Packaging Waste as last amended by Directive (EU) 2018/852.

Recommendations

The national measures taken to transpose and implement the SUP Directive will need to be coordinated with the national measures taken in accordance with waste management plans required under the Waste Framework Directive and under the programmes of measures required under Directive 2008/56/EC regulating community action in the field of marine environmental policy, respectively. Therefore, particular attention will need to be paid to the planning cycles for different plans and programmes to ensure that end-of-pipe measures match the measures taken to address the generation and pathways of litter.

6. ASSISTANCE IN TRANSPOSING UNION ACQUIS IN THE FIELD OF WASTE MANAGEMENT RELATED TO SETTING UP, ALIGNING AND IMPLEMENTING EXTENDED PRODUCER RESPONSIBILITY (EPR) SCHEMES

In line with the EU Action Plan for the Circular Economy, the Union environmental protection acquis has been amended in the past few years especially in the area of waste management and new general minimum operating requirements for extended producer-responsibility (EPR) schemes were introduced, expanding further financial and organisational responsibility of the producers for the management of the waste stage of a product's life cycle. In addition, new, more stringent, reuse and recycling targets for EU Member States have been set, while the EPR system has been promoted as a pillar to achieve these targets. In order to prepare Serbia for the full implementation of EPR schemes in various waste streams, the PLAC III project has provided technical support to the Ministry of Environmental Protection. In previous activities, the project has already supported the Ministry in drafting recommendations for the transposition of EU directives in the field of packaging waste, waste electric and electronic equipment (WEEE), waste batteries and accumulators (WBA) and end-of-life vehicles (ELVs). Directive 94/62/EC on packaging and packaging waste has been partially transposed by the Law on Packaging and Packaging Waste, while directives regulating the other three waste streams have also been partially transposed through the Law on Waste Management. However, Serbia has only partially introduced EPR schemes for packaging producers. In the current iteration, the PLAC III project assisted the Ministry of Environmental Protection to set up, align and implement the EPR schemes in accordance with the European Union's Circular Economy Package for WEEE, WBA and ELVs as well as to establish legal requirements to set up a deposit return system for beverages compliant with Directive 94/62/EC on packaging and packaging waste as amended by Directive (EU) 2018/852. As a result, a comparative analysis of EPR programmes in EU Member States (Germany, Sweden and France) as well as an implementation gap assessment analysis with recommendations for each waste stream was prepared. A comparative analysis on deposit return system for beverages implemented in EU Member States (Croatia, Denmark, Estonia, Finland, Germany, and Norway) was also prepared. A set of amendments to the Packaging and Packaging Waste Act was drafted, in order to implement deposit refund schemes aligned with the EU Directives.

Beneficiary institution: Ministry of Environmental Protection

Number of experts engaged: 1

Number of working days: 25

Outputs:

- Proposal of amendments for the packaging and packaging waste act in order to implement deposit refund schemes;
- Comparative analysis of EPR programmes in EU Member States as well as an implementation gap assessment analysis with actionable recommendations for each waste stream;
- Comparative analysis of deposit return system for beverages implemented in the EU Member States with operational recommendations on the implementation of affordable and cost-effective solutions in Serbia;
- A workshop for representatives of the line Ministry and stakeholders was held.

Harmonisation with Union acquis: Waste Framework Directive 2008/98/EC as amended by Directive (EU) 2018/851; Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste; Directive (EU) 2018/849 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment.

Recommendations

Given that EPR schemes in Serbia are not fully developed, it is strongly advised to implement EPR schemes for batteries, accumulators, WEEE and ELVs in accordance with the EU legislation. Further revisions must be made to the existing EPR for packaging and packaging waste in order to be fully aligned with the most recent EPR principles established by the Circular Economy Package in 2018. The deposit refund system is suggested as one of the possible measures that can encourage the increased use of reusable packaging on the market and packaging reuse. However, it requires careful planning, and consequently, after adapting a legal framework governing the operation of the mandatory deposit refund scheme for beverage packaging, a minimum one-year transition period must be established.

7. ASSISTANCE IN DRAFTING HARMONISED LEGISLATION IN THE DRINKING WATER SECTOR TO BE FULLY ACQUIS-COMPLIANT AND TO ANTICIPATE IMPLICATIONS OF ITS IMPLEMENTATION

PLAC III project has provided support to the Ministry of Health in drafting the new legislation on drinking water, taking into consideration that the Union acquis in the sector has evolved recently and that the European Commission has recommended Serbia to further align its legislation with the water acquis in Chapter 27. The Law on Drinking Water and the accompanying by-law document – the Rulebook on the Safety of Drinking Water were already aligned with then-Union acquis with the support of the PLAC III project in 2020. Since the new Directive (EU) 2020/2184 on the quality of water intended for human consumption (new Drinking Water Directive) entered into force in January 2021, it was necessary to further align the Law and transpose the new acquis. The new Drinking Water Directive introduced novelties when it concerns the quantities of existing contaminants, but also defined new contaminants that must be monitored (such as legionella bacteria and lead); it introduced “watch list” as a mean to fight against new emerging pollutants well as a risk-based approach and new hygienic requirements for materials in contact with drinking water.

The risk-based approach to safe drinking water is included in the proposed Draft Law that also envisages a risk assessment to be reviewed every six years. It also defines the obligations and responsibilities of the drinking water suppliers, inspection control and obligation that the public is properly informed about the work of water suppliers and quality of the water. The new law should improve access to drinking water and its maintenance.

Beneficiary institution: Ministry of Health

Number of experts engaged: 1

Number of working days: 20

Outputs:

- Law on Drinking Water was drafted;
- Rulebook on Safety of Drinking Water was drafted;
- Table of Concordance on the provisions of the new Drinking Water Directive;
- A workshop for representatives of the line Ministry, public health institutes and Serbian Environmental Protection Agency was held.

Harmonisation with Union acquis: Directive (EU) 2020/2184 on the quality of water intended for human consumption

Recommendations

Training sessions for officials of competent authorities responsible for drinking water should be provided. It is also recommended to setup a monitoring programme for drinking water, to prepare guidelines on how to implement “water safety plans” as well as on how to implement risk assessment for drinking water. It is also recommended to promote drinking water as safe and of good quality to consumers and to give them information on drinking water online.

CHAPTER 33

FINANCIAL AND BUDGETARY PROVISIONS

This chapter covers the rules governing the funding of the EU budget (“own resources”). These resources mainly consist of the following: (1) contributions based on the gross national income of each Member State; (2) customs duties; and (3) a resource based on value-added tax. Member States must have the appropriate administrative capacity to adequately coordinate and ensure the correct calculation, collection, payment and control of own resources. PLAC III project activities in this chapter focus on providing assistance to beneficiary institutions related to the drafting of a methodology of the European Union’s own resources system in the Republic of Serbia.

1. PROVIDING ASSISTANCE IN STRENGTHENING THE CAPACITIES IN ORDER TO ENSURE CORRECT COLLECTION, CALCULATION, ACCOUNTING, FORECASTING, PAYMENT, CONTROL AND REPORTING ON THE IMPLEMENTATION OF THE EU'S OWN RESOURCES POLICY AND RULES

The establishment of an efficient Tax administration in line with EU standards requires further modernization and strengthening of institutional capacities, both in the Tax Administration itself and in other organizations and bodies involved in the management of the tax system. Competences for the implementation of Union acquis in the field of value-added tax resources are divided between the Ministry of Finance – the Fiscal System Department and the Tax Administration, as an integral part within this Ministry. The Fiscal System Department performs normative activities related to drafting laws and other regulations governing the tax system and tax policy, while the Tax Administration is competent for the implementation of the regulations. The Law on Tax Procedure and Tax Administration establishes the jurisdiction of the Tax Administration for calculation, collection and control of public revenues, including value added tax. In accordance with the recommendations of the European Commission, the Serbian Tax Administration remained committed to the successful implementation of reform process after the completion of first phase of reorganisation. In line with the recommendations, it is planned to continue with the reform process and the Transformation Programme for the 2021-2025 period which was adopted in May 2021.

The PLAC III project provided assistance to the Ministry of Finance - Tax Administration in order to strengthen the capacities and to ensure a correct calculation, accounting, forecasting, collection, payment, control and reporting on the implementation of the EU's own resources policy and rules. The main focus was on Council Directive 2006/112/EC on the common system of value-added tax and Council Regulation (EEC, Euratom) No 1553/89 on the definitive uniform arrangements for the collection of own resources accruing from value-added tax. The EU rules govern various issues connected to VAT payments, e.g. the methodology of reporting the VAT base, the method to set up a reporting system for annulled tax audit decisions, tax regulations regarding the transfer of VAT and tax credit, etc. The Project expert conducted an analysis of the relevant documents (legal acts and other available documents) on the topic of the system of own resources of EU regulation (primarily based on VAT) at the EU level, and VAT regulation in Serbia. A Methodology of the European Union's own resources system in the Republic of Serbia was drafted, as well as the Guideline of the EU's VAT-based own resources system in the Republic of Serbia. Several trainings and working sessions with the Tax Administration, Ministry of Finance and Directorate of Statistics were held.

Beneficiary institution: Ministry of Finance – Tax Administration

Number of experts engaged: 1

Number of working days: 25

Outputs:

- Draft Methodology of the European Union's own resources system in the Republic of Serbia;
- Draft Guidelines of the EU's VAT-based own resources system in the Republic of Serbia;
- Trainings and working sessions for the representatives of the Ministry of Finance held.

Harmonisation with Union acquis: Directive 2006/112/EC on the common system of value-added tax; Regulation (EEC, Euratom) No 1553/89 on the definitive uniform arrangements for the collection of own resources accruing from value-added tax.

Recommendations

The Tax Administration, Ministry of Finance and other stakeholders need to continuously monitor changes or new European regulations related to their own resources. It is also necessary to monitor any changes in the VAT Directive and compare them with the tasks arising from the regulations for own funds based on VAT.

HORIZONTAL ACTIVITIES

PLAC III project's horizontal activities cover issues related to all negotiation chapters and the entire EU accession process. They include a line of important areas primarily related to Negotiation Chapters 23 (Judiciary and Fundamentals Rights) and 24 (Justice, Freedom and Security) that are part of Cluster 1 – Fundamentals, according to the new Enlargement Methodology. In the reporting period, the project has focused on the implementation of the human rights approach in the legislative development as well as on the aligning of the legislation on processing of personal data through video surveillance and the Law on Protection of Whistle-blowers with Union acquis, international and EU standards.

1. HUMAN RIGHTS IN LEGISLATIVE DEVELOPMENT AND PREPARATION OF A MANUAL ON A HUMAN RIGHTS APPROACH IN LEGISLATIVE DEVELOPMENT

The joint position of the European Union with respect to Chapter 23 notes the need for Serbia to strengthen the regime of basic human rights protection. In this respect, the National Programme for Adoption of the Acquis (NPAA) sets out a general framework for the harmonisation and strengthening of human rights standards in the area of political and civil rights, economic and social rights, as well as cultural rights and minority protection. The Action Plan for Chapter 23 underscores that Republic of Serbia is “fully committed to the process of European integration and aware that this process requires substantial and fundamental changes in the judiciary, the anti-corruption system and the protection of fundamental rights, both at the normative and the implementation level.” With respect to the fundamental rights, the Action Plan makes specific references to several rights which are protected by the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights, respectively, for which legislative or capacity building measures are required: prohibition of torture, degrading and ill-treatment and punishment; freedom of thought, conscience and religion; freedom of expression, including freedom and pluralism of the media; and the principle of anti-discrimination and the position of socially vulnerable groups. The enactment of the 2019 Serbian Law on the Planning System and the ensuing Regulation on the Methodology of Public Policy Management and Regulatory Impact Assessment marked a significant step in the Government’s efforts to create a legal framework conducive to evidence-based public policy, by introducing the regime of baseline and comprehensive ex-ante impact assessment in public policy and legislative development. In this respect, the human rights approach complements an evidence-based public policy and is an inherent part of it. The PLAC III project expert has drafted a Manual on Human Rights Approach in Legislative Development which would strengthen the capacity of the targeted beneficiaries to observe human rights standards in the process of drafting laws and regulations arising from the EU negotiation process, as well as in the implementation of the legal framework governing human rights. In addition, the manual is to strengthen the capacity of the Ministry of European Integration with respect to its role as a ministry responsible for monitoring and facilitating the process of alignment of the Republic of Serbia legal system with Union acquis. The Manual was presented at three workshops for line ministries and other state institutions, gathering some 76 participants. Each workshop was tailored to the needs of line ministries, so that the practical application of the Manual was considered on examples of respect for private and family life (with special reference to the state’s obligations regarding the collection of personal data through video surveillance), on freedom of assembly and freedom of associations, as well as on the example of non-discrimination. The publication was largely distributed in its hard copy in the country and is available on-line.

Beneficiary institution: Ministry of European Integration; Ministry of Justice; Secretariat for Legislation; Ministry of Human and Minority Rights and Social Dialogue, Ministry of Interior

Number of experts engaged: 1

Number of working days: 62

Outputs:

- Manual on Human Rights Approach in Legislative Development drafted;
- Three workshops for the targeted beneficiaries on a human rights approach in legislative development were held, gathering more than 70 representatives of beneficiary institutions.

Recommendations

Efforts are needed to make the Manual visible among the line ministries and other state institutions and encourage its application. Also, some additional capacity building efforts to ensure the proper application of the Manual are needed.

2. PROVIDING ASSISTANCE IN ESTABLISHING A BASIS FOR FURTHER IMPROVEMENT OF THE LEGISLATIVE FRAMEWORK FOR THE PROTECTION OF WHISTLE-BLOWERS

The EU encourages Serbia to continue the process of alignment with the acquis and its effective implementation and enforcement, and in general to develop before accession its policies and instruments as precisely as possible to those of the European Union. The EU notes that Serbia, in its negotiating position, accepts the acquis under Chapter 23 as in force on 1 January 2016 and that it will be ready to implement it by the date of its accession to the EU. The Republic of Serbia is fully committed to the process of European integration and aware that this process requires substantial and fundamental changes in the judiciary, the anti-corruption system and the protection of fundamental rights, both at the normative and the implementation levels. The EU estimated that Serbia has achieved a certain level of preparedness in the fight against corruption but it still needs to step up its efforts to address certain shortcomings and improve the prevention and suppression of corruption. The EU took note about the entry into force of the new Law on Protection of Whistle-blowers and the training on the implementation of the Law, which is underway. Also, the EU has assessed that the legal framework for the protection of whistle-blowers must be aligned with the new acquis in order to ensure a better protection of whistle-blowers in some areas. The EU invites Serbia to monitor the implementation of the Law and to continue its efforts to provide easy access for citizens and officials to various complaint mechanisms. Accordingly, Serbia should monitor the effects of the Law on Protection of Whistle-blowers in terms of the acting of state authorities upon whistle-blowers' disclosures. Whistle-blower protection is essential to safeguard the public interest and to promote a culture of public accountability and integrity. Raising awareness of citizens about the Law on Protection of Whistle-blowers and raising their readiness to report wrongdoings is expected to improve. The PLAC III project has provided expert assistance in establishing a basis for further improvement of the legislative framework for the protection of whistle-blowers, the state of play regarding the implementation of the current law, recommendations regarding the best practice for their protection in the private sector and an overview of the practice from the Western Balkans and EU countries. The main activities were briefings with state authorities and an exchange of information, as well an analysis of the current Serbian legislation as regards whistle-blower protection in comparison with Directive (EU) 2019/1937, the Western Balkans region and two EU Member States legislations (Croatia and France). While Serbian legislation has been used as a model for the legislation in the Western Balkans, the analysis, nevertheless, indicated that the law is partially in line with Directive (EU) 2019/1937. As a result, recommendations for improving the law and practice have been drafted in order for the implementation of the current legal provisions to be more efficient and for the general public to be better informed about the topic.

Beneficiary institution: Ministry of European Integration; Ministry of Justice; Secretariat for Legislation; Office for Human and Minority Rights; Agency for Prevention of Corruption; Ombudsman

Number of experts engaged: 1

Number of working days: 25

Outputs:

- A report containing the analysis on whistle-blowers' current status of protection in Serbia with appropriate recommendations for the improvement of the implementation of the Law and the solutions for legislative improvements, as relevant.

Harmonisation with Union acquis: Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law.

Recommendations

The key recommendations and legislative improvements: the wording of the Law must be improved to extend the protection provided by the law to former along with current employees; to extend protection provided by the Law to all kinds of disclosure; terminology from the EU Directive must be applied; to extend the protection to whistle-blowers even when it turns out that their disclosure was ungrounded as required by the Directive; to find out appropriate mechanisms for delivering legal aid to whistle-blowers – governmental or involving the civil sector; statistics to be publicly available in a more accurate manner, to be available online, not only on an annual basis and in accordance with the reporting requirements of the Directive. It has been indicated that appropriate steps must be made by the authorities, since the purpose of whistle-blowers in a democratic society has not yet been appropriately understood by state actors and the public, in particular that they deserve social praise, respect, support and encouragement from state institutions and the civil sector, as well as from the media and the general public. Finally, the most important continued activity would be a citizen awareness-raising campaign regarding the provisions of the Law and the role of whistle-blowers in society.

3. PROVIDING ASSISTANCE RELATED TO PERSONAL DATA PROTECTION LEGISLATION AND ITS EFFECTIVE IMPLEMENTATION

The EU's Joint Position with respect to Chapter 23 notes that Serbia should strengthen the regime of basic human rights protection, and, as a part of it, to ensure compliance with EU data protection standards. The EU has set out baseline benchmarks with respect to the right to privacy/personal data protection, namely: 1) the Government is committed to the enactment of a new Law on Personal Data Protection in compliance with EU acquis and to monitoring its effective implementation, as well as to taking corrective measures deemed necessary to ensure the compliance with the Law; 2) the Government is committed to strengthening the capacity, institutional and financial independence of the Commissioner for the Access to Information of Public Utility and Personal Data Protection. According to the European Commission, the new Serbian Law on Personal Data Protection, which entered into force in August 2019, is “mainly aligned” with Regulation 2016/679 and Directive 2016/680, which regulate the protection of individuals when it comes to personal data processing and their free movement. However, it was pointed out that the implementation of the law so far has shown that there are shortcomings, especially when it comes to regulating the field of data collection through video surveillance, the so-called CCTV cameras, which has led to demands for developing a legal basis for installing such systems in public places. As noted in the Opinion of the Commissioner: “The Law on Personal Data Protection does not contain specific provisions on the conditions for processing personal data using video surveillance.” The issue of acquiring personal data through CCTV has gained additional attention with the emergence of the CCTV system with the facial recognition option as well as legislative initiative seeking to establish the legal basis for the installment of such video cameras in public areas. The PLAC III project has provided expert assistance to the targeted beneficiaries in order to increase their overall capacity to ensure enhanced compatibility of the national legal system with EU legislation and its effective implementation, as well as for the successful carrying out of accession negotiations and fulfilling the benchmarks set by the European Commission. An analysis of the legal and institutional framework, with special regard to the Law on Personal Data Protection against the background of the international standards, regional and European best practices was made. A draft analysis was disseminated among the beneficiaries and their feedback is incorporated in the final version. Special consideration was given to comments and feedback of the Ministry of Interior, which has resumed work on a draft Law on Internal Affairs; the original draft had been withdrawn from further procedure, as the public discussion on the draft Law had revealed its critical shortcomings with respect to issues related to the legitimate grounds for the use of CCTV with facial recognition by the Ministry of the Interior. Recommendations for the improvement of the Law and recommendations on the role of the Commissioner were drafted, as well as amendments to the Law on Personal Data Protection.

Beneficiary institution: Ministry of European Integration; Ministry of Interior; Ministry of Human and Minority Rights and Social Dialogue; Commissioner for Information of Public Importance and Personal Data Protection; Ombudsman

Number of experts engaged: 1

Number of working days: 25

Outputs:

- Analysis of the legal and institutional framework governing personal data protection in the Republic of Serbia;
- Proposal of amendments to the Law on Personal Data Protection;
- A workshop for the representatives of beneficiary institutions held.

Harmonisation with Union acquis: Regulation 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data; Directive 2016/680 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.

Recommendations

Given that the Ministry of Interior has resumed work on a draft Law on Internal Affairs, it is hoped that the content of the Analysis would be fully utilised in the drafting process.

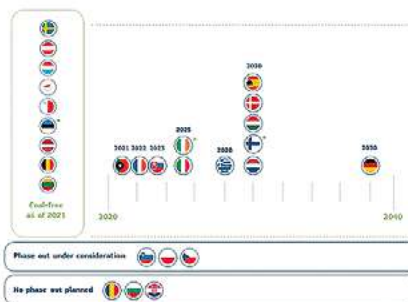
PHOTO GALLERY

Depending of the epidemiological situation related to the ongoing COVID-19 pandemic, workshops held in the reporting period were organised as live, hybrid and online meetings.





- ### Introduction
- 320 coal-fired power plants in the EU, half of which have already been closed or there is a commitment to be closed in the next 10 years;
 - 2020 Austria and Sweden become coal-free countries;
 - by 2025 six countries (Portugal (end-2021), France (2022), Greece (2023), UK (2024), Italy (2025), Ireland (2025));
 - 2030 five more countries, Finland (mid-2029), Netherlands (end-2029), Denmark (2030), Hungary (2030), Slovakia (2030);
 - Most of the production is expected to be replaced by renewable energy sources (RES), which in turn requires a good network and good interconnection, but also other ways of balancing;





Resavska 27, 11 000 Beograd
t: + 381 11 407 32 82
e: plac3office@gmail.com
w: <https://euinfo.rs/plac3>