

Short-Term Mission on

Activity 2.1 “Assessment on legislation”

- Workshop 1/1 and Seminar 1/1 -

within CARDS Twinning Project BA05 IB AG 01

Sarajevo, 05th – 09th March 2007

Mission Report

1. Name and function of the Experts:

Dr. Barbara Meentzen

Senate Department of Employment, Woman, Health, Youth and Social Issues of
Bremen, Germany

Dr. Norbert Rehm

Bavarian State Ministry of the Environment, Public Health and Consumer Protection,
Munich, Germany

Dr. Ansgar Aschfalk

Federal Research Institute for Animal Health, Institute of Epidemiology, Wusterhausen,
Germany

2. Objective and tasks of the mission:

The objective of the activity is to review all State veterinary legislation to check for overlaps with entities/cantonal regulations based on principle state veterinary law.

The German experts will carry out one Workshop 1/1: "Gap analysis of BiH legislation and regulatory framework" and one Seminar 1/1: "EU institutions and procedures as well as introduction of EUR-Lex".

3. Time schedule of mission:

5th of March 2007

VENUES:

09h00	Sarajevo	Study of legislation, SVO Contact person: Darko Čobanov
11h00	Sarajevo	Meeting with the Task-Force working group “Legislation” Speaker: Mr. Jozo Bagarić State Veterinary Office in BiH Mr. Nihad Fejzić State Veterinary Office in BiH Ms. Nada Rajković FBiH Minutes of the meeting (annex)
15h00		Study of legislation, SVO Preparation of workshop 1/1 and seminar 1/1
17h00		END OF DAY ONE

6th of March 2007

VENUES:

09h00	Sarajevo	Study of legislation, SVO Preparation of workshop 1/1 and seminar 1/1 Contact person: Darko Čobanov
17h00		END OF DAY TWO

7th of March 2007

VENUES:

09h00	Sarajevo	Study of legislation, SVO Preparation of workshop 1/1 and seminar 1/1 Contact person: Darko Čobanov
17h00		END OF DAY THREE

8th of March 2007

VENUES:

09h00	Sarajevo	Study of legislation, SVO Preparation of workshop 1/1 and seminar 1/1 Contact person: Darko Čobanov
17h00		END OF DAY FOUR

9th of March 2007

VENUES:

10h00	Sarajevo	<u>Workshop 1/1</u> : “Gap analysis of BiH legislation and regulatory framework” <u>Seminar 1/1</u> : “EU institutions and procedures as well as introduction of EUR-Lex”. Presentations of workshop and seminar (annex) Speaker: Ms. Barbara Meentzen Senate Department of Employment, Woman,
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Health, Youth and Social Issues of Bremen

Mr. Norbert Rehm

**Bavarian State Ministry of the Environment, Public
Health and Consumer Protection**

Mr. Ansgar Aschfalk

**Federal Research Institute for Animal Health
Institute of Epidemiology**

13h00

Meeting with the Task-Force working group
“Legislation”

- presentation of the first review
- work out a “to-do list”

Speaker:

Mr. Jozo Bagarić

State Veterinary Office in BiH

Ms. Nada Rajković

FBiH

Mr. Drago Nedić

RS

Minutes of the meeting (annex)

17h00

END OF THE VISIT

4. Results of the Mission:

The results of the mission according to the tasks 1. - 7. of the corresponding working plan are as follows:

Task 1

Identify the legislative tasks and agree with the Task-Force “Legislation” about priorities, and needs of the BiH counterparts with reference to the legislative tasks.

Situation:

The “Candidates Progress Editor” computer programme - to be used by all new EU-candidates - to list the EU legislation in comparison with the existing legislation in BiH and its major contents lists more than 2.000 different EU-regulations, EU-directives, and EU-decisions in the sector of veterinary medicine.

This is confusing to identify priorities. First it has to be evaluated which are the priorities of the catalogue of the “Candidates Progress Editor” computer programme.

Recommendations:

The annexed papers show a list of EU Basic veterinary legislation which is found in Vetlex-computer programme and consequently in the Taiex “Candidates Progress Editor”; this helps to point out the priorities.

The EU Veterinary legislation is differentiated into:

- Horizontal Legislation
- Vertical Legislation

Vertical Legislation is differentiated into:

- Trade
- Health protection and disease control
- Animal welfare
- Vet. Medical and Biotechnical Products
- Foodstuff

and at the end there is a list of

- EU legislation related to veterinary border inspection procedures.

The abbreviations must be used to make differences regarding for example “Animal Health” and “Public Health”.

It is necessary to use EUR-Lex in case of every actual EU-regulation, EU-directive, and EU-decision, as they are very often subjected to modifications. In EUR-Lex it is possible to find the amendments and consolidated versions, the dates of entry into force, implementation or end of validity. See also www.eur-lex.europa.eu and the presentation within seminar 1/1 (annex).

It is necessary that every EU legislation corresponding to BiH legislation has to be subjected to an (juridical) examination.

Task 2

Agree on a working structure (team structure) and methodology (strategy for legislative development) for the future work. It should be regarded that BiH experts should be enabled to continue to work on issues and to prepare drafts in between the foreign expert missions.

Situation:

The scheduled FVO Mission in BiH (planned for September/October 2007), concerning the evaluation of the veterinary services should find a situation clearly advanced in relation to the last FVO Mission in 2000.

Recommendations:

The comparison of the results of 2000 and the progress until now added to the future tasks, started on working-group level during our last mission should be continued. A matrix has been discussed and drafted to show the changes meanwhile done and the necessary tasks to be fulfilled until start of the scheduled FVO mission in autumn 2007.

Task 3

Discuss the proceedings of the veterinary law with particular view on the needs of the secondary legislation.

Situation:

A considerable number of secondary veterinary legislation exists, separately for the entities, possibly not corresponding to EU standards?

Recommendations:

Once the Candidates Progress Editor is completed for primary and especially secondary veterinary law for BiH and for all entities, the status and further progress may be easily evaluated and gaps to EU legislation are easily identified.

Task 4

Agree about the preparation of tables of concordance showing the compliance of EU provisions with existing or planned primary and secondary legislation.

Situation:

See also Task 1. However, for the reason of EU-compliance it is necessary to have the national primary and secondary legislation translated into an official EU language (i.e. English).

Recommendations:

Preparation of tables of concordance should start, whenever a national primary or secondary legislation (existing or planned) is translated. These tables should also qualify the national legislation as sufficient/not sufficient to the EU legal framework.

Task 5

Lay down the findings as discussed and evaluated and create a “to do” list for the Task-Force “Legislation” to be accomplished until the next expert mission.

Situation:

The different approaches concerning basic veterinary law have been discussed:

- Legislation of a (new) EU member state (i.e. Slovenia): is it possible/useful to use Slovenian basic veterinary law as a model for BiH (advantage: harmonised with EU legislation)?
- Amend basic veterinary law of BiH (advantage: based on structure of BiH)
- Combination of both

Recommendations:

Evaluation of Tired 1 -3 until start of activity 2.2 “Support for drafting national regulations and directives”

Task 6

Define a way of reporting the activities progress and ongoing documentation of the work results.

Situation:

There is a need for information about all ongoing projects within the entire Twinning Project.

Recommendations:

Working groups of the BC should report monthly their activities/results to RTA. This enables RTA to draft more clearly working plans for the STE as they get the opportunity to start their preparations for the single mission just in their home country.

Task 7

Define the gaps and constraints existing for the preparation of secondary legislation and define a roadmap and steps for the finalisation of the secondary legislation.

Situation:

Still undefined

Recommendations:

Should become part of activity 2.2 “Support for drafting national regulations and directives”.

Task 8

Agree to an indicative time frame to work out the legislation, including experts visits, if possible considering that activities should be designed until end of 2007.

Situation:

Deadline should be the FVO mission in September/October 2007

Recommendations:

See Task 5

Task 9

Carry out Seminar 1/1: EU institutions and procedures as well as introduction of EUR-Lex

Situation:

None

Recommendations:

None

See also the presentations to the seminar (annex)

5. Remarks

It has been shown evident during the whole mission that the administrative system on state-, entity-, cantonal and municipal level seems to be a solid construction. However, there is the important need to clearly define the chain of command, the competences and the forms of communication within the veterinary services. The constitutional background, based on the Dayton Agreement, offers only a small space which should be used for elaboration and implementation of primary but also for secondary legislation.

6. General remarks concerning the project

The working atmosphere at the meetings was friendly and open. All participants were cooperative and answered questions extensively and honestly. Within the workshop and the seminar, there was an active and constructive discussion.

Since the mother language of the experts is German, it was very helpful to use German and Bosnian language during workshop and seminar because of an excellent interpreter.

Name:

Dr. Meentzen

Signature

Name:

Dr. Rehm

Signature

Name:

Dr. Aschfalk

Signature