

REPORT
ON IMPLEMENTATION OF THE NATIONAL PROGRAMME FOR INTEGRATION
OF THE REPUBLIC OF SERBIA WITH THE EUROPEAN UNION (NPI), FOR THE
PERIOD JANUARY-MARCH 2009

Pursuant to the Conclusion whereby the Government has adopted the NPI, the ministries are bound to take into account the regulations envisaged by this document when drafting the Government's Agenda for 2009, whereby "European legislation" has been designated a separate item in this year's Government Agenda. Consequently, the success of the ministries is measured by fulfillment of obligations marked with NPI abbreviation in the Agenda and which refer to the first quarter.

Measured by the strict criteria of the European Commission ("decision adopted, regulation adopted, measure implemented"), NPI is 53% **fully** implemented in the first quarter, as 36 regulations have been adopted out of 68 planned. National Parliament has adopted 22% of the acts envisaged by the NPI (8/36), whereas, at the executive level, 86% (24/28) by-laws have been adopted by the Government and 100% (4/4) by-laws that are adopted by the ministries. Subsequently, this percentage of success is primarily influenced by the vast number of by-laws adopted.

As regards the **laws**, out of 36 planned, the Government set out 23 proposals and National Assembly adopted 8. In percentage – the Assembly adopted 35% of the submitted draft laws and Government set out 64% of the planned laws and those envisaged by certain ministries for subsequent quarters, whereby they fulfilled their commitments in advance. Namely, four laws are in question:

1. Draft Law endorsing Stockholm Convention on Persistent Organic Pollutants,
2. Draft Law on Noise Protection in the Environment, both from the competence of the Ministry for Environment and Spatial Planning, which were planned for June and September, respectively,
3. Draft Law on road traffic safety, in the domain of Ministry of Interior, envisaged for September, and
4. Draft Wine Law, planned by the Ministry of Agriculture, Forestry and Water Management for June.

Out of eight adopted laws, 7 fall within the competence of the Ministry of Justice and all of them are actually unfulfilled commitments from the previous period. The following laws are in question:

- 1) Law endorsing the Convention on hi-tech crime; 2) Law endorsing Additional Protocol on hi-tech crime pertaining to incrimination of acts of race and xenophobic nature committed through computer systems; 3) Law endorsing the Convention of the Council of Europe on laundering, searching, seizing and confiscating criminal proceeds and on terrorism financing; 4) Law endorsing the Convention of the Council of Europe on prevention of terrorism; 5) Law endorsing the Protocol to the European Convention on Terrorism Suppression; 6) Law on international legal assistance in criminal matters; 7) Law endorsing the Convention of the Council of Europe on fight against trafficking in human beings;

The eighth law refers to prohibition of discrimination.

There were 17 *planned and unset proposals*, hence unfulfilled commitments, in the reporting period: 4 by the Ministry of Finance (MF), 4 Ministry of Agriculture, Forestry and Water Management (MAFWM), 3 Ministry of Economy and Regional Development (MERD), 3 Ministry of Interior (MI), Ministry of Education (ME), Ministry of Telecommunications and Information Society (MTIS), Ministry of Labour and Social Policy (MLSP) one act each. The following laws are in question:

- MF: 1) Law on Mandatory Traffic Insurance; 2) Law on Public Property, Property and other Property Rights of the Republic of Serbia, Autonomous Province and Local Self-government units; 3) Law amending the Law on Voluntary Pension Funds and Pension Plans; 4) Law amending the Law on Foreign Exchange Operations;
- MAFWM: 5) Law amending the Veterinary Law; 6) Waters Law; 7) Law on Protection of Plant Breeders' Rights; 8) Law on Agriculture Service;
- MI: 9) Law on Fire Protection; 10) Law on Extraordinary Situations; 11) Law on Explosives, Flammable Fluids and Gases;
- MERD: 12) Law amending the Law on Bankruptcy Proceedings¹; 13) Law amending the Company Law²; 14) Law amending the Law on Registration of Business Entities³;
- ME: 15) Law on Students' Books and other Teaching Instruments
- MTIS: 16) Law on Electronic Signature;
- MLSP: 17) Law on Gender Equality.

As regards the **by-laws** adopted by the Government (regulations, decisions, strategies, conclusions), Government adopted 86% of the planned regulations (24/28). Out of four due regulations, three fall within the competence of the MF and one of MAFWM.

Delayed commitments from the previous reporting period

In relation to proposal of *laws*, 4 proposals are transferred to the first quarter and they have not been set out yet [Law on Fire Protection (MI), Law on Mandatory Traffic Insurance (MF), Law amending the Veterinary Law (MAFWM) and Law on Gender Equality (MLSP)], and three laws have been postponed until June [Law on Taking and Transplanting Human Body Parts has been split into two legislative projects in the meantime: on organ transplantation and on transplantation of tissue and cells (MH); Law on Public Health (MH); Law amending the Criminal Code (MJ)]. MESP fulfilled its due commitment, as the Government has set out the Proposal Law on Nature Protection. Seven of the above mentioned laws of the Ministry of Justice have been adopted by the National Assembly.

Government adopted all 10 *regulations and strategies* proposed by the *Ministry of Health*, which were due commitments from the previous period. *MLSP* fulfilled its due commitments, by Government's adoption of one regulation and by Ministry's adoption of two ordinances. *MSTD* re-named the Strategy for scientific research work into Strategy for science and technology development of the Republic of Serbia and its adoption is planned for June. *MAFWM* still has to fulfill its commitments regarding the proposal to the Government of the Strategy for Water Management Development, as well as regarding the adoption of one ordinance, whereas the latter depends on the adoption of the Law on Plant Feed and Soil Fertilizers, which is in parliamentary procedure.

¹ Public debate on this draft is ongoing. MERD anticipates the finalization of the Draft in June 2009.

² MERD plans to set out this proposal law in December.

³ Ibid.

Therefore, *MJ* met 7 out of 8 due commitments. *MH* submitted to the Government all 10 delayed regulations and strategies, which have been adopted. The setting out of two laws has been postponed until June. One of them is in public debate and the finalisation of the second is underway. *MLSP* realised its commitments regarding by-laws, whereas the concordance of opinions on one act is ongoing. Other ministries with fewer unfulfilled commitments have either met them already (MESP) or work effectively on their adoption (MAFWM).

Load and success of the ministries

Most regulations (planned and adopted in advance) in the first quarter were in the competence of: MF and MAFWM, 14 each; MH 10; MJ, MLSP and MESP, 7 each; MI 4 and MERD 3.

Out of 68 planned regulations, 36 are laws (53%), 28 are by-laws enacted by the Government (41%) and the rest are by-laws enacted by the ministries – 4 of them i.e. 6%. The following ministries had most laws in plan: MJ (7), MF (6), MAFWM (5), MESP (5), MERD (3), MI (3) and MLSP (3); most by-laws were in the competence of MH (10), MF (8) and MAFWM (8).

Most success in meeting of commitments: MESP (140%); MJ (100%); MH (100%); MLSP (86%); MAFWM (69%) and MF (50%).

Comparison of two reporting periods

In comparison with the previous reporting period, there was significant success regarding the *overall* NPI fulfillment. In the period July-December 2008 the success percentage was 29%, and in the first quarter it is 54%.

National Assembly was on the same level of success in this reporting period, with 35% of adopted "European" acts (8/23).

On the other hand, *Government* diminished its score related to *setting out of law proposals*, as it set out 64% (23/36), whereas this percentage used to be 77% (49/64). However, it is noteworthy that the economic crisis and transfer of competences had significant impact on legislative activity of certain ministries. Namely, these are the reasons why MI, MERD and MF have not fully realised their commitments. *MI* has not submitted three of the planned laws to the Government, all three relating to the area of protection and rescue, which was until recently the competence of MD. One of these three laws – Law on extraordinary situations is the umbrella act and its adoption is a precondition for the latter two. However, the texts of all three laws have been prepared. On the other hand, after the Government has set out the proposal Law on Road Traffic Safety, the MI has realised one commitment in advance, which was planned for September. *MERD and MF* have not submitted to the Government a number of drafts, due to the obvious overload by preparation of measures for combating the economic crisis i.e. intense negotiations with the IMF and, subsequently, due to budget re-balance activities.

As regards the *by-laws*, Government had more success than in the previous period, as it adopted 86% (24/28) of the planned by-laws in the first quarter of the year, while in the second half of 2008 this percentage was 35 % (7/20). The ministries were also more successful, they adopted all four planned by-laws, and in the previous reporting period this score was 40% (2/5).

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The above mentioned budget re-balance might effect Government's amendment of the Agenda for this year in line with the new economic circumstances.

Overall success in both reporting periods

In both reporting periods together, the adoption of 132 regulations was planned (88 laws, 37 by-laws adopted by the Government and 7 by-laws adopted by the ministries). Total number of adopted regulations is 62, whereof 25 laws, 31 by-laws enacted by the Government and 6 by-laws enacted by the ministries.

In percentage terms and based on the European Commission criteria, the overall NPI realisation so far is 47%. 28% of submitted proposals were adopted, Government adopted 84% by-laws and ministries 86% of regulations enacted on their level.