

The role of Civil Society in the EU Negotiation
Process: learning exchange between CSOs from
Montenegro and Serbia with CSOs from Albania and
North Macedonia

Serbia case

Nataša Savić Janjić,
Ministry for European integration,
Government of the Republic of Serbia

Legal context

- According to data from December 2022 there are around 36.500 registered CSOs in Serbia. CSOs are registered in Serbian Business Registers Agency/Associations [Агенција за привредне регистре | Associations \(apr.gov.rs\)](#)
- **Law on Associations** was adopted in July 2009 as a new legal frame for establishment and functioning of associations. This law, on modern grounds, in accordance with the Constitution and international acts adopted standards, regulates all matters important for the establishment, work and operation of both domestic and foreign associations.
- The number of associations increased significantly with the entry into force of the Law on Associations in 2011, when the conditions for the establishment of associations were significantly simplified and liberalized, and when a single register of associations was formed. The existing associations were obliged to re-register or were otherwise deleted from the register as inactive.

- Important laws are also **Law on volunteering** and **Law on endowments and foundations**, both adopted in 2010.
- Serbian government in February 2022 adopted the **Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030**. There is an Action plan also following the Strategy. Relevant ministries and other institutions have agreed on obligations taken over from the Strategy (annual Action plans).
- How it started: In 2005 **MEI initiated** signing the **Memorandum on cooperation with CSO**. Later (after lots of lobbying), the **Office for Cooperation with Civil Society of the Government of the Republic of Serbia** was established in 2010 by the Decree on the Office for Cooperation with Civil Society as an institutional mechanism for the support and development of civil dialogue between government institutions and civil society organizations.

- In 2020 Office was incorporated in the **Ministry for human rights and social dialogue, now is a Sector for cooperation with civil society.**
- New Ministry of Human and Minority Rights and Social Dialogue (Government appointed in October 2022) has started working on establishment of Government **Cooperation Council for cooperation with Civil Society.**
- In 2020, the Government adopted **Guidelines for the inclusion of civil society organizations in working groups for drafting public policy documents and drafts**, i.e. proposals of regulations regulating the procedure for electing representatives of civil society organizations in working groups for drafting public policy documents proposals and drafts, i.e. draft regulations, which ensures their participation in the early phase of the decision-making process. CSOs are included in working groups through a public call with pre-established selection criteria.

- Using the mechanisms of participatory democracy, citizens as individuals, or organized within a civil society organization, can influence decision-making processes and participate in social and political life, not only during elections. In addition, the participation of citizens and civil society organizations in the processes of creating and implementing public policies is very important for development of democracy.
- In 2021 Government initiated portal eConsultations (eKonsultacije.gov.rs) the platform that enables citizens to participate electronically in the process of preparation and adoption of public policy documents and regulations. Citizens will have an overview of all public administration documents that are in the process of being drafted in one place and can contribute to the adoption of those documents with suggestions and proposals.
- Representatives of civil society organizations are members of various advisory bodies established by public administration bodies of different levels of government. Thus, representatives of civil society are members of the Council for the Advancement of Persons with Disabilities, the Youth Council, the Council for the Advancement of Roma and numerous other advisory bodies.

Government, CSOs and European integration

- The first Intergovernmental Conference between the Republic of Serbia and the European Union was held in January 2014, which marked the beginning of accession negotiations. Till today Serbia temporary opened 22 chapters and (temporary) closed 2.
- The conditions under which the European integration process of Serbia takes place are significantly different compared to all previous EU enlargements, not only because of the new negotiation methodology, but also because of the globally complicated international situation. However, what has not changed is the importance of the process of internal reforms, i.e. "what we do at home."
- The existence of an enabling environment for the development of civil society is a political criteria for membership in the European Union. The developed civil sector is a strong indicator of the democratization of society as a whole, and as such is one of the key indicators of the rule of law, and is therefore directly related to meeting the EU's political criteria for accession.

- European integration, membership negotiations and the membership of a country in the European Union is not an issue or matter of one government, negotiation team, political parties, but it is an issue of the whole society. Every citizen should see and feel this change „on their own skin“ in the course of, and especially at the end of, our country's path to membership. In order for citizens to be able to decide on the future referendum, they must understand the benefits, but also the costs of the process.
- Civil society has an important role as to control and criticise the way the state functions (watchdog), bring the new knowledge and experience into the negotiation process and surely can contribute to deepening citizens' understanding of the reforms that the state should implement along the way.

- In March 2016, the Negotiating Team adopted the **Guidelines for cooperation of the Negotiating Team for Accession of the Republic of Serbia to the European Union and negotiating groups with the representatives of civil society organisations, the National Convention on the European Union and the Chamber of Commerce and Industry of Serbia after the submission of Screening results.**
- The guidelines, among other things, incorporate the levels and principles of participation of civil society organizations in the process of preparation, adoption and monitoring of the implementation of regulations from the Council of Europe's Code of Good Practice for Civil Participation in the Decision-Making Process. The Guidelines also contain a recommendation to the bodies of the Autonomous Province and local self-government units to adhere to the principles stated in the Guidelines in the process of adopting regulations.

- The guidelines envisage consultations with CSOs, the National Convention and the Serbian Chamber of Commerce, within the deadlines and in the manner provided by the Decision on the procedure for considering the negotiating position proposal in the process of negotiations on Serbia's accession to the European Union. If there are criteria for opening a chapter, and if they contain the obligation to adopt a document, those documents must be submitted for consideration and consultation to CSOs, the National Convention and the Serbian Chamber of Commerce.

The EU-Serbia Joint Consultative Committee

- The EU-Serbia Joint Consultative Committee (JCC) is a civil society platform established between the EESC and civil society of Serbia (social partners and other civil society organisations). The JCC's mandate comes from Decision n. 1 of the EU-Serbia Stabilisation and Association Council of 21 October 2013, adopting its Rules of procedure (Art. 14). The Civil Society JCC complements, with a **civil** society point of view, the EU institutional framework related to the Stabilisation and Association Agreement between the EU and Serbia. The Civil Society Joint Consultative Committee comprises members from each side.
- The JCC allows civil society organisations from both sides to monitor the path of Serbia towards the EU, and to adopt recommendations for the attention of the government of Serbia and the EU institutions.
- [The EU-Serbia Joint Consultative Committee | European Economic and Social Committee \(europa.eu\)](#)

Civil society have organized in several coalitions:

- **National Convention on European Union in Serbia (NCEU)**, civil society network established in 2014 by 17 prominent civil society organisations (CSOs) as a response to the need for quality and active involvement of civil society in the accession negotiations. NCEU has more than 700 CSOs participating in its work.
- **Main aims** of the network are threefold: to support EU negotiation process, to monitor progress of the reforms and benchmarks' implementation and to to provide timely and quality informing of the citizens.

- NCEU represents an institutionalized consultative mechanism: part of the obligatory procedure on adoption of the Negotiating positions in the Committee for EU integration of the Parliament since 2014; was recognized as a channel for informing the public on the negotiation process by the Government in August 2015 and is to be consulted in the development of the negotiation positions by Negotiating Team.
- Finally, Guidelines of Negotiation team for cooperation with CS define procedure of NCEU involvement and participation in all phases and regarding all relevant documents and policies in EU negotiation process. As mentioned above, the National Convention on the European Union is an institutionalized channel for communication and consultation with civil society during the accession negotiation process.

- **Coalition prEUgovor** consists of seven civil society organizations from Serbia with expertise in various policies under chapters 23 and 24 of the European Union accession negotiations. Formed in 2013, based on the expertise in specific areas covered by above mentioned chapters. Mission of the prEUgovor is to oversee the implementation of policies in the field of judiciary and fundamental rights and Justice, freedom and security and propose measures to improve the reforms. Main product of the prEUgovor is a [semi-annual independent report](#) on the progress of Serbia in chapters 23 and 24.
- **Coalition 27** was established by civil society organizations in 2014 with the aim of monitoring and contributing to the process of harmonization and implementation of the policies and regulations of the Republic of Serbia with the EU acquis in the field of environment and climate change (Chapter 27). Coalition 27 advocates and proposes solutions that will contribute to the protection and improvement of the environment and the quality of life of citizens. Coalition 27 publishes the annual ‘Shadow Report’, that provides an overview of the achievements of the Republic of Serbia in the areas of Chapter 27 and provides recommendations on how to improve existing processes.

- The European Commission 2022 Progress Report on the Republic of Serbia concludes, among other things, that Serbia adopted a strategy for creating a stimulating environment for the development of civil society for 2022-2030, and the corresponding action plan in September 2022. The strategy indicates that in 2022, as a baseline year prior to the start of implementation, ‘practices of cooperation between public authorities and CSOs are not satisfactory’. The strategy also refers to the need to establish a council for civil society cooperation. Further efforts are still needed to ensure systematic cooperation between the government and civil society. An enabling environment for developing and financing civil society organisations still needs to be created on the ground, as verbal attacks and smear campaigns against such organisations continued.

- It is obviously that there is a lot of space for strengthening cooperation between CSOs and the state, both Government and Parliament during EU accession process.

It is needed to:

- improve cooperation of CSOs with public authorities in areas of importance for European integration through regular organization of consultations and consideration of CSO proposals in order to achieve a continuous dialogue with CSOs,
- use the expertise of CSOs in areas important for European integration and especially the rule of law, protection of fundamental rights, combatting corruption and organized crime, in order to improve security and socio-economic development,
- to encourage more CSOs to monitor progress of EU accession process,
- to jointly work on increasing the level of knowledge of the public in Serbia on accession negotiations substance, benefits from related reforms.
- To improve the position of CSOs by providing effective legal protection for members of CSOs and human rights defenders.

- Ministry of European integration closely cooperate with CSOs. We consider CSOs as natural partent toward the same goal – internal reforms and membership in EU.
- We have an open call for CSOs Since 2012, the Ministry of European Integration has been announcing calls for funding and co-funding of civil society organisation projects in the area of information on the EU and on different aspects of Serbian EU integration. By the end of 2018, seven annual public calls were organised for civil society organisations. So far, MEI has supported 43 projects from 13 Serbian cities, with over 27 million RSD. The Ministry has just announced eighth call for CSOs with the total budget of 6,500,000,00 dinars (55.000,00 euro).
- We as a ministry cooperate on daily basis with CSOs, at the first place with NCEU on different matters: representing to NCEU working groups the draft laws (and consider amendments coming from CSOs), sharing different analysis, initiatives...
- Also, MEI invited CSOs representatives to actively participate in preparation of IPA 3 Operational plans.
- We invite CSOs representatives to the Open call commision for CBC projects.
- We try to answer to quensions and give accurate information timely.

Thank You for Your attention😊