

Seminar on Regulatory Impact Assessments

The 8th and 9th of February 2011 the Safety Infrastructure Project held a seminar on the development of Regulatory Impact Assessments (RIA). The seminar aimed to create a common frame of reference for members of the expert teams, who have the task of transposing EU technical regulation into BiH regulatory framework.

At the seminar, Radmila Urta, Directorate for European Integration, initially made it clear that the use of RIAs will be an integral part of the ongoing transposition of EU regulation - not only for the technical regulation but also in other jurisdictions. In other words, there will be a so-called institutionalization of the use of RIAs. It is therefore of great importance for the civil servants to be familiar with the principles and possibilities of RIAs.

The participants at the seminar represented a wide range of public authorities both from the state level and the entity level and for a large part it was the first time they were presented to the concepts of RIAs. The seminar was conducted by the Hungarian expert Dr. Peter Futo.

For the new technical regulations, two different types of RIAs - full RIA and initial RIA – will be used. The latter type is expected to be developed by the civil servants. These RIAs call for a relatively limited research efforts which to a large extent can be carried out as desk research. The result of the work will typically be a 5-10 pages document which

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identifies the primary stakeholders, the economic importance of the area being regulated, the existing legislation and the main differences that the new regulations entail, as well as issues related to standardization and market surveillance/inspection.

The second type of RIA – the so-called full RIA – is based on more advanced methods of analysis. For these RIAs statistical data, economic analyses, interviews, surveys, round-table meetings, etc. are used. The result is typically a document of more than 50 pages that addresses a wide range of effects that the new legislation will have on various stakeholders, public authorities and economy.

Regardless of the type of RIA developed, the purpose is the same: to facilitate a structured discussion on the impact of the legislation and possibly to initiate actions to mitigate or minimize the inappropriate consequences.

As a part of the Safety Infrastructure Project, a website has been established with more information about RIA – see: www.dei.gov.ba/bih_i_eu/RIA_u_BiH/?id=6557





Domestic guidelines to support implementation of new technical regulations

The results of the ongoing process of introducing new technical legislation based on EU directives are a number of ordinances published by the Ministry of Foreign Trade and Economic Relations. To ensure that the content of the new ordinances are equivalent with the EU directives, the formulations are very close to the original texts.

EU directives are aimed at the authorities in the EU member states and require authorities formulate legal acts that ensure a uniform level of protection for users of industrial products in all EU. In addition to this, the regulations in the Member States shall ensure a free trade of industrial products across the borders. Therefore, the wording of the directives - and thus also of the ordinances - is often a little vague.

However, this "flexibility" incorporated in the texts can leave the users of the legislation with some uncertainty about the understanding of individual articles and therefore the EU Commission has developed a so-called EC Guidelines which are attached to each of the directives and constitutes a significant contribution to the interpretation of the texts.

Within the Safety Infrastructure Project, six of these EC Guidelines have been translated into local language and introductory chapters to each of the selected guidelines have been added. When these "domestic guidelines" are finished, they will be uploaded on the website of the Ministry of Foreign Trade and Economic Relations so that all users of the related technical regulations can get help in relation to the interpretation of the articles of the ordinances.

Training of civil servants

The introduction of a new set of technical regulations based on a completely different philosophy than the existing regulations has a huge impact on the businesses regulated. However, the companies and the private economic operators are not the only stakeholders who are facing challenges. Also, the ministries and civil servants who will be responsible for the implementation of the new regulations shall within a short period adapt their procedures to the new system.

In order to ensure a smooth and easy transition to the new regulatory framework, the Safety Infrastructure Project is planning to carry out training seminars for civil servants with the overall objective to establish a common understanding of the principles of the New Approach Directives and the Single Market. The training is planned to be divided into modules addressing different topics such as the role of Quality Infrastructure, how to eliminate technical barriers to trade and the European conformity assessment system (Global Approach).

Since the responsibilities in respect of the implementation of new technical regulations are divided among several ministries and institutions, the invitees will represent ministries at state and entity level. The seminars will take place in Sarajevo in the period May-June 2011.

Study trip to Sofia

In the period from the 14-18 March 2011, small delegation from the Ministry of Foreign Trade and Economic Relations

visited the central state administration in Sofia, Bulgaria, to learn about the process Bulgaria went through before its accession to EU on the 1st of January 2007.

The objective of the study trip was to enable participants to acquire knowledge on how the responsibilities for the transposition of technical regulations have been distributed in a country that recently joined the EU. In addition, the aim was to familiarize the BiH representatives with the manner in which the process of transposition and implementation of technical regulations was conducted and as well as with the framework legislation mechanism.

The study trip was a great success. The Bulgarian lecturers were very knowledgeable and the MoFTER representatives were provided with high quality presentations. Furthermore, the meetings with high level civil servants resulted in constructive discussions and comparative analyses of the situation in BiH and Bulgaria before its accession to the EU.

The exchange of information with the host institutions in Bulgaria has provided the MoFTER staff with a clearer perspective of the processes they are to deal with and possible new ways to resolve the issues arising on the path to EU accession.

Integration Program

"Published in DEI bulletin in October 2010"

During the discussions of the representatives of the Directorate for European Integration with the journalists of 12 media involved in the project, "Localization of the European Union", the director of the Directorate for European Integration, Ms. Nevenka Savić, mentioned that one of the two main priorities of DEI in this period refers to activities related to development of Integration Program.

Namely, the Directorate for European Integration prepared and the Council of Ministers at its 130th session held on 19th August 2010 considered and adopted the Communication on Development of Integration Program. The Directorate for European Integration is in charge of having consultations with the relevant institutions at all levels of government in Bosnia and Herzegovina in connection with the preparation of the Integration Program, and to finalize this task by the end of January 2011. Also, the DEI is in charge of drafting the Program of Integration of Bosnia and Herzegovina into the European Union in cooperation with relevant institutions at all levels of government in BiH.

This strategic document would offer the best answers regarding all obligations in the process of accession to the European Union while respecting the constitutional structure of the country and the division of responsibilities between levels of government in BiH. Thus, the Integration Program would be a comprehensive planning document that would include an Action Plan for implementation of priorities of the European Partnership with BiH, the Program of Measures for Implementation of the Interim Agreement/Stabilization and Association Agreement, as well as the Program of Harmonization Priorities in the legislative activities for the implementation of the European Partnership and the Interim Agreement. This is a strategic document that will be used for elaboration of the plan for meeting the criteria for EU

membership and the plan for harmonization of domestic legislation with the EU legislation, and at the same time the document provides a basis for monitoring implementation of all obligations in the process of accession to the European Union. This comprehensive planning document may also contain budget projection for its implementation.

In this context, it is necessary to point out the obligations undertaken by BiH in accordance with the provisions of Article 70 of the SAA. This Article has entered into force upon signing of the SAA (16.6.2008.). Namely, BiH is obliged to ensure gradual harmonization of the existing and future legislation with the *Acquis Communautaire*, and the proper implementation and enforcement of the existing and future legislation. Additionally, this Article states that the harmonization shall be carried out based on the program that will be agreed between the European Commission and Bosnia and Herzegovina. In addition, Article 70 of the SAA indicates that the European Commission and BiH shall thoroughly agree regarding the way how to monitor the process of harmonization of legislation and actions to be taken in the implementation of the law.

Immediately after the adoption of Communication on Development of Intergration Program at 130th session of the Council of Ministers, in accordance with the conclusions of the Council of Ministers, the Directorate for European Integration has initiated the necessary activities related to consultations and preparation for the drafting of the methodology of this document. The Directorate gets important assistance in these activities from technical assistance project "EU Support to DEI".

Market Surveillance according to EU practices

Member States of the EU has turned from national systems for pre-market control of products (before products are placed on the market) to a fully harmonized system based on post-market control of products (control of products already placed on the market). This system has proven to be very efficient since it is fully harmonized within the European Economic Area (EEA), offering suppliers a fair competition and since it opens up for co-operation in between all Member



States of the EU. BiH is currently preparing the implementation of the legislation harmonized with EU Directives, which implies that the market surveillance infrastructure has to be adapted to the new forthcoming situation.

Our market surveillance expert, Dag Bjorklof, gave three 2-day workshops in Sarajevo, Banja Luka and Brcko respectively, to present the application of the new legislation under implementation concerning safety and health requirements for consumer products, and how to control products on the

market with market surveillance activities in line with EU practices. Post-market surveillance activities are most efficiently planned as campaigns for certain product categories covered by the new legislation, e.g. some common electrical products and machines for consumer use covered by new BiH laws coming into force next year. To this Dag Bjorklof recommended to follow-up products reported as non-safe and which are withdrawn from the market by market surveillance authorities in the EEA.



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