



The European Union's Instrument for Pre-Accession Assistance (IPA)

Regional Environmental Network for Accession (RENA)

*SECOND ANNUAL MEETING OF
THE WORKING GROUP I
“STRATEGIC PLANNING AND
INVESTMENTS”
WG 1 – Activity 1.2*

*Brussels, Belgium
(25 November 2011)*



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Consortium led by Hulla & Co.
Human Dynamics KG



SECOND ANNUAL MEETING OF THE WORKING GROUP I “STRATEGIC PLANNING AND INVESTMENTS”

25 November, 2011, Brussels, Belgium

Objectives of the Annual Meeting

Wider Objective: To provide secretariat report on the activities implemented since the 1st Annual Meeting, discuss the approach and methodology applied and agree on follow up and planned activities for the next period. To define the needed assistance for RENA follow -up programme in line with the specific needs and priorities of the beneficiaries in the EU accession context.

Specific Objectives:

- To provide overview of the developments in RENA and its status of implementation
- To provide information on the following implemented and planned activities:
 - 1.1 “Preparation of Approximation Strategies”
 - 1.2 “Regional Institutional Support Platform”
 - 1.4 “Public Participation”
 - 1.5 “Progress Monitoring of Transposition and Implementation of the EU Environmental Acquis”
 - 1.6 “Gap Assessment / Compliance Check of Draft Environmental Legal Acts
 - 3.4 “Multilateral Environmental Agreements”

Expected Results :

- Achieved results and planned activities endorsed by the beneficiaries
- Input in the proposed methodology and approach provided.





Draft Agenda Outline

25 November 2011

Co-Chairs: The EC DG Environment and RENA Secretariat				
Venue: Hotel Astrid, Place du Samedi 11 Zaterdagplein 1000 Brussels, Belgium				
Start	Finish	Agenda item	Speaker	Content/required action
09:30	10:00	Registration		
10:00	10:30	Address by EC Introduction of the meeting Approval of the Agenda Adoption of the minutes of the 1 st Annual Meeting	Ms. Madalina Ivanica, EC DG Environment Mihail Dimovski, Key Expert, WG 1	Adoption of the Agenda and MoM of the 1 st Annual Meeting required
10:30	11:00	Overview of the implemented and planned activities : 1.1 “ Preparation of Approximation Strategies” 1.2 “ Regional Institutional Support Platform” 1.4 “ Public Participation”	Mihail Dimovski, RENA KE, WG 1	Participants are requested to review and endorse the report implemented activities and achieved impact and agree on the proposed planned activities for the next period.
11:00	11:30	Overview of the implemented and planned activities : 1.5 “ Progress Monitoring of Transposition and Implementation of the EU Environmental Acquis”	Mihail Dimovski, RENA KE, WG 1	Discussion on the PM year 6 “ Lessons Learned and Problems Occurred” Proposed Update of the PM Manual Approach and timeline for the PM Year 7 List of acquis to be covered in PM Year 7
11:30	11:45	Coffee Break		





11:45	12:30	Overview of the implemented and planned activities : 1.6 “ Gap Assessment / Compliance Check of Draft Environmental Legal Acts Overview of the implemented and planned activities : 3.4 “ Multilateral Environmental Agreements”	Mihail Dimovski, RENA KE, WG 1	Participants are invited to discuss the proposed approach and methodology for the planned activities in the next period. Participants are encouraged to provide information for which draft legal acts full compliance check might be requested through the EC services.
12:30	13:30	<i>Lunch Break</i>		



2nd Annual Meeting of the RENA WG 1 “ Strategic Planning and Investments”

Overview of the Implemented and Planned Activities Activities 1.1 Preparation of Approximation Strategies 1.2 Regional Institutional Support Platform 1.4 Public Participation

Brussels , Belgium
25 November, 2011
Mihail Dimovski – RENA Key Expert 2



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Aim of the Session

- To communicate on **the activities implemented** and **results achieved** in the period March-September 2011
- To discuss the **approach and methodology** applied and agree on fine-tuning
- Highlight potential **issues/obstacles** and agree on **solutions**
- To communicate **planned activities**, approach and methodology for the next reporting period (September – March 2012)



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Overview of Implemented Activities Activity 1.1 Preparation of Approximation Strategies

- Sub- Regional Training Workshop “ Preparing Environmental Approximation Strategy” ,Prishtina, 3-5 October, 2011 :
 - Developed training methodology and approach document
 - Agenda designed to match with the countries needs and priorities
 - 16 lectures and PPPs , number of case studies and examples
 - Two main topics covered with sub-topics:
 - ✓ Designing the preparation of approximation strategies and programmes
 - ✓ Economic and Financial Approximation Strategy
- Outcome : Capacity for KEAS improved and developed programme outline for the potential content of Kosovo EAS
- Major issues : No participation of Bosnia and Herzegovina



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Overview of Implemented Activities
Activity 1.1 Preparation of Approximation Strategies

- Regional workshop on Approximation Obligations and Chapter 27 Negotiation, 23-24 November, 2011, Brussels
- Annual WG 1/ RISP meeting, Brussels, 25 November, 2011



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Overview of Implemented Activities

Activity 1.2 RISP – Regional Institutional Support Platform
Activity 1.4 Public participation

- First regional training/workshop on Directive 2008/99 (Criminal law)/Directive 2004/35/EC (Environmental liability), Zagreb, 30-21 May, 2011
- Second regional training/workshop on Regulation (EC) 1272/2008 (CLP) and (EC)1907/2006 (REACH), Istanbul, 11-12 October, 2011
- Preparations for the third regional training workshop on Directive 2007/2/EC (INSPIRE), 17-18 January, 2011, Vienna, Austria
 - agenda developed
 - Agreement with Austrian Environmental Agency concluded
 - potential experts identified



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Planned Activities (September – August 2012)
Activity 1.2 RISP – Regional Institutional Support Platform
Activity 1.4 Public participation

- Delivery of the third regional workshop on Directive 2007/2/EC (INSPIRE)
- Three regional exchange training programmes to be delivered
- Integrating public participation as cross cutting topic in all activities in RISP/ Environmental Forum
- Updating the Handbook on implementation of the EU environmental acquis



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DISCUSSION Planned Activities

Activity 1.2 RISP – Regional Institutional Support Platform
Activity 1.4 Public participation

- Three exchange /training programmes
 - Topics
 - Relevance
 - Regional benefit
 - Venue
 - Timing



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Planned Activities on UPDATING OF THE HANDBOOK

Activity 1.2 “RISP”

- Defining the scope of the HB update
- Drafting a list of relevant ECJ judgments between 2007 and 2011
- Research and collection of new references to national implementing measures for new EC environmental legislation
- Reviewing the whole Handbook to identify and revise any obsolete information
- Revise existing fiches covering separate EC legislation to accommodate for amendments adopted between 2007 and 2011
- Typing up new sub-sections for entirely new EC legislation adopted within the implementation period (2007-2011).



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Planned Activities Activity 1.2 RISP : “Update of the Handbook” LEGAL AND IMPLEMENTATION GAP ANALYSIS OF THE HANDBOOK

Analysis of the handbook will include 3 interrelated steps :

1. legal gaps analysis :
 - will examine all legal changes that have occurred since December 2007 within the environmental acquis
2. Implementation gaps analysis
 - will contain the implementation practices of Member States in relation to the new legislation
3. Analysis of the current version of the handbook:
 - Defining how far the new legislation has to be considered in the Handbook's Sections.
 - An accurate screening (gap analysis of the handbook) to define the scale of the update



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**2nd Annual Meeting of the RENA WG 1 “
Strategic Planning and Investments”**

**Overview of the Implemented and Planned
Activities
Activity 1.5 Progress Monitoring of the Transposition and
Implementation of the EU Environmental Acquis**

Brussels , Belgium
25 November, 2011
Mihail Dimovski – RENA Key Expert 2



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WHY PROGRESS MONITORING ?

MAIN PURPOSE :

To provide updated, comprehensive overview of the current situation in the beneficiary countries concerning the status of transposition and implementation of the environmental acquis

To assist in setting the countries' approximation strategies, planning resources and defining priorities within the approximation process

To provide specific information on issues that could constitute a barrier in the accession process

To provide information to the EC



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Difficulties occurred in the year 14 PM exercise

- Information not provided for number of sectors without explanation on reasons behind
- Contradictory information provided in some ToCs
- Legislation adopted in previous PM period reported as progress
- IQ incomprehensible (no data on reasons behind expired deadlines)
- Legislation drafted more then 3 years ago scored as progress



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Planned Activities

Activity 1.5 " Progress Monitoring of the Transposition and Implementation of the EU Environmental Acquis

- Update of PM Manual (November- December 2011)
- Update of approach and methodology for PM year 7(15) (November- December 2011)
- Update of the ToR and selection of local experts assigned in each country (December 2011 -January 2012)
- Development of information package and announcement documents, developed specifically for each of the beneficiary countries (January 2012)
- Update/development of new ToCs and IQs for newly adopted legislation (January 2012)
- Introductory/ Kick-Off meetings combined with national trainings on PM methodology for the beneficiary countries (February 2012)
- Distribution of the updated tables of concordance and implementation questionnaires to the beneficiary countries (February 2012)



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Discussion

Proposed Measures to Improve PM Activity

Update of the Progress Monitoring Manual:

- to make difference among **progress in transposition** (adopted legislation) and **transposition efforts** (draft legislation)

The % and score should be used as tool and has to be accompanied with clear justification

- **Mentoring**: help ministerial staff to identify issues and propose solutions
- **Coaching**: guide individuals through specific tasks, such as the completion of ToCs and IQs
- **Demonstration**: takes the form of seeing examples of good practice
- **Facilitation** : help facilitating inter-governmental coordination



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2nd Annual Meeting of the RENA WG 1 “*Strategic Planning and Investments*”

Overview of the Implemented and Planned Activities Activity 1.6 Legal Gap Assessment/ Compliance Checking

Brussels , Belgium
25 November, 2011
Mihail Dimovski – RENA Key Expert 2



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Activity 1.6 “Gap Assessment of Draft Legal Acts” METHODOLOGY

- Initially, request for compliance checks of a draft law or regulation is received by the Commission and then forwarded to the consultant
- On the basis of the available information submitted by the country and up to date ToCs, the consultant checks compliance with a particular EC Directive on a paragraph by paragraph basis.
- The results are presented in a table format where each EC provision is matched with the corresponding transposing national article.
- It is clearly stated whether the transposition is adequate or not or partially in compliance. Where not, the main reasons for the flaws are presented.
- The draft compliance table(s) are submitted to the Commission and if need be further analysis and revisions are carried out.



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Activity 1.6 "Gap Assessment of Draft Legal Acts"

Implemented Activities in the reporting period:

- Preparation and distribution of request template for gap assessment of draft legal acts (March 2011)
- Request from **Montenegro** for compliance check of draft SEA legislation
- Request from Albania on compliance check of the draft Law on Integrated Waste Management with the provisions of the Waste Directive and Basel Convention

Planned activities:

- Advice to beneficiary countries on draft legislation that would benefit compliance checking
- Maximum 8 compliance checks planned
- Timing : Upon request



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DISCUSSION

- UNDERSTANDING OF THE BENEFITS OF COMPLIANCE CHECKING
- COMPLIANCE CHECKS PROPOSED
- TIMING



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**2nd Annual Meeting of the RENA WG 1 “
Strategic Planning and Investments”**

**Overview of the Implemented and Planned
Activities
Activity 3.5 Multilateral Environmental Agreements**

Brussels, Belgium
25 November, 2011
Mihaïl Dimovski – RENA Key Expert 2



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**Activity 3.4 Multilateral Environmental Agreements
Implemented and Planned Activities**

Implemented activities during the second interim reporting period

Preparation and distribution of request template for gap assessment of draft legal acts (April 2011);

Planned activities for the next interim reporting period

Response to received requests. No requests received so far.

NEW APPROACH TOWARDS THIS ACTIVITY IS NEEDED SUBJECT TO DISCUSSION AT THE WG 1 / RISP ANNUAL MEETING



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**Activity 3.4 Multilateral Environmental Agreements
CURRENT KEY ISSUES**

- In the EU, the SEA and EIA are increasingly important in the:
 - context of the cohesion policy and regional and sectoral planning,
 - for the implementation and monitoring of these plans and projects supported by these plans and EU and national funds.
 - The SEA and EIA also have strong linkages with assessments mandatory under the Birds and Habitats Directives.
- Emergence of international investment projects related to oil and gas pipelines and international roads, as well as the issue of shared nature and water resources.
- These investment projects will require proper transboundary SEA and EIA procedures



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Activity 3.4 Multilateral Environmental Agreements

MAIN GOALS

- Overcoming accession challenges in proper implementation of EIA and SEA (especially in the context of environmental and environmentally significant infrastructure currently financed by the IPA, IFIs, and other significant international public funding sources)
- Assist in adhering to international obligations in transboundary EIA and SEA, namely the Convention on Environmental Impact Assessment in Transboundary Context (1991 Espoo Convention) and the Protocol on Strategic Environmental Assessment (2003 Kiev protocol).

The most pressing needs are currently in the domain of transport and energy sectors, especially international roads and oil/gas pipelines projects.



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Activity 3.4 Multilateral Environmental Agreements

NEW APPROACH

- To synergise with activities of:
 - Water Management sub-group 3.2, in the sector of Water Management in Transboundary Context
 - Nature Protection sub -group 31 and Natura 2000 in Transboundary Context, Habitat and Birds Directives
 - Work Group 1 (Strategic Planning & Investments and Progress Monitoring & Compliance Check), and IPA, DABLAS and Horizon 2020 activities.
- To create a link with the ongoing Espoo Convention, Kiev Protocol, and Bucharest agreement activities .
- To coordinate with relevant international organization EC DG Environment, DG Enlargement, IPA, IPF, Environmental Forum and main IFIs and Donors active in the region.



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Activity 3.4 Multilateral Environmental Agreements

ACTIVITIES

- Gap Analysis regarding relevant multilateral environmental agreements (MEAs), legislation, and actual implementation
- Overview of institutional gaps related to the implementation of the Espoo Convention (EIA) and Kiev Protocol (SEA)
- Provision of guidelines for the environmental requirements for IPA projects (in line with IPA implementing Regulation 718/2007) :
 - To ensure compliance with specific EU requirements while implementing projects financed with IPA or IFI resources.

Activities to be carried out in cooperation with the Secretariats of the Conventions and by provision of training and exchange of experience within the other RENA Sub-Groups



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Activity 3.4 Multilateral Environmental Agreements
DISCUSSION

Discussion



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