

PLANING OF EU ALIGNMENT IN BIH: REGIONAL PERSPECTIVES AND WAY FORWARD

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Introduction

This research aims at providing an analysis of the first Programme for Integration of Bosnia and Herzegovina (BiH) in the EU from a comparative regional experience. The Programme for integration represents a key comprehensive document for EU accession in the complex institutional circumstances of Bosnia after the 2004 [Programme for integration](#). Adopting an EU acquis approximation programme was one of the 14 priorities of the [Analytical report on Bosnia's application for EU membership](#) in 2019, which has not been fulfilled since. In addition to the programme being a priority from the opinion on the application, it has been mentioned as an EC recommendation in all of the reports on BiH, including the March 2024 EC assessment, as well as the EC report from October 2024. In the latest 2024 [report](#), the Commission considers the programme for EU integration as a key step towards putting in place the national programme for the adoption of the EU acquis (NPAA) upon revision in line with the comments provided.¹

In these circumstances, the regional experiences of preparing the programmes for accession by countries formally more advanced in the EU accession process are of high relevance for the case of Bosnia. For the purposes of this analysis a basic review of the EU related strategic planning in North Macedonia, Montenegro and Serbia is provided from the signing of their SAAs until today. The purpose is to trace the evolution of the strategic planning documents before and after the candidate status, in view of the preparation of the National Plans for the adoption of the acquis (NPAAs).² The planning documents are analysed in terms of their content, structure, annexes and methodology of preparation and monitoring. The three countries have also undergone through the shift between the strategic planning for the SAA implementation, NPAAs as candidate countries and the recent change with the new 2020 methodology for EU accession. Yet, as will be shown below all of the examined countries have on a relatively regular basis updated these documents as their strategic documents. Their experience is of relevance for the Bosnian case in terms of advancing the work on the NPAA as a coordinating instrument for EU acquis alignment and implementation. The analysis also examines depending on availability of data, the processes of consultation on the strategic documents in the respective country(ies). The analysis is primarily based on desk research and was complemented by input from expert interviews in the three regional cases and with interlocutors in BiH.

The analysis is structured in six sections. This introduction is followed by a background on the overall role of the NPAAs as strategic documents for EU integration. The next, third, section consists of an overview of the preparation of strategic EU accession documents in three case studies: North Macedonia, Montenegro and Serbia as relevant examples with long standing experience of around two decades of acquis alignment. The case studies examine the content of the EU related strategic planning documents prior the NPAA as well as the changes in the NPAAs over time, including with the 2020 new methodology. The fourth section zooms in on Programme of BiH and through a comparative approach examines its structure and content, with a specific section on the cluster

¹ TI Bosnia has obtained the draft Programme for integration for the purposes of this analysis.

² Known also as Programmes for accession or Programmes for European integration.

fundamentals introduced with the new methodology. In the sixth section, the analysis examines the role of CSOs as to their involvement in the strategic planning for EU integration, with a focus on the NPAAs. Lastly, the analysis provides recommendations for the national authorities and civil society organisations based on the regional analysis and with a view to the EU policy planning in Bosnia.

1. The National Programmes/Plans for the adoption of the acquis: background

The National Programme for the Adoption of the Acquis (NPAA) is a national document of candidate countries that guide the countries in their efforts to take over membership obligations. As most other EU integration instruments, they are modelled during the 2004/2007 enlargement process in the countries of Central and Eastern Europe. Candidate countries at the time, encouraged by the European Commission prepared a strategic document for adoption of the acquis as a requirement of their Accession Partnership.³ The European/accession partnerships were introduced with the Luxembourg European Council of December 1997 together with the annual assessment of the progress achieved by the candidate country, listing all political, economic and acquis related priorities that the country has to satisfy in the short run and in the long one in order to become a member of the Union. In addition, the NPAA's were also a requirement of the PHARE programme as a multi-sectoral reform strategy to guide the candidates accession preparations.⁴

The NPAA was not considered solely as an act for legal harmonisation, but a strategic document for policy-making and a central document guiding the EU accession process. In their seminal work in 1998, Krenzler et al consider that these national acquis implementing plans were always needed to ensure the horizontal and vertical coordination of national policies.⁵ While diverse, the NPAA's in this wave of enlargement generally included the legislative, institutional and financial interventions needed to adopt the acquis. Moreover, the NPAA's were a result of a process that included numerous institutions and well developed coordination mechanisms. In that vein, the success of the preparation of the document and its implementation depended on the inclusion and engagement of a variety of institutions through a successful coordination mechanism ensuring to speak with one voice.

Experience from the 2004/2007 shows that many countries have had challenges in the preparation of their first documents for this purpose. According to research at the time in the case of Lithuania, the implementation of the NPAA was significantly guided by the European Commission. It has also been argued that, at the same time, the management of the NPAA by the Committee for European integration was burdened by a high level of formalistic approach and rigidity, with a small impact in the policy creation by simply collecting materials from the ministries.⁶ In Estonia, the beginning of the process is characterised by a low level of quality of the proposed acts, insufficient analysis of

³ E.g. Accession partnership with the Czech Republic. 98/267/EC: Council Decision of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the accession partnership with the Czech Republic, Official Journal L 121 , 23/04/1998 P. 0041 – 0045, 1999/858/EC: Council Decision of 6 December 1999 on the principles, priorities, intermediate objectives and conditions contained

⁴ Evaluation of PHARE financial assistance, 2015, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-01/20150806-phare-ex-post-evaluation-final-report.pdf>

⁵ KRENZLER, Horst-Günther, *Preparing for the 'acquis communautaire': report of the working group on the eastward enlargement of the European Union*, Florence : European University Institute, 1998RSCAS PxP, 1998/06 - <https://hdl.handle.net/1814/23664>

⁶ Vitalis Nakrošis, "Assessing governmental capabilities to manage European Affairs", The case of Lithuania in *The Road to the European Union*, ed. by Vello Pettai and Jan Zielonka, Vol. 2 Estonia, Latvia and Lithuania, Manchester University Press, 2003.

the expenses and costs on the policy creation, absence of inter-sectoral strategic approach on the regulatory impact assessment.⁷ Countries such as Hungary made efforts draw up *acquis* implementing programmes and have also attempted to compensate for one of the highlighted shortcomings in the Commission's past and proposed efforts to administer the PHARE programme: the lack of central co-ordination for policies of implementation.⁸ Zubek in the case of Poland has argued that with the start of the accession negotiations the attention shifted to other planning documents, but nevertheless considers the NPAA as an essential element of the preparations for the accession and for building the capacity of what followed in terms of the alignment.⁹

The programs are "living" documents – they are updated every 2-3 years¹⁰, to reflect the developments in the *acquis*, as well as the developments in the national framework. It is not surprising that expectations of these documents over time have changed both in the candidates and at the EU level. Evaluations of the assistance to the candidates at the time has shown that over time, the NPAA's have improved significantly. Whereas the NPAA's were reasonably detailed in terms of listing assorted analyses to be undertaken, legislation to be considered for amendment or introduction etc., the initial drafts prepared in early 1998, prior to the launch of the screening, were usually far less detailed in terms of identifying the range of institution building or investment actions necessary to establish an operational capacity to administer and enforce the *acquis*.¹¹ Over time, this situation was significantly improved and led to improved coordination of both the EU accession priorities and the EU financing.

⁷ Külli Viks and Tiina Randma Liiv, "Facing the Challenges of EU Accession, Development of Accession Structures in Estonia, *International Journal of Organization Theory and Behaviour*, Vol. 8. Issue 1, 2005, pg. 28.

⁸ Grabbe, Heather, and Kirsty Hughes. *Enlarging the EU Eastward*. A&C Black, 1998.

⁹ Radoslaw Zubek, "Complying with Transposition Commitments in Poland: Collective Dilemmas, Core Executive and Legislative Outcomes", *West European Politics*, Vol 28, No. 3, 2005, pg. 604.

¹⁰ In the 2004-2007 wave of enlargement they were updated each year.

¹¹ Evaluation of PHARE financial assistance, 2015, available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-01/20150806-phare-ex-post-evaluation-final-report.pdf>

2. Regional overview from the Western Balkans

The Western Balkans candidates largely modelled up in the first decade of the 21st century their accession instruments on the examples of the CEE, discussed above. The section below provides a general overview of the National Programmes for approximation of legislation in the Western Balkans looking at the cases of North Macedonia, Montenegro and Serbia. It provides a short overview per country of the horizontal planning documents for EU accession after the signing of the respective SAAs between the EU and the countries, with a focus also on the reporting and consultation mechanisms. The analysis provides an overview of the strategic planning documents for EU integration prior to the candidate status and after the candidate status. The NPAA is primarily a document which relates to the latter period, but nevertheless its origins and predecessors have shaped largely the preparation of the NPAA and are covered for that purpose.

North Macedonia

2001–2005. Pre candidate status: the first programme for approximation with the EU

By signing the SAA in 2001, the first [*National Programme for approximation of the national legislation to the legislation of the European Union*](#) was prepared, and thereafter updated annually. In 2004, the Government of the Republic of Macedonia adopted the *National Strategy for European Integration* as the fundamental document for all further activities in connection with the preparation for full EU membership. As part of the Action Plan for implementation of SAA, the Sector for European Integration of the Government of the Republic of Macedonia prepared two documents: First, a programme for harmonisation of the national legislation with the legislation of the European Union as a review of the relevant European legislation that needs to be transferred in the domestic legislation as a priority, with determined time table and responsible authorities. During the determination of the priorities the following documents were taken into consideration: SAA, the White Book for entrance in the EU Internal Market for the countries with the status of associate member, certain priorities from national interest for the economy of the Republic of Macedonia, expressed through the macro-economic policy for the year 2001 and the Framework for Development 2001-2003. Second, it also prepared a matrix for following the SAA implementation is a document prepared with the basic aim, to help everybody that is working and will work on the implementation of SAA, to have an overview of all the responsibilities that emerge from SAA and to realize them in proper time, including through regular updating of the Programme. In parallel, the country in this period prepared separate Action Plan for the European/Accession partnerships in [2005](#) in which the measures are planned according to the priorities of the European partnership document.

Post 2005: Candidate status and adoption of the NPAA

The first National programme for the adoption of the acquis was first prepared in [2006](#) and was reviewed and updated annually with the activities arising from the regular communications by the European Commission on the progress made by the Republic of Macedonia as well as from the short-term and medium-term priorities of the Accession Partnership. Its adoption marked a conceptual change – a shift of the target from approximation of legislation as required by the SAA to the adoption of the entire acquis. The first NPAA ambitiously set 2010 as a target date for adoption of the acquis in line with the Declaration submitted with the application for membership in 2004. In the following years this deadline was postponed usually by two years after the revisions, although with the passing of time it largely lost its relevance. Still, the expectation was that the document would contain measures within a period in which the country in question would be ready to take on the obligations of EU membership.

The key documents constituting the first NPAA which is maintained until today is the following: Key narrative document in addition to three annexes: Annex 1 Legislation; Annex2 Institutions and Annex3 Financial Needs. The internal structure of the chapters of the key narrative document from 2006 is as follows: first, the chapter presents the State of play/Current situation (legal framework, level of approximation of the national legislation with the acquis and the policies of the European Union, institutions in charge of the implementation of the legislation and their capacity). Second, it presents per sub-area the planned reforms, including legislative and policy planned changes. Third, it presents the institutional framework, including the activities for building capacities in the given policy areas. Last, it presents the foreign assistance in the given chapter/areas. The activities have been divided into short-term priorities (1-2 years) and medium-term priorities (until 2010), with the former being significantly more detailed.

The steps of the methodology of the NPAA programming are: identification of the problems at legislative and institutional level in view of the EU acquis, development of appropriate NPAA aims and activities *i.e.* NPAA matrix of aims and activities (these are linked to the accession priorities/EU recommendations). The process is supported by a portal managed by the Secretariat for European Affairs as the coordinating body.

According to the 2006 NPAA, the Secretariat for European Affairs has the obligation to present regular reports to the Government of the Republic of Macedonia, in addition to the quarterly reports that are to be submitted to the European Commission. Unlike in the other cases examined below (Montenegro and Serbia) the practice of submitting reports in the case of North Macedonia as to the NPAA implementation has been irregular. There are only a few public reports available as to the implementation of the NPAA over the years, including due to a poor management of documents related to the EU accession overall.

In North Macedonia, the Programme was planned to be revised annually, for the purpose of its updating and upgrading, as was the case in the countries of the 2004/2007 enlargement. There are revisions between 2009-2018 on an almost annual basis, with a purpose to include the new acquis, potential changes in competences and institutions at the national level, but mostly due to unfulfilled

commitments leading to postponement of the deadlines.¹² According to the interlocutors in North Macedonia, after the first preparation of the NPAA, the revisions were significantly simpler efforts.¹³

Since 2021 with the [new EU methodology](#) the NPAA in North Macedonia was restructured according to clusters, although the logic and methodology of the document remains largely the same. The revision of the NPAA 2021-2025 contains sections on the functioning of democratic institutions and the public administration reform as new areas of the negotiations. In addition, the NPAA revision underwent also changes to the internal structure of the chapters. The internal structure of the document as per the new methodology, for each chapter/ area, generally contains the following parts:

- Findings and recommendations from the last EC Report
- Brief summary of the priorities for the following period
- Current situation (achievements compared to the previous period)
- Short-term and medium-term priorities (in some chapters even long-term priorities)
- Legal framework (strategic framework and harmonisation of the legal framework)
- Institutional framework (capacity building and implementation)
- Programmes and projects (budget programs, IPA and other foreign assistance)

The NPAA 2021-2025 of North Macedonia contains the following standard annexes:

- The matrix of objectives and activities envisaged by NPAA 2021-2025, as well as carrier institutions, the participating institutions and the deadlines for implementation;
- Annex 1 - Overview of the national legal acts that are subject to harmonisation with the EU legislation (with the EU measures and the international standards), including indicative deadlines for adoption, competent institutions and the status of the procedure for their adoption;
- Annex 2 – Working post distribution and needs for strengthening the administrative capacities;
- Annex 3 - Projected budget funds;
- Annex 4 - Instrument for Pre-Accession Assistance (IPA) and other foreign assistance, including TAIEX trainings. This Annex also shows the link between the strategic areas of the donor assistance, the Clusters, the IPA 3 strategic windows and the NPAA Chapters.

As can be seen when comparing the first and the most recent NPAA the structure of the document has evolved in terms of its content, annexes and adaptations to the new methodology.

The preparation of the NPAA is coordinated by the Secretariat for European Affairs with the participation of the Working groups for the preparation of the NPAA and the negotiations. This institutional structure for the 35 chapters was established already in 2007 with a [decision](#) published in the Official Gazette. While it has been amended over time, the underlying structure of the

¹² [Link to the base. NPAA 2009; NPAA 2010; NPAA 2011; NPAA 2012; NPAA 2013; НПАА 2014; NPAA 2015; NPAA 2016; NPAA 2017](#)

¹³ Interview with former civil servant in North Macedonia.

working groups per chapter, and in certain cases per sub-chapter has been rather constant over time. Each of the chapters has an assigned leading Ministry that is responsible for the preparation of the text and all the accompanying sections of the NPAA.¹⁴ The role of the Secretariat of European Affairs is to coordinate the activities of the working groups, determine the methodology of the work for the NPAA preparation, monitors the work of the working groups, maintain the documentation, consult with the donors and give an opinion as to the alignment of the NPAA with the strategic programmes.

External stakeholders have been consulted in the NPAA preparation process, without much information as to the outcome of these consultations. As a recent practice, the 2021 NPAA was sent in a draft form for a broad consultation to registered CSOs in the country, with slight interventions made afterwards.¹⁵ The feedback mechanisms, however, in the policy making process are rather weak and in this sense, no major interest has been generated in the overall consultations. Yet, CSOs depending on areas participated in the work of some of the working groups upon invitation from the line ministries responsible for the specific chapters for the preparation of the draft document in various other reform processes. My interlocutors often times provided examples of participation of CSOs in working groups for specific legislation and policy processes which were included in the NPAAs over the years.

Montenegro

2007-2010: Pre-candidate status: SAA and the National Program for Integration

Montenegro adopted the National Program for Integration of Montenegro into the EU (NPI) 2008-2012, available in [English](#) and in [Montenegrin](#) in May 2008, after the signing of the [Stabilisation and Association Agreement \(SAA\) in](#) October 2007. Montenegro which at the time of the adoption of the NPI was already submitting its application for membership in the EU announced already in the NPI that it will represent the National Plans for the adoption of the acquis with a target to fulfil the membership obligations on its side by 2012. In the case of Montenegro, also the NPI is structured not only according to the SAA, but more broadly as per the structure of the acquis chapters.

The NPI of Montenegro 2008-2012 has six main sections:

1. Political criteria
2. Economic criteria
3. Ability to assume obligations from EU membership
4. Administrative and judicial capacities for the implementation of the Acquis
5. National version of the Acquis
6. Financial assessment of NPI implementation

During the implementation of the NPI, the country became a candidate status in December 2010.

¹⁴ See: <https://www.sep.gov.mk/data/file/Publikaciji/pregovori-za-clenstvo.pdf>

¹⁵ See: <https://www.sep.gov.mk/post/?id=5782>

Post 2010 candidate status: Programme of Accession of Montenegro to the EU

The EU opened accession negotiations with Montenegro on 29 June 2012 and started the screening process which lasted until the end of June 2013. In December 2013 the Montenegrin government adopted the [first Programme of Accession of Montenegro to the EU \(PAMNE\) 2014-2018](#). The Programme has been revised nine times since with the last revision in 2024. On the 16th intergovernmental conference between Montenegro and the EU held in January 2024, the EU confirmed that Montenegro has, overall, met the interim benchmarks set for Chapters 23 and 24, paving the way for concluding of the accession negotiations.

The structure of the PAMNE includes three main parts and four annexes:

Main chapters:

1. Introduction to the chapter - includes a brief description of the chapter with the most important features, including the division into sub-chapters, where relevant, as well as list of competent departments and institutions that have plans for a given chapter within the document.
2. Strategic framework - includes planned measures and activities related to future measures/activities foreseen by the document, which are related to the ability Montenegro to assume the obligations arising from EU membership in each of the 33 chapters, with appropriate deadlines for implementation.
3. Legislative framework - also includes the planned regulations that Montenegro should adopt, bearing in mind the new legal acquis that should be transferred to the national legal system, indicating the degree of compliance and deadlines for implementation.

Note: the PAMNE even after the adoption of the new methodology is still structured by chapters, not clusters.

The PAMNE has the following annexes: Annex 1. Overview of criteria for closing negotiation chapters¹⁶; Annex 2. Pre-accession support of IPA II and IPA III; Annex 3. UN AGENDA 2030, EU agenda and IPA sectors III; Annex 4. Acronyms

As a particularly strong element of the Montenegrin NPAA, there is easily available information on its implementation. The government reports each quarter on the realization of the PAMNE are available on the [official website](#) of the Government and its [web portal on EU](#). The method of consultation is through a [regular public call for consultation](#) for a period of 15 days in which any interested stakeholder can provide comments and suggestions. The question remains however, how meaningful are the consultations for such a document for over a short period of time. On this note, in the case of Montenegro, one must keep in mind that CSOs are members of the working groups for the EU negotiations and have a different mode of participation as far as the other documents of the negotiations are concerned.¹⁷

¹⁶ This is a new/renamed section which advances the Montenegrin programme in accordance with the Interim benchmark assessment report from the Commission.

¹⁷ For details see Marovic, J. [Position Paper: the Curious case of Montenegro](#), 2020

A **novelty** introduced recently in line with the improved practices of policy making and consultations is the preparation of a report of the consultations process which is also available online at the depository of documents for Montenegro's EU accession. A [report](#) is uploaded as to the held consultations with stakeholders in the preparation of the Programme for Accession of Montenegro to the EU for 2023-2024 and should be viewed as a best case practice in the context of the consultations and providing of feedback to stakeholders.

Serbia

2008 – 2012 National planning for EU prior to the candidate status

After the signing of the [Stabilisation and Association Agreement \(SAA\)](#) in April 2008, Serbia adopted the [National Programme for Integration of the Republic of Serbia into the European Union \(NPI\) 2008-2012](#) in October 2008. The NPI was the first comprehensive document which served as the basis for planning all legislative, institutional, and administrative measures in the European integration process. The first coordination mechanism of the Republic of Serbia for monitoring of the Programme implementation was also established. The NPI is structured in six main sections:

1. Political criteria;
2. Economic criteria;
3. Ability to assume the obligations of membership;¹⁸
4. Administrative and judicial capacity;
5. Preparation of the national version of the EU acquis;
6. Assessment of the financial needs (budget and EU funds) to support the implementation of reforms in all areas.

While this was at the time seen as an exercise of the government, it foresaw a role for civil society and other stakeholders in the implementation and monitoring of the document.

Post 2013: Candidate status and formal adoption of the NPAA

After obtaining candidate status in March 2012, Serbia adopted the Adopted [first National Programme for the Adoption of the Acquis \(NPAA\) \(2013-2016\)](#) which replaced the NPI in February 2013. The NPAA was first [revised in 2014](#) following the start of the accession negotiations in June 2013 and the first EU-Serbia Intergovernmental Conference held at the end of July 2014. The [second NPAA revision](#) was in 17 November 2016, while the [third NPAA revision \(2018-2021\)](#) was adopted in March 2018.

The structure of the NPAA includes three main parts and two annexes:

1. Political criteria; 2. Economic criteria; and 3. Ability to assume the obligations of membership.

¹⁸ Unlike the case in North Macedonia, the NPI of Serbia covers the 35 chapters of the acquis and not the SAA structure

Annexes: Annex A - Plan for alignment of legislation of the RS with the acquis of the European Union and a review of implementation measures; Annex B - Measures planned within the process of translation and preparation of the national version of the Acquis.

On the 21 July 2022 the fourth NPAA revision, available on the [website](#) of the Ministry of European Integration in [Serbian](#) and in [English was adopted](#). This version of the NPAA is the first one to be prepared following the structure of the new methodology and is organized in clusters with an assessment of the legislative acts through a simple methodological approach (Level of compliance with EU legislation is assessed with 1 or 2 : 1 – partially harmonised; 2 – fully harmonised. Unlike the previous documents which dealt with the admin capacities at the end, in this case the NPAA assesses the capacities in each of the sub-areas of the chapters of the acquis. Similarly as in Montenegro, quarterly reports on the implementation of the NPAA are available on the [website](#) of the Ministry of European Integration. This document has much less narrative description as comparison to the early documents and focuses primarily on the legislative acts, as is the case with the most recent revision of the NPAA in [2024](#). This latest revision also underlines that the planned activities are also complementary with the activities in the Reform Agenda and the recently adopted Growth Plan of the EU.

Unlike in the other countries, where the revisions have been on an annual basis mostly, in the case of Serbia, the revisions were made due to specific advancements in the EU negotiations process. The first revision of the NPAA was adopted by the Government with the opening of negotiations on accession to the European Union in 2014, while the second revision was adopted after the screening was completed – during the receipt of the screening report, the preparation of action plans for meeting the benchmarks for opening negotiations in particular chapters, and the preparation of negotiating positions – in 2016. The third revision was adopted on 1 March 2018, in order to align the deadlines with the current state of the European integration process. The 2022 revision was adopted in order to adapt the NPAA to the requirements of the new methodology. The Ministry of European Integration is responsible for preparing quarterly reports on NPAA implementation, which it submits to the Government for review and decision-making and to the National Assembly of the Republic of Serbia for information.

The NPAA in Serbia according to interlocutors is mostly a government led project and CSOs use it to hold the government accountable for the fulfilment of the undertaken obligations for EU integration, as confirmed in interviews for this analysis. On a different, albeit related note, Serbia has institutionalized the National Convention for the European Union as a 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 civil society define procedure of NCEU involvement and participation in all phases and regarding all relevant documents and policies in EU negotiation process.¹⁹

¹⁹ For details see Medjak, V. [Accession negotiations between Serbia and the EU: Involvement and Engagement of CSOs](#), 2020

3. The programme of integration of Bosnia and Herzegovina

Background

Although planned for more than ten years, ever since the ratification of the Stabilisation and Association Agreement between EU and BiH in 2015, the adoption of the Programme of integration in BiH was a cumbersome process. Several documents played such role in the previous periods including first, the [2015-2018 Reform Agenda](#), adopted by the BiH authorities in late 2014 and, second, the [Action Plan for the Implementation of Priorities from the European Commission Analytical Report](#) adopted by the Council of Ministers in 2019. The latter It contains 729 planned measures for implementation of 115 priorities set by the European Commission Analytical Report. Civil society organisations in Bosnia were very critical at the time of the plan, outlining that also in that documents the prioritisation of the measures and priorities did not match the phase of Bosnia and Herzegovina's EU accession.²⁰

Adopting a programme for the adoption of the EU acquis was one of the 14 priorities of the [Analytical report on Bosnia's application for EU membership](#) in 2019, which has not been fulfilled since. As a result, this obligation has been repeated by the European Commission's reports afterwards and has been an element of the Reform Agenda for the Growth Plan of the EU as confirmed by my interlocutors. In addition to the programme being a priority from the opinion on the application, it has been mentioned as an EC recommendation in all of the reports on BiH, including the March 2024 EC assessment, as well as the EC report from October 2024.

In the latest 2024 [report](#), the Commission once again reiterates the need to ensure a track record in the functioning at all levels of the coordination mechanism on EU matters, including by developing and adopting a national programme for the adoption of the EU acquis. The Directorate for European Integration finalised the programme for EU integration, and submitted it to the European Commission in March 2024. This programme for EU integration is a key step towards putting in place the national programme for the adoption of the EU acquis (NPAA); it should be revised in line with the Commission comments provided, in view of agreement with the Commission on the NPAA.

The process of adoption of the draft programme lasted from September 2020 when a methodology for the preparation of the NPAA was adopted until early 2024. In effect, the process lasted more than the planned period of implementation of the key document. Its preparation has been a cumbersome process in which the difficulties of the decision making system in BiH have taken their toll as confirmed by the reports of its preparation.

The Programme was prepared through the working groups of the coordination mechanism.²¹ The Collegium for European Integration, the highest political body in the coordination system, unanimously decided at the very beginning of the Programme's development back in 2020, that

²⁰ See response from CSOSs, available at: <https://eu-monitoring.ba/akcioni-plan-nepotpun-neadekvatan-i-nerealan/>

²¹ [Decision on the system of coordination in the process of european integration in Bosnia and Herzegovina](#) and [Decision on the establishment of the working groups for European integration](#)

the Programme would be developed within the Coordination Mechanism. This means that the first draft of the Programme (working paper) is the result of the consensual work of the Commission for European Integration and 36 working groups for EU integration, which collectively comprise more than 1700 civil servants representing all levels of government in BiH.

The Commission already in [2019 in its analytical opinion](#) notes that the functioning of the mechanism needs to be improved in the light of lessons learned from the preparation of the answers to the Commission's questionnaire. Such process has highlighted the need to make full use of all the bodies of the coordination mechanism. A clear distribution of competences and enhanced cooperation between different levels of government will be essential for the successful management of the next stages of EU integration. A similar assessment has been made at several occasions since.

Analysis of the draft BiH programme for integration from regional perspective

Bosnia prepared its Programme for Integration as a working programme and as a tabular representation of the activities directed at the implementation of the EU recommendations and sent it to the EC in early 2024. As the first comprehensive countrywide strategic document of BiH in the EU integration process, each negotiating chapter of the Programme of Integration includes the following:

- a) Action Plan for alignment of BiH legislation with the EU acquis (NPAA),
- b) Action Plan for the implementation of the EC recommendations and
- c) Overview of administrative capacities.

The circumstances of the adoption of the Bosnian NPAA make the preparation of a single document a significant milestone. Still, given that this programme aims at presenting a strategic vision for the European integration process, a comparative analysis on the key points building up on the regional examples discussed above would assist in advancing this programme. The overview of the programmes of previous and current EU candidates demonstrates a variety of methodologies and approaches. However, some basic features of the documents are common to all the programs and are the basis for the analysis below, structured in five points including the organization of the Programme, its time span, structure, coordination and institutional responsibilities, as well as the administrative and financial capacities. In each of the sections below, the analysis provides a summary of the key features across the region and assesses the programme of BiH in this respect.

The *acquis* as a starting point of the Programme

As can be seen from the above examples of the NPAAAs, the underlying expectation is that a candidate country has to adopt the whole *acquis* before accession. It is up to the country in which national legal acts it will transpose the *acquis* and through which institutions and in which manner it will implement and enforce it. However, there are some rules for transposition, provided in the

acquis itself, including the jurisprudence of the Court of Justice of the EU.²² This main logic of the NPAA/NPEI implies the methodology for elaboration of the Programme, its structure and content. While all NPAA/NPEIs vary in the scope of the *acquis* they encompass, all of them at least include the *acquis* that was part of the screening – for the country concerned or the latest screening for the candidates.

The Draft BiH Programme does not follow this approach of the *acquis* as the starting point of the exercise and does not outline a clear methodology for the preparation of the document. It consists of an incomplete compilation of national legal acts that need to be aligned with the *acquis*, with some chapters entirely missing. Furthermore, the BiH programme lacks an assessment of the current level of alignment with the *acquis* even to a certain extent and does not contain a narrative explanation of the state of play and strategic priorities, including a medium or long term vision. Given that in the case of Bosnia the screening is upcoming it would be advisable to review the documents available as to the screening materials presented to the other candidates, such as North Macedonia and Albania which are available online.

In view of this assessment, **it is recommended** that for each chapter/cluster a short explanation of the EU *acquis* is provided, as well as assessment of the gap between the *acquis* and current state of affairs. This should be followed by a narrative text on the national measures – at legislative and institutional level.

Time frame, regular updating and reporting of the programme

As evidenced from the examples above, the NPAs are revised regularly because of several reasons. On the one hand, the *acquis* is a moving target and on the other, the candidates legislative and institutional set up also undergoes change. In the 2004-2007 enlargement for the purposes of creating time pressure, the programme used to be updated annually, now they are updated every 2-3 years, as can be seen from the regional analysis in the previous section. In addition, the update should express possible changes in the national institutions and plans for the adoption of the *acquis* also in terms of the plans for the full alignment with the *acquis*.

In addition, the above presented examples showcase the need for regular reporting on the implementation of the respective programmes. While North Macedonia does not have a positive track record in this respect, Montenegro and Serbia have regular quarterly reports for the entire periods of the NPAA implementation. In the latter two cases this is due to the accession negotiations and the pressure they create on the institutions for regular monitoring of the programme. Regular and robust data collection is instrumental also for the successful management of the accession negotiations overall.

The BiH draft programme is planned for four years. However, as the Programme was being prepared for almost the same time with significant delays, it has already become outdated. Since the Program

²² Not elaborated here, as they are usually part of a national transposition methodology.

should include action needed for the adoption of the whole *acquis*, it is realistic to set the timeframe for certain actions longer than 4 years. In BiH, in order to have the capacity for regular follow-up of the *acquis*, the working groups for European integration should be given the task to regularly follow the *acquis* in their chapter in a medium and long term perspective. Along the same lines, it would also be advisable to include a section on monitoring, evaluation and quality assurance in the document itself.

Structure of the programme:

The comparative review of regional programs reveals that the main common elements of the program are:

- Legislative plan (SRB, MNE, MK)
- Plan for institutional strengthening (SRB, MK)
- Overview/plan for budgetary allocations and IPA allocations (MNE, MKD).

While the Serbian and Macedonian program are structured according to the new cluster structure introduced with the new methodology, the Montenegrin is structured according to chapters.

The Draft NPEI of BiH is comprised of three matrices for each chapter:

- Action plan for alignment of BiH legislation with the EU *Acquis*;
- Action plan for the implementation of the EC recommendations;
- Overview of administrative capacities.

In the submission letter to the EC, DEI BiH identified that the first action plan is the NPAA.²³ The Methodology instructs that the second action plan (for implementation of the EC recommendations) should include measures “that are not related to alignment. i.e. transposition of the EU measures”. These include recommendations from the EC report (analytical and annual), SAA bodies’ recommendations, TAIEX missions recommendations, etc referenced both in the legislative plan of the Document and as main tasks in the second action plan – for implementation of the EC recommendations. This approach leads to numerous repetitions, as well as lack of unified approach to taking over obligations of membership – adoption, implementation and enforcement of the *acquis*.

The negotiating frameworks for acceding countries clearly state that “accession implies the acceptance of the rights and obligations attached to the Union and its institutional framework, known as the “*acquis*” of the Union and that “in addition to legislative alignment, accession implies, in particular the timely and effective implementation of the *acquis*”.²⁴ Acceding countries are

²³ Directorate for European Integration, Bosnia and Herzegovina, Letter of submission of Programme of integration to the European Commission, March 2024

²⁴ As in the last negotiation frameworks for Albania and North Macedonia.

expected not only to integrally adopt the EU *acquis* and ensure its full implementation and enforcement.

While such plans were done in the past in some of the countries for the accession partnerships, the logic of the NPAA is different. While it is important to consider the EC recommendations, the NPEI should not be a set of responses to the EC recommendations, but an own plan of how to adopt the whole *acquis*. Furthermore, EC recommendations from the annual report do not refer to the whole *acquis* in the relevant chapter, but only to certain priorities. While it is understandable that the EC recommendations are pointed out due to the specific coordination challenges of BiH, they should be considered as a source for elaboration, but not the primary starting point of the *acquis*.

Coordination and responsible institutions

All of the examined programming documents in the region identify key institutions responsible for the transposition of the *acquis*, subsequently responsible for monitoring of the developments of EU legislation in specific chapters and sub-chapters in the medium and long term. The level of detail in their approaches vary, but in general it is considered to be as specific as possible in terms of the department responsible for the purpose of building the capacity and ownership of the EU integration process.

In the Bosnian draft programme, the columns in the proposed action plans identify the "Level of government" and "Institutions". It is not clear which institution is responsible for a single task and which will be the coordinator. It is not clear whether the proposed actions are a compilation of proposed actions by the responsible institutions or another approach was applied, as for a number of actions it is noted that the relevant institutions have not proposed an action. The Draft NPEI states that it was adopted at the level of the Committee for European Integration. The Methodology for its elaboration sets out that any disagreements would be addressed at the "higher level of the system of coordination". It is not clear whether this approach has been applied and whether it is effective. It seems that a change of methodology is needed in order to ensure that the document is consistent.

Administrative capacities and financial resources

All of the examined NPAA's above contain a detailed section on the administrative capacities for taking on board the obligations of the *acquis*. These take various formats whether at the level of chapter, or as a separate annex, but in all cases outline the necessary staff support for implementing the obligations of the *acquis*, including training needs. All of the examined NPAA's above contain a detailed section on the financial resources for taking on board the obligations of the *acquis*. These take various formats whether at the level of chapter, or as a separate annex, but in all cases outline both the budgetary resources as well as the planned funds from international funds, such as IPA.

Needless to say, most of the NPAA's contain disclaimers concerning the accuracy of the financial estimations. The [2006 NPAA of Macedonia](#) states that: the present estimates are not final, nor complete. The planned funds of the national budget will be subject to changes as result of the actual NPAA developments, additional tasks to be carried out required by the acquis, other activities that could not have been foreseen at this time, and according to possibilities of financing, including the pre-accession funds. In the next period, detailed projections will have to be drawn as regards budget development, foreign assistance programming, as well as requirements in individual areas. For example, the financial impact of the implementation of the environmental acquis, was not completely included in the calculations. In order to enable comparability and consistency of data collected, in consultation with the Ministry of Finance, the Secretariat for European Affairs prepared a **standardized list of costs** for the main categories of expenditures.

The BiH document does not provide a plan for institutional building needed for taking over obligations of membership, but a number of employees in the responsible institutions (only until 2025). Other institutional building measures, such as trainings, setting up coordination systems, IT infrastructure, etc. are not included, or are included in the Action plan for addressing EC recommendations. Similarly, the draft Programme does not contain Budget/needed financial resources for the planned actions.

The fundamentals cluster of the first NPAA of Bosnia and Herzegovina

The fundamentals cluster introduced with the 2020 revised methodology for EU accession has had an impact over the strategic planning for EU accession, i.e. the NPAA's in the region. This has stirred a revision of the structure in North Macedonia and Serbia, while Montenegro has kept the structure of the chapters in their NPAA. This cluster incorporated the areas of the functioning of democratic institutions as a new element of the negotiations together with the public administration reform. Alongside these areas, the chapters which were previously part of the fundamentals first approach include chapters 23: judiciary and fundamental rights, chapter 24: justice, freedom and security, chapter 5: public procurement, chapter 18: statistics and chapter 32: financial control were also included, besides the economic criteria.

The "**functioning of democratic institutions**" -pillar of the so-called "Fundamentals" cluster is the one of the main novelties of the **2020 revised methodology**. The purpose of the inclusion of the functioning of democratic institutions in the accession negotiations was strengthening the impact of the accession process on the democratic transformation of the candidates. At the same time, in the 2020 methodology, the Commission commits to "better define the conditions set for candidates to progress, in particular through its annual reports, which need to be objective, precise, detailed, strict and verifiable" (page to be added). The formal understanding of the EU conditionality in relation to the functioning of democratic institutions is to be found in the screening reports for North Macedonia and Albania published in the summer 2023: *Building on the revised Enlargement methodology of February 2020, the functioning of democratic institutions requires a specific structured engagement. To be meaningful and comprehensive, this has been developed along three main pillars: (1) the electoral process, including the functioning of the electoral administration, media in*

the election campaigns and the financing of political parties and election campaigns; (2) the functioning of parliaments in a democratic system; (3) the role of civil society, including the legal, regulatory and policy frameworks for civil society organisations (CSOs), as well as the wider context for an enabling environment. 1

A detailed overview of the structure of the functioning of democratic institutions is provided in the screening presentations provided to North Macedonia and Albania.²⁵ This roadmap also to be prepared by negotiating countries. The regional NPAs with the exception of Montenegro also follow largely this structure of the area.

While the area of **public administration reform** was previously included in the annual reports for the countries, it is in 2020 that it became a part formally of the accession negotiations. The areas covered by PAR include the SIGMA principles and the country will need to also prepare a roadmap for PAR as an opening benchmark for the cluster 1. In this context, the activities in the draft programme should provide the basis for the preparation of the PAR roadmap for the accession negotiations.

The current structure of the BiH programme for integration of does not correspond to the EC's approach in the fundamentals cluster in view of the areas added, including the functioning of democratic institutions as well as the public administration reform. The section on political criteria would need to be substantially reworked in view of the new methodology and the inclusion of the functioning of democratic institutions in cluster 1. The repetition of many of the recommendations will need to be removed and linked to the specific chapter. As it stands at the moment, many of these links are missing.

As far as the chapters 23 and 24 are concerned, the organisation of the Programme of Integration does not follow the structure of the respective chapters. A potential way forward would be to restructure the chapters according to the screening materials, i.e. the EC presentations for chapters 23 and 24 which are available online and also correspond to the structure of the EC report. In the least for the sub-structure of the chapters the measures and activities would need to be organised according to the areas of the chapters which is currently not the case. For example, for chapter 23 these include judiciary, fight against corruption, fundamental rights and rights of EU citizens, with their respective sub-areas.

In the short and medium term, the revised activities in the programme would need to set the basis for the preparation of the roadmaps for the functioning of democratic institutions, rule of law and public administration reform, with the latter two being an opening benchmark for cluster 1 according to the new methodology. The examples of draft from North Macedonia and Albania can also be instrumental in this respect.²⁶ In addition, when revising the programme in this segment,

²⁵ The screening materials for North Macedonia are available at the following [link](#).

²⁶ The roadmap for rule of law for North Macedonia is available at https://www.sep.gov.mk/data/file/Patokazi/20231218_MK_RoL_Roadmap.pdf

complementarity with the Reform Agenda activities especially in the area of democracy and rule of law would need to be ensured.

4. Way forward: role of CSO in the EU integration planning in BiH

Building upon the discussion above, the preparation of the first NPAA in Bosnia has significance over the long-term underpinning of the accession process. As can be seen from presented analysis above, the civil society organisations have not had major prominent roles in the drafting of the NPAAs in the region. The BiH document does not include information on the consultation process during drafting, nor on involvement of relevant stakeholders. As in other cases in the region, it is likely that the document will be consulted through the regular consultation procedures. Given the overlap of the start of the accession negotiations in the case of Bosnia, it remains to be seen what role will CSOs have in the overall process. The two models explained above of the inclusion of CSOs in the accession negotiations in Montenegro and Serbia are two of the varied options which exist in terms of the format of CSO participation.

Needless to say, there is always the possibility for the CSOs to advocate in their respective areas of work through the line ministries and to ensure that part of their advocacy activities are included in the NPAA. The [decision on the coordinating mechanism of BiH](#) contains the following provision in point 7 of article 9 which has often times been used in other circumstances: *Depending on the work to be done by a Working Group, the chair of the Working Group, in agreement with their deputies, may invite representatives of other institutions from all levels of government in Bosnia and Herzegovina, non-governmental organisations, experts and practitioners and any other non-members to take part in its meeting.*

At the same time, the NPAA is also a tool for holding governments and parliaments accountable in terms of delivering on the EU commitments. As a result, a system for regular and transparent monitoring reporting must be incorporated in the planning, as can be seen from the cases of Serbia and Montenegro presented above. One of the positive examples specifically in terms of incorporating feedback in the NPAA comes from the case of Montenegro and the public report prepared from the NPAA consultations.

In view of the above presented analysis, the common advocacy point for CSO remains the overall proactive transparency of the process, with a strong emphasis on the monitoring and reporting. At the moment, the draft programme does not include a clear system of monitoring and reporting on the obligations, which has been done in the more advanced cases of Serbia and Montenegro. Such a system of coordinated gathering of data would be essential for building of the capacities of the institutions, but also ensuring information on the process for the stakeholders and interested public.

The participation of CSOs in the fundamentals cluster is one of the key issues for further attention in the broader European integration process. Regional experience shows that some areas, i.e. chapters of the accession process are more open to the CSOs with usual overpopulation in chapter 23: judiciary and fundamental rights. The challenge of streamlining many interests and positions is

evident and in these areas coalition building has shown to be of much use.²⁷ In contrast, in some chapters that are perceived as areas of "exclusive" competence of the state such as chapter 24, the CSOs have less opportunity to participate and influence the processes. However, in Chapter 24, as the accession process evolves and with the democratization of society, as well as under the influence of various internal and external factors such as citizens' demands for greater accountability, the migrant crisis from 2015 onwards, the new security risks and challenges faced by the state authorities in prevention and fight against radicalization and terrorism, hybrid threats, etc., for example – the CSOs have an increasingly important role.²⁸ Lastly, the inter-relatedness of chapter in relation to these two chapters as the basis of the fundamentals creates a need for specific forms of CSO cooperation.

5. Recommendations

Recommendations for the national authorities in BiH:

- *To structure the Programme according to the acquis by including at least all the acquis that has been presented at the last explanatory screening. In this case that would be the screening for North Macedonia and Albania.*
- *The recommendations should be a source for the elaboration of the Programme, but within a consistent and comprehensive approach to be incorporated in line with the acquis,*
- *To plan for a longer period, preferably until full preparedness for EU accession .*
- *To set a timeframe for regular update of the Programme, including an obligation for working groups for EU integration to follow the acquis.*
- *The revision of the Programme would need to include a clear identification of the coordinator of the specific actions and supporting institutions.*
- *To include a section on institutional building per cluster/chapter that would strive to identify institutional building needs at all levels, including coordination mechanisms. This effort could contribute to improve coordination of the EU integration process, based on the acquis, considering the complex constitutional structure of BiH.*
- *To present the financial resources needed for the approximation process through the foreign assistance, even with indicative figures.*
- *To hold meaningful consultation processes with reports from the consultations as some of the cases in the region.*

Recommendation for the CSOs in BiH:

- *To build internal capacities for participation in the EU policy approximation process, while maintaining links to their constituents on the ground;*

²⁷ See for example [Network 23](#) in North Macedonia or [PrEUgovor](#) in Serbia.

²⁸ Krstinovska, A, (2021) [Guidelines for inclusion of the civil society organizations in chapter 24](#), Eurothink, Skopje

- *To participate and use mechanisms for formal participation in the relevant policy making; processes linked to specific areas of their work and in relation to specific chapters of the EU accession;*
- *To advocate for feedback in the consultation processes to ensure meaningful participation in the policy making;*
- *To build issue based alliances for advocacy on key issues, especially related to the fundamentals;*
- *To advocate for transparency in the EU accession process through regular information, feedback and avenues for participation of various stakeholders.*



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