

Recommendations for Better Inclusion of Croatian Stakeholders in European Decision-Making Processes

Zagreb, November 2017



American Chamber of Commerce in Croatia *Američka gospodarska komora u Hrvatskoj*

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Introduction

From 21 February 2003, when Croatia applied to become a member of the European Union, to 1 July 2013, when it became a full member, Croatia achieved considerable socioeconomic progress accompanied by reforms and social transformation. The process of European integration does not end with the accession of a Member State to the Union. To be able to meet its obligations arising from the membership, as well as to implement EU acquis, a Member State has to continue with the processes of socioeconomic development. This also means adapting appropriate administrative structures with the objective of ensuring conditions for harmonious integration.

As a relatively new member of the EU, Croatia is not making full use of the possibilities to be actively involved in adopting legal acts and creating policies at EU level. In meetings of EU working bodies Croatia is often restrained and does not actively participate in discussions. At the same time, global investors seeking opportunities to invest in the EU are following the developments in European institutions as the engagement of individual Member States with respect to certain acts is a good indicator of their business climate and proper regulation of the market. In that context, the low level of activity demonstrated by Croatia can put out of focus the opportunities for those investors to invest in Croatia. In addition, the investors that have already invested in Croatia draw attention to the practice of other European countries that actively involve the business community in the processes of collecting information for forming national positions.

From that perspective, AmCham recognizes Croatian businesses as a valuable resource, taking into account their specific expertise on individual subjects. Therefore, the objective of this position paper is to encourage a more active cooperation between the bodies responsible for forming the positions of Croatia on EU initiatives and acts and other members of the interested public. This implies the inclusion of these parties in the phase preceding the referral of a certain act to the formal European legislative procedure, that is, in the processes of forming positions to be discussed at the level of the working parties of the Council of the European Union.

Overview of the situation in Croatia

The process of adopting European legislative proposals is initiated when the European Commission (the only EU institution authorized to initiate the adoption of EU legal acts) submits a legislative proposal to the Council of the European Union and the European Parliament. European institutions, primarily the Council of the European Union, forward the proposed acts and topics to be discussed to national authorities. The central body for communication with European institutions (in Croatia this is the Ministry of Foreign and European Affairs) forwards the materials it receives to the institutions responsible for specific policy issues. The Croatian institution responsible for a particular issue before European bodies—the creator of the position—prepares a position draft and the basis for the Croatian position on a particular subject, which then go through other steps of the formal procedure (which include other actors, for example, the Interdepartmental Working Group for European Affairs, Coordination Body for Foreign and European Policy of the Government of the Republic of Croatia, and Permanent Representation of the Republic of Croatia to the European Union). Different competent bodies have different approaches to creating those positions. In AmCham's experience, some bodies include the members of the interested public in this process, while others do not.

AmCham suggests introducing a single standardized process for forming national positions for all competent bodies which would include mandatory public consultation with the representatives of the interested public. Creating a single process for taking positions would enable more effective and transparent administration of that process, which would ensure adopting comprehensive, inclusive and better-quality positions for Croatia, as well as for all other stakeholders. This manner of adopting positions is also in line with the “better regulation” principles, which are actively implemented by the bodies of the European Union, and the Programme of the Government of the Republic of Croatia for the 2016-2020 Mandate, which includes taking steps towards the modernization and digitalization of the operation of the public administration.

The Croatian Parliament can be pointed out as an example of good practice, as it publishes online EU documents, including the positions of the Republic of Croatia on proposed EU legal acts, an overview of directly submitted EU documents in Croatian language, and a work program for discussing the positions of the Republic of Croatia for the current year.

Recommendations

In order to establish the proposed system, it would be necessary to enable all members of the interested public to follow the European decision-making process, which would enable all members of the interested public to be systematically informed about the current and the planned EU initiatives and to express their positions on the subjects on the agenda or those that will soon become a part of the agenda.

The interested public would thereby have the role of an additional source of information, examples of good practice or views on the subjects being discussed. It would help the competent institutions to obtain a complete picture of a particular subject.

The following solutions could be considered to realize the aforementioned:

1. Launching an Internet portal that would allow following the complete progress of EU initiatives that have business implications in all procedural steps, from their beginning, in one place.
The portal should enable all interested parties to get space in which they can present their positions on a certain subject. Systematic follow-up and update of the information on the portal would ensure the continuity of the engagement of Croatia on European issues from the very beginning of an initiative to the final adoption of legislation, which can often take years.
2. Establishing a work model between persons appointed to working parties of the Council of the European Union by the Government of the Republic of Croatia and members of the interested public, with the objective of efficiently using the information obtained.

Active involvement of Croatia in the work of European institutions is extremely important for the economy. One of the most immediate ways to get involved is through the work of the individuals appointed to working parties of the Council of the European Union. Their role is extremely responsible and requires ensuring sufficient time and resources which will allow continuous participation in meetings and access to previously adopted positions, as well as the possibility of their

coordination regardless of the department to which they belong. Also, in order to ensure the efficiency of that system, the Ministry of Foreign and European Affairs, as the coordinator of European processes, should have an efficient system for monitoring the compliance with the obligations arising from the participation in the work of European institutions, in this case, in the work of the working parties of the Council of the European Union.

Conclusion

Inclusion of stakeholders outside of public administration institutions in the processes through which Croatia participates in forming EU legislation from the earliest phase would have multiple positive effects:

- 1) Open and inclusive approach would enable better-quality national positions, the formation of which would be influenced by attitudes, opinions and experiences of a larger number of experts.
- 2) This form of including Croatian stakeholders in initiatives for creating policies from the very beginning would also facilitate transposition of those legislative solutions in national legislation and reduce the resistance of the Croatian public arising from the perception of insufficient involvement in the process.

Adoption of EU legal acts is often a long process that can last up to ten years from the beginning of an initiative to the final adopted document. That time period is longer than an individual mandate obtained by a government based on the trust of the citizens. Introducing systematic follow-up and information procedures on EU initiatives and a single standardized process for forming national positions for all competent bodies (with mandatory public consultation with the representatives of the interested public) would significantly contribute to ensuring continuity and stability of Croatian policies and positions with regard to the processes of European decision-making.

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