

Negotiating chapter 27: process and challenges

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Chapter 27- scope

- Environment and Climate change in total about 700 legal acts
- About 200 of main directives, regulations, decisions
- For screening expected 72 main EU legal acts grouped into 9 subchapters:
 - Horizontal – 8
 - Air quality – 6
 - Waste management – 13
 - Water quality – 12
 - Nature protection – 7
 - Industrial pollution control – 6
 - Chemicals – 9
 - Noise – 1
 - Climate change - 10

First challenge. One of largest chapters

- Clear task - transpose and implement environmental *acquis*
- Requires:
 - Legal actions
 - Institutional strengthening
 - Infrastructure development
 - Monitoring, inspection, enforcement

Second challenge. One of most expensive

- Development of implementation plans
- Assessment of needed infrastructure and related costs
- Establishment of financing mechanisms
- Negotiating transitional periods

Transitional periods. New member states

TPs	BG	CY	CZ	EE	HU	LT	LV	MA	PL	RO	SI	SK	HR
VOCs	2009			2006		2007	2008	2004	2005	2009		2007	2016
Sulp. Content Fuel	2011								2006				
Inciner. W. (old)					2005								
Inciner. W. (new)										2008		2006	
Shipment Waste	2009								2007	2011			
Packaging	2014	2005	2005		2005	2006	2007	2009	2007	2013	2007	2007	
WEEE	2008									2008			
Landfills	2014			2009			2004		2012	2017			2019
Asbestos							2004						
UWWTD	2014	2012	2010	2010	2015	2009	2015	2007	2015	2018	2015	2015	2024
Disch. Dang. S.								2007	2007	2009		2006	
Drinking Water				2013			2015	2005		2015			
Nitrates													
Birds								2008					
LCP (old)					2004			2005				2007	
LCP (new)	2014		2007	2015		2015			2017	2017			2018
IPPC	2011						2010		2010	2015	2011	2011	2018
VOC Solvents													2016
Quality of Fuels													2016

Transitional periods. RS (estimation)

TPs	BG	CY	CZ	EE	HU	LT	LV	MA	PL	RO	SI	SK	HR	RS
VOCs	2009			2006		2007	2008	2004	2005	2009		2007	2016	2020/2023
Inciner. W. (new)										2008		2006		Xxx
Packaging	2014	2005	2005		2005	2006	2007	2009	2007	2013	2007	2007		2019/2024???
WEEE	2008									2008				2024
Landfills	2014			2009			2004		2012	2017			2019	2024
UWWTD	2014	2012	2010	2010	2015	2009	2015	2007	2015	2018	2015	2015	2024	2030/2040
Drinking Water				2013			2015	2005		2015				???
Nitrates														2025
Birds								2008						2015???
LCP (new)	2014		2007	2015		2015			2017	2017			2018	2023
IPPC	2011						2010		2010	2015	2011	2011	2018	2015???
VOC solvents													2016	2023

Implementation gap

- Less than 20% of municipal solid waste is being delivered into compliant landfills
- Only 15% of total waste water gets treated through primary treatment from which 11% also undergoes secondary treatment and 3% through tertiary treatment
- Protected areas will need to from 6 to 12%

Public sector costs

- Landfills and related requirements – about €600 million
- NEAS estimates €3500 million required to meet water sector requirements where the biggest part is related to the implementation of the UWWTD
- The Landfill directive and Urban Waste Water Treatment Directive (UWWTD) are considered the most costly for accession countries to meet the EU Chapter 27 *acquis*

Need for financial resources. Option 1

Directive	Scenario - accession date	Cost per year and implementation requirement up to Accession
Landfill	2019, +9 years transition	€40m
Water sector (mainly UWWTD)	2019, +11 years transition	€205m
Total		€245m

Need for financing resources. Option 2

- Assuming that more funds (3 x) are available after accession, as an example of potential scenario for redistribution of the total funds required for financing is:

Landfill and UWWTD		€120m	€360m
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Third challenge. One of institutionally most intensive

- Chapter involves many institutions competent for various pieces of legislations
- Negotiating Group 27 is comprised of 17 Institutions
- Involvement of regional and local authorities
- Civil society organizations, industries,
- Coordination needed on all levels, vertical and horizontal

Fourth challenge. One of most technically complex

- Requires very many various skills
- Challenges are not only at national level
- Market has also be adjusted to increased needs of some skills
- For example, waste and water engineers, designers to implement large number of investment projects

Fifth challenges. One of most information extensive and information sensitive

- Requires extensive monitoring and information managing capacities
- More than 100 reports to be prepared just for the Commission
- Attention very much paid to the information from the CSOs on situation
- Information inside of country very matters during negotiations

Sixth challenge. Time limited

- Transposition shall be completed before accession
- Implementation shall be completed before accession except of transitional periods

Negotiations

- Negotiations under each chapter are based on two key elements:
 - Screening process
 - Opening, negotiating and closing of the chapter
- Screening:
 - Detailed examination (by the Commission), together with the candidate country, of each policy field (chapter), to determine how well the country is prepared
 - Findings by chapter are presented by the Commission to the Member States in the form of a Screening Report
 - The conclusion of this report is a recommendation of the Commission to either open negotiations directly or to require that certain conditions – opening benchmarks - should first be met
- **The Council decides unanimously on the benchmarks or opening of a chapter on the basis of the Commission's recommendation**

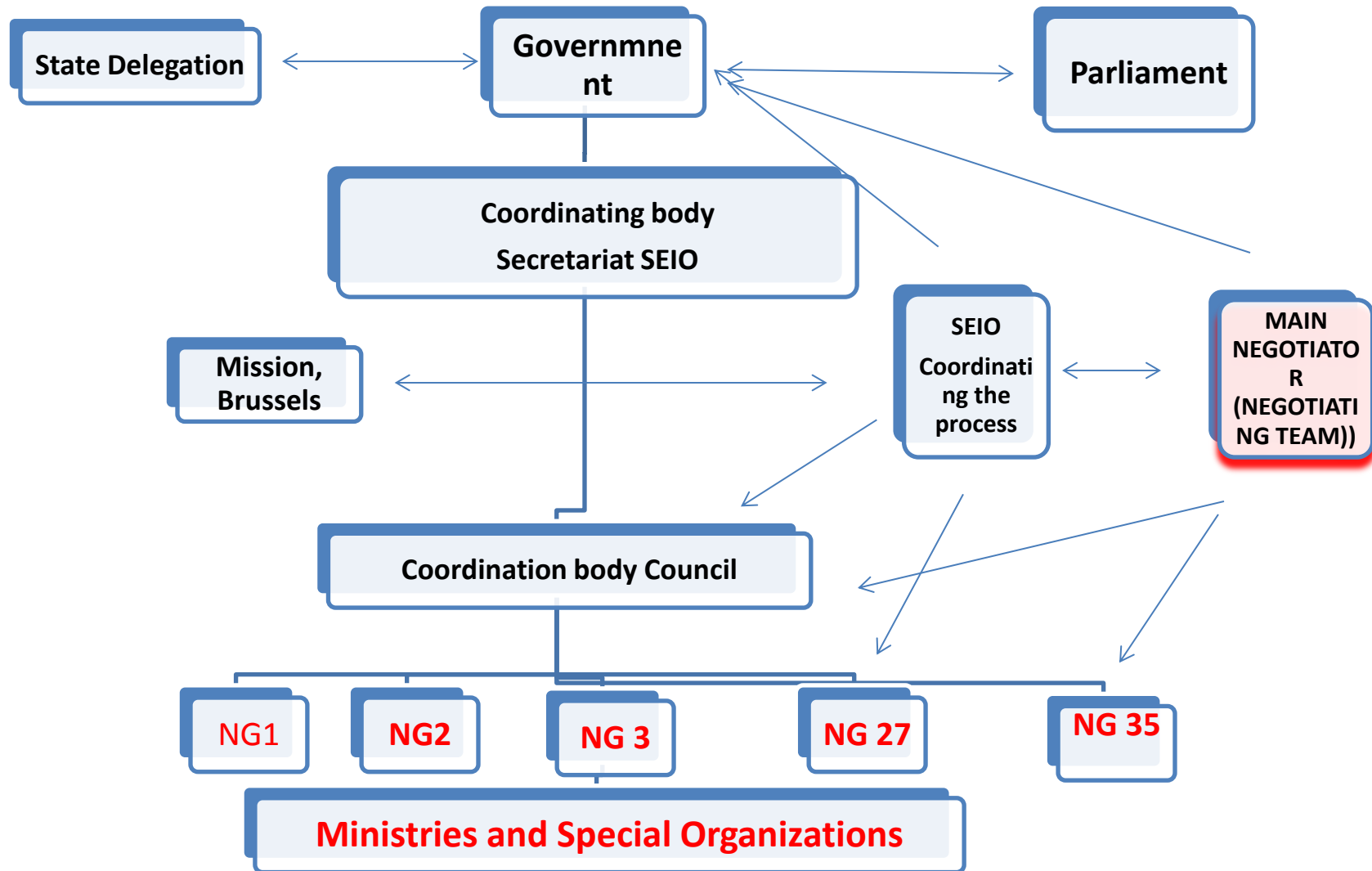
Screening

- There is no formal instruction regarding screening process
- National procedure for preparation for screening require development of information on:
 - Degree of transposition
 - Plans for the next steps in transposition of the *acquis*
 - Status of implementation
 - Institutional framework and planned activities with regard to its reinforcement
 - Tentative terms for the realisation of planned activities
 - Assessment of necessary funding
 - Information on required transitional periods

Timetable (CH 27)

Activity	Date
Prepare for bilateral screening	June 2013 – October 2014
Bilateral screening	November 2014
Screening report	August 2015
Opening chapter for negotiations	End 2015
Prepare negotiating positions	December 2014 – June 2016
Be ready to provide Negotiating Position (Chapter 27)	First half of 2016

Overall structure of the process



Preparation for Screening: the Role of NG

Explanatory Screening:

- All questions related to the participation of Delegation- proposed by NG
- All questions that require explanation by EC- defined by NG

Bilateral Screening:

- General strategy- defined by NG
- Material for screening- prepared by NG
- Translation and verification of translation- performed by NG

The coordinating institution, after the approval of Negotiation team, proposes the act to the Government (positions, information etc.)

Delegation for screening:

- Institution coordinating NG proposes the structure of delegation for explanatory and bilateral screening (to SEIO, NT, competent authorities)
- Delegation: coordination structure (president of NG, depute of president, secretary, NT members, SEIO representatives, mission representatives, officers of institutions-members of NG)
- Head of delegation: President of NG

NG 27- Rules of procedures (EUD task)

- I phase- Screening process:
- II phase- Negotiation process

- *Organisational structure*
- *Roles and responsibilities of EUD, Sectorial Departments, Institution*
- *Forms of communication (formalization)*
- *Working methodology*
- *Verification model*
- *Participation of stakeholders- consultative methods*

Discussed during November/December 2014, in parallel with SWMs.

The Structure of NG 27

Sectorial approach- follows the structure of Chapter 27:

- Horizontal legislation sector
- Air quality sector
- Waste management sector (exemple)
- Water quality sector
- Nature protection sector
- IPC sector
- Chemicals sector
- Noise protection sector
- Climate change sector
- Civil protection sector
- *Forestry**
- *GMO**

Ownership

Competent institution and contact person defined for each Directive/Regulation is responsible for all required information regarding transposition/implementation

Other competent institutions/units- obliged to cooperate

EUD (MEDEP)- main coordinating unit

Verification model: WG agreement

Sectorial working meetings

ONE VOICE SPEAKING:

- Method of inter-institutional consultation
- Discussions on current status of transposition/implementation; gaps and needs; plans; methods of improvement
- Development of position (screening, negotiations)
- Everything has to be agreed within the WG (NG verification)
- Outcomes (conclusions)- basis for prioritization of activities

Role of EUD – 2013

what actions are we taking?

- Defining scope – list of *acquis* for screening
- Analyzing experience of other countries
- Developing institutional system to prepare for screening:
 - Developing draft structure and rules for Negotiating group 27
 - Developing draft Order for Screening
- Developing of methodology on how to assess situation in Serbia - Gap/Needs Assessment (benchmarking)
- Filling in benchmarking matrix with available information
- Preliminary identification of transitional periods
- Organizing sectorial working meetings

Analitical tools

- Benchmark matrix-[BM Packaging waste \(1\).docx](#)
- ToC- [2014 RS Waste 94 62 TOC.doc](#)
- IQ- [2014 RS Waste 94 62 IQ.doc](#)

Involvement of stakeholders in the process of preparation for Screening

- Gap-need assessment process: formal nomination of representatives of different stakeholders group (targeted approach)
- Procedures of NG 27: Defining channels of communication and exchange of information
- Presentation of results of process (visibility events)
- Development of communication tools

Thank you for your attention.

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