

Assistance in Environmental Law Drafting in South Eastern Europe

Sixth Meeting of Environmental Law Drafting Network of Senior Officials (ELDNSO/ ELAN)

December 16-17, 2005

Szentendre, Hungary

Report

Scope and Objectives

- To present, discuss and evaluate the outcomes of the project
- To present the regional report, *Progress in Environmental Law Drafting in the SEE*
- To officially launch the new name of the Network: Environmental Law Approximation Network (ELAN) and ensure ways for its operation beyond 2005
- To promote the improved web page of the project and the web based matrix of SEE environment law projects
- To discuss the concepts for the possible continuation of the present project
- To compile recommendations and obtain official statements of the beneficiary ministries on draft conclusions for the meeting

December 16

Stephen Stec, head of the REC's Environmental Law Programme, opened the meeting and reported on his talk with representatives from the European Commission DG Environment the previous day when it was mentioned that the EC is looking forward to the continuation of the project. He emphasised that the major outcome of this meeting shall be the identification of the benefits under the project, its successes and difficulties, and the decisions on its future.

Tsvetelina Borissova Filipova, project manager, REC's Environmental Law Programme, welcomed the participants and expressed the project team's gratitude to the network members for their collaboration under the project (See the list of participants).

Yordanka Minkova, a REC project manager for the Regional Environmental Reconstruction Programme for South Eastern Europe (REReP) Secretariat, spoke briefly about developments with the REReP and stressed the fact that its work plan is relying on the continuation of this Community Assistance for Reconstruction, Development and Stabilisation (CARDS) project.

Mrs. Filipova presented the agenda of the meeting (see the agenda attached) and launched the new name “Environmental Law Approximation Network (ELAN)” and the new logo for the network. The name and logo was accepted by all of the participants. It will now be used in place of the Environmental Law Drafting Network of Senior Officials (ELDNSO).

Session 1

Results, Success Stories, and Challenges

Mrs. Filipova gave a presentation on regional activities, cooperation and exchange of experience (topical workshops and study visits) followed by a presentation on country/entity activities under the project, in which she reviewed the successful work on chemicals.

Mihail Dimovski, who manages REReP projects for the REC, made a brief presentation of the Environmental Compliance and Enforcement Network for Accession (ECENA) project, and presented its scopes, objectives and activities until September 2006. Mr. Dimovski opened the web page for the ECENA project and presented all available information and downloadable documents.

Mrs Filipova made a brief introduction to the **beneficiary’s presentations** to follow. Further on she presented the assistance provided to BiH under the project since Republika Srpska and the Federation of Bosnia and Herzegovina were not represented at the meeting.

The current and prospective members of the network from different SEE countries made presentations on activities they were involved in and the benefits they received from the implementation of the CARDS project Assistance in Environmental Law Drafting in SEE. All the participants highly appreciated the outcomes and outputs of the project and expressed their gratitude to the Environmental Law Programme team, and particularly to the project manager Tsvetelina Borissova Filipova.

Further in this document the comments made by participants within the scope of their presentations are provided (view the presentations)

Albania

The Ministry of Environment was expanded and renamed the Ministry of Environment, Forests and Water Administration. They now experience the challenges of adjusting to a new structure, and the scope of work was expanded to include new and greater responsibilities. The ministry’s legal department has acquired new tasks. Environment, forests, water and fisheries are the main priorities of the new government.

Under the project, special support was given to drafting a new law on noise. Currently the Ministry has one specialist for noise pollution; they hope the structural expansion will increase the number of experts in the field. The presentation on Kosovo's (territory under UN interim administration) experience in drafting the Law on Noise Reduction was the first step, while assistance in harmonisation of the Albanian legal framework for chemicals with the EU legislation was the second important activity, which continues.

Croatia

Croatia hosted the Regional Workshop on Approximation with the IPPC Directive in April 2004, which they considered very successful. During the Regional Workshop on Approximation with the WFD, the Ministry of Agriculture of Croatia gave a presentation to the participants, as the WFD is well implemented in the country. At the Regional Workshop on Approximation with the EU Waste Legislation, Croatia gave a presentation on the legal approximation status. Today the air sector and IPPC remain the priority areas for Croatia.

The Ministry of Environmental Protection, Physical Planning and Construction expressed great appreciation for the support provided by the REC for the participation of its lawyers in the SEA Conference in Prague in September 2005. Participants in the conference came from around the world, giving participants a wide range of experience to draw from. Another advantage of the conference was seen in the possibility to choose which sessions to visit, thus the Croatian participants attended all the legal ones.

Regarding the National Workshop on Approximation with the Environmental Liability Directive in Croatia, the participants noted that they had a good framework of environmental administrative law, as well as civil and criminal law. Thus they do not feel a lot of need for efforts towards approximation.

Former Yugoslav Republic of Macedonia

The Regional Workshop on Approximation of the EU Legislation was held at the beginning of harmonization process in Dubrovnik 2003. The Regional Workshop on Drafting the EIA/SEA Legislation in SEE in Compliance with EU Requirements, held in Ohrid in 2003, assisted in establishing directions for the harmonisation and approximation processes. Later new a law on environmental protection included provisions on EIA.

The Regional Workshop on Transposition of the Water Framework Directive, held in Budapest in 2004, and the Regional Workshop on Waste Legislation, Cetinje 2005, provided the ministry with valuable experience.

The Study Visit to the National Chemical Bureau, held in Slovenia, provided the ministry with valuable experience for approximation with EU chemicals legislation. Visiting different facilities during the Study Visit on Waste Management with a Focus on Hazardous Waste in Ireland was especially beneficial. Now the priorities in this field cover electric and electronic waste and old vehicles utilisation. The Study Visit on Natura 2000 to Poland also provided valuable experience.

The national workshop Transposition of EU Legislation on Chemicals in the National Legislation of Macedonia was held in Skopje, November 2004, was very productive, but the chemicals law is still under drafting. They expect it to be adopted in 2007; a gap analysis is still underway. The situation is complicated by the fact that no clear responsibilities exist for the division between the Ministry of Environment and the Ministry of Health.

Serbia and Montenegro (Republic of Serbia)

Serbian participants expressed many thanks and hope for the continuation of the project. They highly appreciated the assistance provided under the project, especially the support on chemicals legislation, and they communicated their ministry's support for the continuation of the project.

Kosovo (Territory Under Interim UN Administration)

Many thanks were expressed to the REC as well hope for the same attention to Kosovo in future. A draft law on protection from noise prepared under the project is considered one of the key achievements.

Overall all the participants in the meeting expressed their hope that the project and activities related to approximation to the EU environmental legislation will continue.

Session 2

Regional Report, Web page and Evaluations of the Project

Oleksandra Ratushnyak, an intern in the REC's Environmental Law Programme, announced the release of the regional report *Progress in Environmental Law Drafting in South Eastern Europe* by Ralf Juelich, presenting briefly its goal and scope, methodology and structure. Ms Ratushnyak also mentioned other project publications realised under the current phase of the project.

Veronika Farkas, a project assistant in the REC's Environmental Law Programme, presented the web page of the project, the searchable web based database of the Matrix of National Legal Drafting Projects in SEE countries and web links to the status of approximation database.

Ms. Farkas distributed a project evaluation form to the participants, kindly asking them to evaluate the performance of the REC, its experts, and the overall outputs of the project, and to provide recommendations on how project implementation could be improved in the future.

December 17, 2005

Session 3

Regional Assistance in Environmental Law Drafting Beyond 2005 (Chairperson: Stephen Stec)

Mrs. Filipova presented the draft concept for the continuation of the project, speaking about its scopes and objectives. She mentioned the fact that the project was highly appreciated by the beneficiary countries — the REC received 13 letters appreciating the project outputs or supporting the continuation of the project.

For the purpose of the meeting Ms. Azra Korac-Mehmedovic, focal point for the project in the Federation of Bosnia and Herzegovina sent an e-mail informing that Federal Ministry of Physical Planning and Environment highly appreciate of the work done under the project Assistance in Environmental Law Drafting in South Eastern Europe, and claiming unequivocally that it needs to be continued. In an e-mail sent in regards to the 6th network meeting of the project, Ms. Lazarela Kalezic, focal point, emphasised that the Ministry of Environmental Protection and Physical Planning and she herself are very grateful for the cooperation and assistance that the REC had provided to date. They highly appreciated the work done in the framework of the project Assistance in Environmental Law Drafting in South Eastern Europe and believe that it needs to be continued. The REC received an official letter from the Ministry of Spatial Planning, Civil Engineering and Environment, Republika Srpska, supporting the continuation of the project. (available from Environmental Law Program, REC)

After her presentation, participants were divided into two groups and asked to discuss the concept activity by activity, to comment on the project's approach, and to make a presentation including the group's comments, recommendations and considerations. The two groups gave their presentations, and the outputs of group discussions on the concept paper were collected and reflected in a set of draft conclusions from the meeting.

Mrs. Filipova presented the ELAN Network, its purpose, criteria for membership, the operations of the network and the importance of the ELAN e-mail list. Participants had the opportunity to join the network and the network was enlarged by five new members. Mr. Stec distributed and presented draft conclusions. After discussing every point of the document, the participants agreed on the key conclusions of the meeting (see attached)