

FOCUS

How much work awaits Montenegro under Chapter 9 — Financial Services

Interview

Director General at the Directorate for European Integration in the Justice Ministry, Svetlana Rajković

EU Challenges

Would Scotland and Catalonia need to apply for EU membership in case of independence



Foreword:

Vladan Žugić

Podgorica

A few acquaintances of mine told me that DPS is bound to take the office in Podgorica, because the advantage of a single parliamentary seat that was won by DF, SNP and ELP won't be enough to break them. They were right. The same happened after the local elections in Nikšić two years ago. It seems that 50 plus one is no longer enough for the opposition in Montenegro to win.

A few observations are in order. At the start of negotiations, **Vujica Lazović** called on DPS, as well as on his own party, SDP, to each give in a little in order to reach a compromise. This is a little strange, coming from SDP's chief negotiator. Pozitivna fell apart a day before DF, SNP and ELP were to reach an agreement. And finally, **Dragan Bogojević** wistfully announces that it was his desire to see both DPS and the opposition in power, on the day when the opposition was supposed to sign the agreement that would ensure that DPS will stay out of office. I say supposed to, because even if all the leaders and the five local MPs agreed on a minority government, goodness knows whether all 30 MPs would keep the agreement in the local parliament.

The results? SDP is no longer the deal-maker sought out by both DPS and the opposition. Both have grown tired of its games. Either it will remain satisfied with whatever it can get out of DPS or some of its party members will turn rebellious – a scenario that appears to be increasingly likely in the near future. Already after Nikšić, Pozitivna seemed ready to go the way of LS and PzP, and there is very little chance to stay in the game. DF will beat itself for trusting SNP, although it really had no other choice if they wished to get into power in Podgorica, and SNP will continue to look wise and do nothing.

The opposition needs to go through another round of purgatory, but for DPS's the victory in Podgorica is only a short sojourn in the gates of heaven. The demands from EU and NATO and the loans that await repayment in 2015 are anything but.

Calendar

08 August

Food security system needs to be improved / President of the German Federal Institute for Risk Assessment in the area of Food Security (BfR) **Andreas Hensel** said during his visit to Montenegro that the Montenegrin food security system functions well at the moment, but that it needs to strengthen administrative and institutional capacities as it approaches the market of 500 million people.

22 August

The EU has no particular stand on exports to Russia / Montenegrin government has not received any official recommendations from EU on its economic relations with Russia, says the Ministry of Foreign Affairs and European Integration. Earlier, the EU Foreign Ministers said that the EU expects candidate countries and third countries to refrain from using EU sanctions to Russia to increase their exports.

23 August

Merkel: Countries of the Region move toward the EU at a snail's pace / German Chancellor Angela Merkel said that all countries of the region have a European perspective, and that the membership depends on how fast they implement reforms: 'Countries cannot be left alone. Even when there is progress in the region, it's going at a snail's pace.'

28 August

Conference on Western Balkans in Berlin / Leaders of six Western Balkan states promised in Berlin that they will work hard on EU accession-related reforms, cooperate more among each other, and resolve disputes, while German Chancellor Angela Merkel promised not to forget them and that they are all welcome in the EU when they meet the conditions. As chairperson of the Conference, after having met with Prime Ministers of Montenegro, Albania, Kosovo, Macedonia, Serbia, and BiH, as well as with Prime Ministers of Croatia, Slovenia and Austria and representatives of France and the European Commission, Merkel said that the Participating countries agreed on the need to undertake additional steps to fight corruption and organised crime. Western Balkan countries underlined their readiness to implement additional reforms in ensuring legal certainty in their respective countries, enhance independence of the judiciary and step up cooperation under the cross-border, regional and bilateral frameworks.'

30 August

Tusk President of the European Council, Mogherini Chief Diplomat / EU leaders chose Polish Prime Minister Donald Tusk to be new President of the European Council and Italian Minister of Foreign Affairs Federica Mogherini to be High Representative of the Union for Foreign Affairs and Security Policy.

Germany and the Balkans



By: Miša Đurković

Although leaders from the region have already tried to use the 28 August conference in Berlin for marketing purposes as something revolutionary, the truth is that this event is not of very high importance. The conference titled 'Western Balkans Business Meeting' was organised by the Federal Ministry of Economy. The first thing to know is that this entire region makes 1% of Germany's foreign trade which illustrates very low importance of the region in economic terms. Yet, economic profile of the Balkns becomes increasingly important because of possible political, social and geopolitical consequences of the debacle these economies are about to face.

Slovenia has become one of the EU black holes, incapable to deal with potential bankruptcy on its own. As of recently, Croatia has also joined the club having in mind that its debt went over 100% of GDP and has thus turned to Brussels for some form of economic foster care. Serbia and Montenegro follow right behind, while Macedonia and BiH aren't even able to put economic issues on the agenda in fear of possible break-up of their respective countries.

On the other hand, judging by the **Juncker** Commission's programme it is clear that the enlargement will not be a priority. As far as Germans are concerned, Croatia's accession put an end to it for a long time. But in times when Balkan economies are falling apart, and inter-ethnic tensions are visibly increasing, Germany has a clear intention of leaving the region without any, and especially European, perspective in a very cautious manner. Therefore, the forthcoming conference will serve to scan the state of play, identify space for possible improvements, and maintain the appearance of European Perspective of the Balkans so that the leaders from the region have something to return home with.

The entire event should be seen from the perspective of Germany's growing role in Europe and this part of the word. The Brits and the Americans have, after 2008 and the recognition of Kosovo independence, shifted their attention to the Middle-East, which resulted in the 'Arab Spring' and everything that has happened since. In the meantime, Germany has slowly started to fill that vacuum by strengthening its presence. In

the Balkans, they have started to seriously compete with the other two powers which also have similar ambitions – Russia and Turkey – and at times even challenged the Brits and the Americans. Developments concerning Nord Stream have already shown that there are issues over which German elite shows readiness to confront the Anglo-American factor. Victory over Cameron on the Junker's Commission, extremely reserved position on the Ukrainian crisis, defending of the Euro, and preparations for stronger fiscal coordination within the Union, and even the gatherings such as this one in Berlin, show Germany's intention to defend its interests and take over leadership, where possible.

Where does this leave us? Serbian foreign policy, as everything else, is lead by its Prime Minister who has neither had a plan, nor the institutions, nor serous advisors. Most of his energy is directed toward three goals: to establish a system similar to Đukanović's, where full control over money and media is of paramount importance, to retain the approval rates, and to find the funds abroad to finance it all, no matter the exponential growth of country's debt. Here, foreign policy is collateral damage and boils down to improvisation, maximum promises and extorted offerings to the great powers of whatever doesn't put at risk the prospect of staying in power. This is how one day are all about Russia, the next day we have a clear pro-EU position and offer to be a reliable ally, and the day after repeat that the US is our most important partner, thus claiming that the Crimea is a part of Ukraine and initiating criminal investigation of NIS privatisation.

Germans are still happy with **Vučić**. And why wouldn't they be as there isn't anything he wouldn't do for them. Including rewriting history and claiming what we haven't been worthy partners and good allies to Germany and its people. I don't know if this also applies to the Kaiser, the Third Reich, **Kohl's** or **Genscher's** tearing of Yugoslavia, etc.

The author is an associate at the Institute of European Studies, Belgrade

Source: NIN weekly magazine, Serbia

Plenty of work under Chapter 9 – Financial services, expected to be opened by the end of the year

Short on good laws and money



By: Svetlana Pešić

Once Montenegro opens negotiations Chapter 9 - Financial services - which is widely expected to happen soon - its greatest challenge will be to adopt new and amend old legislation regulating this vast area, as well as to secure the necessary funds for their implementation. Laws on the Central Bank of Montenegro, on banks, on the protection of deposits, bank bankruptcy and liquidation, securities, insurance, compulsory motor insurance, accounting and audit, economic investment funds, voluntary associations, pension funds, financial guarantees, obligations, bankruptcy and administrative procedure... Just listing the laws which will need to be either amended or replaced by new ones is enough to get an understanding of the variety of issues covered by Chapter 9 and its effect on everyday life of the people who should, at the end of the negotiation process, be able to benefit from wider variety of banking services, insurance services, as well as a better pension system, a more secure and efficient electronic trading...

In short, Chapter 9 concerns harmonization of national legislation with the acquis in the area of banking, insurance, pension system, securities market and investment services, and financial market infrastructure. Chapter 9 also concerns efficiency in the implementation of legislation by relevant institutions (Central Bank of Montenegro, the Securities Commission and Insurance Supervision Agency), as well as inter institutional cooperation aimed at ensuring stability of financial market and the financial consumer protection.

In the screening report, the European Commission has found that Montenegro is 'sufficiently ready' to start accession negotiations without the opening benchmarks.

Chapter 9 concerns harmonisation of national legislation with the acquis in the area of banking, insurance, pension system, securities market and investment services, and financial market infrastructure

According to Brussels' terminality, Chapter 9 is divided in four areas: banks and financial conglomerates, insurance and occupational pensions, securities markets and financial market infrastructure.

European Commission 2013 Progress Report on Montenegro found that 'some progress' has been made in the field of financial services, in particular in aligning banking legislation with International Accounting Standards, adopting implementing legislation in the area of insurance and the securities markets, and strengthening insurance supervision capacity. Furthermore, the European Commission found that, overall, the level of alignment of national legislation with the acquis is 'moderately advanced.' However, in the Screening report which was published in May 2014, the European Commission found that Montenegro is 'sufficiently ready' to open accession negotiators without the opening benchmarks.

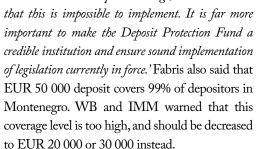
In a statement for the European pulse Vice-Governor of the Central Bank and Negotiator for Chapter 9 Nikola Fabris said that Montenegro will have to adopt a set of new laws in order to comply with the commitments under this chapter. These include the Law on banks, Law on additional supervision of financial conglomerates (for now, Montenegrin legislation still does not recognize the term 'conglomerate'), Law amending the Law on bank bankruptcy and liquidation, and amendments to the law on the protection of deposits. Another issue to focus on in the coming period will be the position of micro financial institutions and credit unions, which are not recongised by EU legislation. When it

comes to the issue of deposits, we need to increase mandatory deposits which currently amount to EUR 50 000 per depositor per bank on EUR 100 000.

According to Chairman of the European Integration parliamentary committee **Slaven Radunović**, deposit coverage level of EUR 100 000 per depositor laid down in the relevant EU directive should be achieved by adoption of a new law, before entering the EU.

Fabris does not believe it being realistic to increase deposit coverage level from current EUR 50 000 to EUR 100 000 before the EU accession because,

as he pointed out, in order to switch to this protection system it is not enough to simply change the legislation, thus underlining that this will require funds Montenegro currently does not have. He expects that this will become possible over time, as the Deposit Protection Fund gets bigger: 'It wouldn't be good to simply adopt a law which requires EUR 100 000 deposit coverage, and then realize



Radunović underlined that this example shows deceptiveness of statistics. He underlined that 'regardless of the fact that Montenegro has 99% coverage level per depositor which suggests that it should be happy with this model, the remaining 1% is in fact a great challenge for the country. This incomparably small percent of deposit is of utmost importance for the banking sector.' One of the EU requests is that deposits cannot be protected in case of court decision that they were acquired through

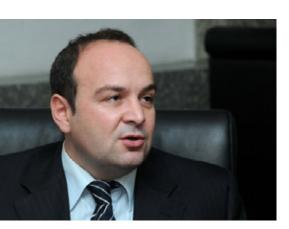
Montenegro will have to create a guarantee fund to compensate damage caused by uninsured or unknown vehicles.

criminal activities. Also, Montenegrin legislation is currently not in line with EU regulations concerning electronic commerce, aimed inter alia to protect those who use bank cards on daily basis.

As for insurance and occupational pensions, Montenegro has been facing many challenges in this area. When it comes to occupational pensions, the state imposes an obligation on employers to pay contributions to the so called employee fund, which to some extent alleviates negative consequences of the problem related to nonpayment of obligatory contributions. According to Fabris, when it comes to insurance, Solvency II Directive will be particularly challenging for Montenegro because it requires significant funds. Namely, Solvency II Directive establishes a modern, risk-based system for the supervision of insurance and reinsurance undertakings. These new rules are of key importance for secure and stable insurance sector which can offer sustainable insurance and provide long term investments and stability for the real sector.

Fabris underlined that Montenegro will try to





Nikola Fabris



gradually switch to the Solvency II Directive, by adopting a new Law on insurance by the end of 2018. Montenegro asked for a transitional period of five years to start implementing this directive, but in the end accepted the suggestion of shortening this time to three years instead.'

A key argument to ask for a transitional period was that this directive was adopted only in 2009 and isn't being completely implemented in all EU member states either. The goal is to complete harmonization with Solvency I Directive, and do the same with the II only after it starts to be fully implemented in the EU. In the coming period Montenegro will ask for technical assistance for its implementation.

The screening report found that one of the challenges for Montenegro will also be motor insurance. The single premium rules, i.e. rules regulating territorial validity of the third party insurance policy in Montenegro, and all EU member States. The first directive is ensured by the so called green card system, which is a basic package. The second directive whose implementation in Montenegro will be particularly challenging for Montenegro concerns creation of the guarantee fund for compensation of damage caused by uninsured or unknown vehicles.

In line with relevant EU regulations, the sums

amount to up to one million per compensation request or five million per incident. This refers to all compensation requests related to the accident, 1 million EUR for damage made to persons involved and 1 million for material damage.

Ivana Šaranović-Jovićević from the Insurance Supervision Agency said that 'this year in Montenegro, the largest insured sum will be EUR 600 000, and in the next three years EUR 800 000. We have only one motor vehicle category classification which does not exist in the EU. In the EU there is a single limit which is 1 million EUR regardless of the type of the vehicle. Also, we will need to have the Law on compulsory insurance which recognizes both material and non-material damage, remove different categories of motor vehicles from the law as the EU does not recognize this form of categorisation.'

In the sub-sections on securities markets, financial services and financial market infrastructure, the key challenge is adoption of the Law on the Capital Market, which was expected to be adopted last year, then in the first quartile of this year, and now – according to the government work programme – this law is expected to be adopted in the last quarter of 2014.

Director General of the European Integration Directorate at the Ministry of Justice, Svetlana Rajković

We have breached some AP deadlines but we are on the right track

Director General of the Directorate for European Integration at the Ministry of Justice Svetlana Rajković said that, although a number of measures from Action Plans for Chapters 23 and 24 remain unimplemented, it is clear that work has been done on all issues, as well as that almost all activities will have been implemented before long, despite the breach of deadlines. In her answer to the question on the key reasons behind the delay in meeting the commitments from the Action Plans, she said that the implementation of measures contained therein depends on various factors, the most important being the administrative capacities and financial resources. Under Chapter 23, the key challenges we faced in 2014 concerned an ambitions legislative activity whose dynamics depends on efficiency of the working groups, availability of foreign experts and obtaining the necessary opinions, comments and suggestions on draft laws - both from relevant state institutions, as well the European Commission. Also, under Chapter 24, implementation of certain measures depended on availability of financial resources from external funds, such as donations and projects.'



As you may know, Montenegro submits two semi-annual reports to the European Commission on the implementation of measures from the action plans. One in January, in the form of a contribution for the sub-committee on Justice, freedom and security, and one in July, as part of the contribution to the Progress Report. In addition to this, in order to improve quality of implementation monitoring, we introduced quartile reporting to the Government, in April and in October.

According to data from the latest report for Chapter 23, in the first half of 2014, out of 281 measures which were expected to be implemented over the reporting period, 182 measures, i.e. 65% were implemented in line with the AP; 50 measures, i.e. 18% were partially implemented, while 49 measures, i.e. 17% haven't been implemented.

According to the report prepared for the first quartile of 2014, covering the period from January to

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March 2014, under Chapter 23 – from among 245 measures, 146 measures, i.e. 59% were implemented, 40 measures, i.e. 16% were partially implemented, while 59 measures, i.e. 24% were not implemented at all.

As for the level of implementation of measures under Chapter 24, in the first half of 2014, from among 125 measures, 89 measures, i.e. 71% was implemented in line with the Action Plan, 28 measures, i.e. 22% was partially implemented, while 9 measures, i.e. 7% haven't been implemented.

According to the report prepared for the first quartile of 2014 – in the period January-March 2014 – under Chapter 24, from among 94 measures, 56 measures, i.e. 60% was implemented, 26 measures, i.e. 28% was partially implemented, while 12 measures, i.e. 13% were not implemented.

By comparing data from the latest two reports, progress in the implementation has clearly been made, and we also need to take into account that the number of measures to be implemented under Chapter 23 was increased by 41, and under Chapter 24 by 31 measures in just one quarter of the year.

Deadline for III reporting period is 30 September, which is expected to show further improvement in the implementation of measures under both chapters.

» What could be the possible repercussions of breaching deadlines in meeting the commitments from the EU integration process? Should we be concerned about the potential blocking of accession negotiations, possibly next year?

Bearing in mind that compliance with the political criteria is monitored thought the accession process, the European Commission periodically



Svetlana Rajković

reports to the Council on the progress in meeting the membership criteria, the commitments undertaken by candidate countries per chapter, and prepares regular annual progress reports on countries which are in the accession process. The Commission also regularly informs the European Parliament on progress in accession negotiations. Apart from this, progress in meeting the commitments from the accession process is monitored also through the institutional structure of the Stabilisation and Association Agreement (the council, committees and sub-committees).

In case they identify serious violation of the rule of law and democratic principles, violation of human rights and freedoms, the Council may, at the proposal of the Commission, decide to temporarily stop the accession negotiations and set the conditions under which they are to be resumed.

Therefore, delays in meeting the commitments specified in the Action Plans cannot be the sole reason to temporarily halt negotiations with the EU – there would also have to be a failure in the fulfilment of commitments from the overall European Agenda which is monitored through a number of mechanisms such as the SAA, the Progress Report, regular expert missions from the European Commission, etc.

However, bearing in mind that any delay in meeting the commitments under Chapters 23 and 24 may cause a delay in the overall negotiation process, we decided to expand the negotiating structure and establish the Rule of Law Council, which would monitor progress in the implementation of relevant action plans on regular basis and ensure better results in that respect. At the constitutive sitting, in the presence of a number of ministers, we had a chance to discuss all open issues and seed up the implementation of delayed measures. At this meeting, as well as at the government sitting when the semi-annual report on the implementation of Action Plans for chapters 23

and 24 was adopted, we invited all senior officials to give these issues a priority in their day-to-day work, in order to catch up with deadlines breached in 2014 and create the conditions for successful implementation of our development policies.

» The latest meeting of the Stabilisation and Association Council between MNE and the EU at the end of June in Luxembourg concluded that the first assessment of Montenegro's progress in implementing Action Plans for Chapters 23 and 24 confirmed that a number of activities are being implemented in line with envisaged deadlines, although certain important measures which require strong political will are delayed.' How do you comment on the latest remark concerning the lack of strong political will?

The European Commission and all other relevant EU institutions underlined that results achieved thus far are encouraging having in mind the size of our administration. However, future activities need to be sufficiently thought through and strong in order to respond to even more challenging tasks which arise from the EU integration process. Capabilities and professionalism of each individual will be of immense importance for ensuring the rule of law, successful fight against corruption and organised crime and enhancing fundamental rights in this country, which means that meeting the commitments from the European agenda needs to be a priority in the work of each and every civil servant.

Even though state administration gives its maximum in meeting the commitments we undertook, we cannot forget that the Government is only one branch of government which has to carry the burden of reforms in the area of judiciary and fundamental rights, as well as justice freedom and security, and that – in order to be successful in implementing future activities in these areas – we need strong support of relevant social partners, judicial and legislative branch, as well as civil society.

The role of NGOs is becoming ever more important

» What is your opinion on cooperation with NGO representatives in working groups for chapters 23 and 24?

As members of the working groups, NGO representatives have been included in the process together with representatives of state institutions from the very beginning. They participated in preparations for bilateral screening and took part in the process of drafting Action Plans for Chapters 23 and 24. Today, their role becomes even more important because, as members of the working groups, they can actively participate in the implementation of measures from action plans and be the link between state institutions and other NGOs which are not part of the negotiating structure, but whose specialised knowledge can be very valuable for further reforms.

Action Plans are full of measures which can most efficiently be implemented by NGOs, such as media campaigns, public debates, public opinion surveys.

A joint approach and a single platform for action of civil society and state institutions are essential for achieving more efficient and more effective monitoring of accession negations with the EU, as well as for maintaining transparency of the process.

EP spends EUR 144 million on moving

Busses and trolleybuses getting busier



Roughly €114 million is spent every year to move the European Parliament between its Brussels and Strasbourg seats every month. The debate over consolidating the Parliament's offices has been going on for some time

now. This assessment was made by the European Court of Auditors, and these are the first solid data on EP moving expenses. Each month MEPs, interpreters, and employees – 4 000 people in total – travel 400km between Brussels and Strasbourg. Some MPs who argue that the EP should have a seat only in Brussels believe that France should be compensated for Strasbourg in some way, while others think that this is not necessary. The fact that Brussels and Strasbourg are seats of the EP is laid down in the EU Treaties means that only the Council of Ministers can change this and only by unanimous vote.

Heart disease number one cause of death in Europe



According to the European Heart Journal, cardiovascular disease remains the leading cause of death among Europeans, despite considerable improvement in a number of countries. More than

one half of Europeans dies due to some kind of heart disease. Research shows that cardiovascular diseases are more fatal to women than men. Progress has been noted in high-income countries, which corresponds to better understanding of risk factors, healthier life style and prevention measures, but the authors believe that obesity is becoming an increasing concern.

Between 2000 and 2012, use of public transport in the EU increased by 8%. According to the International Association of Public Transport (UITP), two years ago there were 57



billion public transport rides in the EU, which on average makes 182 million rides on working days. While data vary across countries, the number of public transport rides increased in 11 countries of the EU, and in particular in Belgium. The study showed that this trend is mostly driven by people moving to the cities. Busses and trolleybuses are the most favourite means of public transport among EU citizens. In 2012, they made 56% of all public transport rides.

Only 1.600 W vacuum cleaners in the future

As of 1 September, EU consumers will buy only energy-wise more efficient 1.600 W vacuum cleaners, thus saving money and contributing to decrease of energy consumption level in the EU. According



to the new regulations, vacuum cleaners need to be of better quality, make less noise, and release less dust in the air. At the moment, the average strength of vacuum cleaners in the EU is 1.800 W. Contrary to the popular believe, the European Commission claims that this number does not tell us how strong the vacuum cleaner is, but how much energy the motor is using.

Regional policy proposal

Youth participation – more than a phrase?



Miloš Knežević

Results of various studies on youth participation conducted in the EU and countries of the region to be used for drafting policy documents show a lack of culture of active youth participation in social processes, as well as a lack of legal alternatives.

According to the Serbian National Strategy for Youth, most young people perceive themselves to be interested in and capable of resolving problems, but only one third of them at least once took part in actions aimed at resolving one of the local problems. In Slovenia youth participation is also underdeveloped, especially compared to other EU member states. Some of the underlying reasons are: lack of motivation, ideology reasons, lack of information on possibilities for participation in decision making processes, etc. Macedonian research showed that young people in this country almost never take part in decision making processes, neither at the local, nor at the national level. Young people in Montenegro also lack motivation to take active participation in social processes, they are not adequately organised and they do not trust sociopolitical institutions. Croatian experiences are similar – youth participation is mostly improvised.

In order to enhance youth participation, local, national, regional and EU authorities need to develop a partner-like relationship with young people and recognize them as an important factor in implementation, monitoring and reporting on youth-related policies. In the process of drafting National reports, it is important to include young people in assessing progress in the implementation of relevant strategies, in order to get an objective overview based on data acquired directly from the target group. Finally, it will be important to ensure that the process of involving young people in drafting National youth reports is based on comanagement principles.

The aim of this practical policy proposal is to raise awareness among decision makers about the



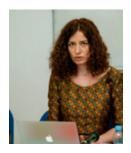
importance of involving young people and their organisations in the process of drafting National reports on young people in Serbia, Croatia, Slovenia, Macedonia, and Montenegro for 2015. The regional policy proposal: *Youth participation – more than a phrase?* is available online at: http://media.cgo-cce.org/2014/09/youthparticipation.pdf.

Regional policy proposal: Youth participation - more than a phrase? was made under the framework of a project financed by the European Commission through Youth in Action programme, aimed at empowering youth organizations in the Region (Montenegro, Serbia, Croatia, Macedonia, Slovenia) and strengthening their capacities for active participation in the preparation and drafting of National reports on the implementation of the EU Youth Strategy. The project is implemented by the Western Balkans Institute WEBIN in partnership with Serbian youth umbrella organisation, National Youth Council of Slovenia, Croatian Youth Network, Macedonian Coalition of Youth Organisations SEGA and Centre for Civic Education (CGO) from Montenegro.

The author is coordinator of the Youth Group CCE

Employment in Montenegrin local governments

Party or merit-based employment?



By: Jovana Marović, PhD

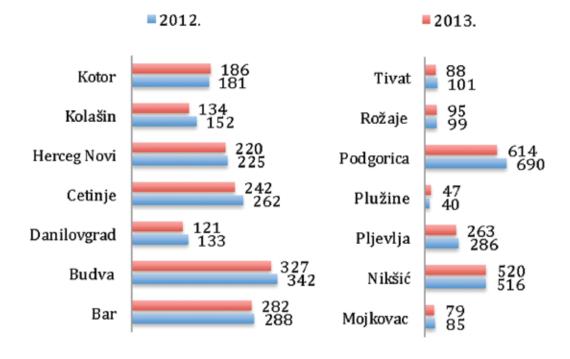
The pace of local self-government reform in Montenegro is disappointing. The problem of insufficient transfer of competencies to the local level, and related fiscal decentralisation were recognised as central issues in public administration reform framework strategies, and remain to be of key importance in this process.

When it comes to the employment of civil servants, local governments are (not) complying with the Law on civil servants and state employees from 2011. Even 18 months after the law has started to be implemented, formal requirements for its enforcement at the local level are still not in place. Draft amendments to the law on Local self-government from July 2013 refers to procedures which regulate public employment, but these provisions haven't been adopted yet, and in any case do not regulate this area in a precise manner, and do not offer explanations on their mutatis mutandis implementation. In addition to this, draft Strategy for professional development of local civil servants and state employees in Montenegro reveals difficulties in implementation of different parts of the Law on civil servants and state employees at the local level.

Most self-government units in Montenegro have excess number of employees, with the exemption

Excess employment leads to excessive expenses, which in the first quarter of 2014 amounted to EUR 70 million

of Mojkovac, Pluzine, and Tivat in which the number of employees was 'estimated' to be optimal. Rationalisation does not give significant results despite the need to decrease burden on local budgets, i.e. disproportionality between the scope of competences and the number of employees. Excess workers problem leads to excess expenses which in the first quartile of 2014 amounted to EUR 70 million. The public sector internal reorganisation plan envisages that, by the end of 2016, the number of employees in local self-governments will decrease by 1024, which should save local budgets up to EUR 10 million. In the first year of implementation of the reorganisation plan, some kind of reorganisation has been made, but not one municipality has adopted a plan for decreasing the number of employees, or made the necessary analysis on the kind of skills and competences they need, which make us wonder which criteria they were using in case of the recently implemented rationalisation.



Overview of changes in the number of local self-government employees in 14 self-government units analysed under this project (data were acquired on request in March 2014)



Although they have a great number of 'surplus' workers, local self-governments face unfavourable age structure and the lack of skilled and highly qualified workers. Inability to make a realistic assessment of the required number and profile of employees indicates a widespread problem of inadequate planning, while the problem of excess workers is directly related to party employment. Public administration in Montenegro is still highly politicised, even though this issue has been in the European Commission focus, which made de-politicization of public administration a pre-condition for making progress in the EU accession process.

Inability to determine the optimum number of employees in local self-governments is a sign of poor human resource management and planning. Public sector internal reorganisation plan which envisaged analysis on the optimum number of employees only a year after it has been adopted also did not contribute to better planning in this respect.

Local self-governments do not have capacities for human resource management in the form of special service which would apply the Law on civil servants and state employees in a consistent manner. Human Resource management is currently handled by head administrator office, or local self-government secretariats dealing with general administrative issues, local self-government issues.

Inability to make a realistic assessment of the required number and profile of employees indicates a widespread problem of inadequate planning, while the problem of excess workers is directly related to party employment

Local self-governments which were subject to this research employed the total of 90 civil servants and state employees in 2013 on the basis of 64 public and internal vacancy announcements. Municipalities of Danilovgrad and Kolasin did not make any vacancy announcements, while Herceg Novi allows access to decisions on employment only at the official premises. Public enterprises and institutions conduct employment procedures separately from local self-governments.

Official employment records are not updated on regular basis and do not even exist in all local self-government units, which makes it more difficult to keep track of changes and make any kind of assessment. Implementation of the new appraisal system at the local level has been a challenge. In 2013, appraisal hasn't been implemented at all in Bar, Kotor, Mojkovac, Niksic, Pljevlja and Savnik. Poor motivation of local civil servants and state employees is inter alia caused by low wages. In 2012 the total of 13 (out of 21) local self government units had lower average salary compared to the state level.

Excerpts from the analysis Employment in Montenegrin local governments – party or merit-based employment? which was done under the framework of the project 'Corruption at the local level – zero tolerance!' financed by the European Union, co-financed by the Norwegian royal embassy, and implemented by the Centre for Civic Education (CGO) in cooperation with Institute Alternative (IA), NGO Bonum from Pljevlja and NGO Nada from Herceg Novi.

Chapter 20: Enterprise and industrial policy



By: Vera Šćepanović

Negotiation chapter on enterprise and industrial policy comprises a set of principles, instruments and recommendations which provide guidance to the EU member states in the area of economic management, in order to ensure growth in all countries and prevent potentially damaging consequences for other members of the Union. The latest revision of these principles is contained in the *Europe 2020* strategy, aimed at increasing competitiveness and developing market advantages based on knowledge and innovation.

The strategy is a result of several recent events which made Europe rethink its economic position. On the one hand, European economies have been experiencing considerable competitive pressures from developing countries and had found themselves unable to compete in those production segments which rely on abundance of primary commodities and/or cheap labour force. Another reason are demographic changes in Europe, where the population is significantly older, but much more qualified, which opens up possibilities for competitiveness in knowledge and innovation domains. On the other hand,

awareness of climate changes and negative human impact on the environment, as well as the fact that higher living standards will require investments in the preservation of nature and decreasing pollution have resulted in growing reorientation of EU economic development policies towards the principle of sustainability.

Montenegro shares many of the abovementioned characteristics. For instance, when it comes to demographic structure, due to small internal market and energy dependency, Montenegro has even greater problems with industrial encounters competitiveness wherever competition from other countries of the region. However, despite the self proclaimed status as ecological state, Montenegro invested very little in development of 'green' industries, such as renewable energy, or in other forms of sustainable exploitation of country's natural potentials. The competitiveness of its educational system, and its potential to serve as a driving force of innovation and knowledge-based economy is frankly dubious, and a lion's share of state support to economy is still concentrated in traditional activities in the domain of heavy industry. This is why the future of Montenegrin economy depends on setting the medium- and long-term development priorities right and creating detailed strategies for their realisation.



In addition to abovementioned principles of economic development, the EU acquis in this area also contains concrete recommendations, strategies, and programmes for economic cooperation which might benefit Montenegro in the future. Apart from recommendations on how to regulate the general business environment, which emphasise the importance of removing administrative barriers and support introduction of information technologies at all levels, the greatest number of instruments reviewed in this chapter can be grouped in two main areas: development of small and medium enterprises and sectoral policies.

The harmonisation process to date has been very uneven – Montenegro does not have a comprehensive industrial strategy, and apart from tourism it doesn't even have special strategies for other industries. On the other hand, the reform of the general business environment is fairly advanced, and the Commission finds that medium and small enterprises are the most developed aspect of the enterprise and industrial policy.

The highest level of harmonistation in this area was achieved under the framework of the second Strategy for small and medium enterprises for the period 2007-2010, created in cooperation with German organisation for technical assistance and cooperation (GTZ) and European agency for reconstruction. The head authority for this area at the state level is Directorate for small and medium enterprises. In the meantime eleven regional business centres were established with the aim to assist new enterprises at the local level in creating business plans, applying for favourable loans, create feasibility studies, etc. Small and medium enterprises were also given easier access to funds: from 2006 to 2008 the total value of loans with state guarantees for small and medium enterprises amounted to more than EUR 60 000 000, together with 233 000 000 issued by microcredit institutions. As of 2008 Montenegro is a member of the European Enterprise Network which provides small and medium enterprises assistance in accessing European market and connecting with partners abroad.

As in many other areas, however, there is a huge discrepancy between adopted legal and administrative framework and its practical implementation. The European Commission believes that the present approach to development of small and medium enterprises gave good results because their share in economy increased over past several years (small and medium enterprises make up 60% of total employment and GDP, and approximately 31% of export). However, the Commission itself has to rely on this descriptive indicator because there are no detailed analyses of the sector. The entire system of support to small



and medium enterprises is quite non-transparent - there are many strategies available at the web page of the Directorate, but only few reports on their implementation. The latest report on the work of the Directorate is from 2005, and since 2007 no reports are available on the work of regional business centres either. Perhaps the best example is incubator 'Inventiveness' which was widely acclaimed in the Government's response to the Commission Questionnaire as an example of good practice in supporting new enterprises and new technologies. 'Inventiveness' was established in 2009 to support young people interested in business solutions in the area of software engineering and e-business. Three years later, there isn't a single report on this project, the web page of the incubator isn't updated, and neither of the five 'IT' companies which allegedly exist in the incubator have a functioning own web page.

The lack of serious results in this area reflects a much larger problem of Montenegrin industrial and entrepreneurship policy – the lack of a comprehensive development strategy. This means that stated development priorities do not always correspond to available funds and that economic policy often boils down to 'fighting fires.' Despite their frequently reiterated importance for competitiveness and employment in 2011 the entire sector of small and medium enterprises in Montenegro received EUR 1.37 million of state aid, which is almost 35 times less than the amount



given to the two ailing aluminium and steel giants. Between 2008 to 2011, projects under the heading of 'sustainable' development – environmental protection, employees training and research and development – did not get receive a single euro of state support.

Serious work on the development of industrial strategy should start as soon as possible, as negotiations on this chapter are likely to take a long time, despite the fact that the alignment of the relevant legal framework is already fairly advanced. Business environment is in principle evaluated positively, but it does not mean that there won't be further revisions of the regulatory framework in the course of negotiations: after the same chapter was opened with Croatia, the commission in

charge of assessing the state of Croatian legislation in this area recommended replacement or revision of 55% of relevant regulations. Another possible source of complications is the fact that this chapter is closely linked to several other chapters which regulate competition policy, fisheries, agriculture, environmental protection, as well as economic and monetary policy. The overlap is likely to make harmonisation more complicated. Also, some government attempts to improve business environment may even be counterproductive in other fields. The recent drastic profit and income tax reductions certainly makes the life easier for entrepreneurs, but they also reduce government revenues and put additional burden on consumers: in order to prevent growing deficit, the government had to balance tax cuts to the private sector with new taxes on mobile telephone services, and excise duties on coffee and mineral water. Therefore, however long it may last, the negotiation process in the area of industrial should at least help to uncover similar problems and replace these ad hoc solutions with long-term planning for development of the Montenegrin economy.

Despite the shortcomings, public intervention so far has already started to yield some results: small enterprises have a much better access to funds, business advice, investments and possibility to access foreign markets. In addition to this, the new strategy also envisaged special programmes for the less represented social groups: women, young people and those who are only just starting their businesses.

Harmonisation with European regulations in the area of enterprise and industrial policy could in the long run help Montenegrin economy to complete the restructuring process and identify areas in which the country has a real potential for growth and competitiveness.

In the meantime, the negotiation process as such could help identify inconsistencies and inefficiencies in the current policies and free up resources for support of priority areas. Finally, gradual enhancement of transparency of the administration and development of instruments for support to small and medium enterprises will create new opportunities for citizens who wish to start up their own business.

Would Scotland and Catalonia have to apply for EU membership?

EU as an argument against independence



With Scotland and Catalonia preparing for the vote on independence, the answer to the question on what happens with their relationship with the European Union if they end up seceding from the UK and Spain respectively remains unclear. One group of experts believes that in case of independence, Scotland and Catalonia will have to apply for EU accession, while the other believe that they won't, because they will inherit the treaties signed by the previous state. It is expected that the answer to the question concerning EU membership will help those citizens of Catalonia and Scotland to make up their minds on the independence issue.

The independence issue started up discussion on many levels in the European Union, and legal experts disagree on whether Catalonia and Scotland will automatically become EU members if the citizens voted 'yet', or whether they would need to go through the accession process.

Legal advisor for of the executive branch and Supreme Court for administrative justice at the French government **Yves Gounin** say that the answer to this question is easy, on the one hand, the fact that Scotland and Catalonia wish to become independent and renounce all prior commitments suggests that they should renegotiate their membership of the EU.

However, the existence of international agreements

Legal experts are divided on whether Catalonia and Scotland would automatically get the EU member state status if their citizens voted 'yes' at independence referendums, or whether they would need to go through the accession process

and the protection of individual rights ask for a complete transfer of commitments from mother countries – Spain and the UK – to Catalonia and Scotland, said Gounin in his statement for the EurActiv France.

Vienna Convention on Succession of States in respect of Treaties from 22 August 1978 offers some answers, although neither Spain nor the UK ratified the Convention. According to Article 34, each Agreement in force at the time of succession remains valid in newly established states.

This, however, is not the case when it comes to the Charter of the United Nations, according to which a breakaway state does not automatically become a UN member state. The European Commission shares the UN position on this, as its President **Jose Manuel Barroso** said already two years ago: 'if part of the territory of a member state would cease to be part of that state because it were to become a new independent state, the (EU) treaties would no longer apply to that territory.'

Scotland

Scottish National Party (SNP) has been campaigning for independence since 1970. In 2012, its leader Alex Salmon and UK Prime Minister **David Cameron** signed the Edinburgh agreement according to which a referendum for independence could take place on 18 September 2014. Scotland was independent until 1707, when it entered into a state union with England (Act of Union). The Scottish Parliament as we know it today was established in 1999, as part of the UK decentralisation process. This is when the parliaments of Wales and Northern Ireland were also established. SNP, which is at the helm of the Scottish government, claims Scotland needs to

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have its voice better heard in the EU and beyond in order for its social, political and economic interests to be better represented. Scottish ministers complain that issues which are important for them often fall on deaf ears in London. The proposal for a referendum question is already determined: 'Should Scotland be an independent country?' A week before the Edinburgh agreement was signed, public opinion surveys carried out by the Scottish Herald magazine showed that 28% of Scottish citizens are in favour of independence. Today, this percent is higher, but the uncertainties remain. SNP published the 'white paper' on independence which Scottish Deputy First Minister, Nicola Sturgeon considers the most detailed and comprehensive blueprint for an independent country ever. The aim of the 'white paper' is to show benefits of independence and changes it will bring. To a considerable extent, Scotland is already independent - it has its own parliament and government which manages many sectors, such as health care, education, environmental protection and police forces. Defence, foreign affairs and economic policy are still controlled by London.

Rise in Euroskepticism

Public opinion polls show that 64% of Scotts expect Scotland will still be part of the EU, while 15% believe this will not be the case. The number of citizens who think Scotland should be part of the EU has been decreasing: 50% said that Scotland should remain part of the EU, while 31% believe it should give up on EU membership which, as reported by *EUobserver*; is a significant increase of Euro skepticism. One of the main arguments used by those who are against independence is that Scotland will have to re-apply for EU membership and face a long and uncertain accession process. They also claim that Scotland would lose its right to the UK rebate. According to *EUobserver*, if



Scotland should remain part of the UK, the Scottish government dominated by Salmon's Scottish National Party (SNP) will use the small difference in the votes to seek greater autonomy.

Catalonia

Catalonia makes 15% of Spain's population and represents 20% of Spain's economy. The country's economy has been experiencing a downward trend and the Catalans pay billions of Euros in taxes more than they get from Madrid. The Catalans are more eager for independence than the Scots. Public opinion survey from February 2013 showed that 52.3% of Catalans support the independence, while 47.4% of them would vote yes even if it would mean that they will no longer be part of the EU. The problem is that the Spanish constitution doesn't allow a referendum on issues related to national sovereignty. In December 2013, Catalonian leader Artur Mas shocked the Spanish government when he set the date for the vote on secession (9 November 2014). The question for Catalonians will be 'Do you want Catalonia to be a State?' While the pro independence option gets more and more supporters, high officials like European Council President Herman Van Rompuy and Spanish PM Mariano Rajoy believe Spain would remain a unified state.

Source: EurActiv.rs

Will the price for roaming in the region fall after 2015

Counting chickens before they hatch



The news that the governments of Turkey, Serbia, Montenegro, Macedonia, and Albania have agreed to reduce the price or remove roaming charges altogether was cheered on by the citizens who travel frequently between those countries or communicate frequently via mobiles. However, it is doubtful whether the announced reduction of roaming prices from early 2015 is realistic since this will mostly depend on the policies of mobile operators in these countries.

Public officials have stressed that prices in the Balkans are much higher than in the EU and have been the largest source of complaints by the users. Mobile telephony users in the Balkans pay up to five times more for calls, up to three times more for texts, and up to 30 times more for mobile Internet than users in the EU.

This is why the countries of the region decided to form a roaming-free area in the Balkans. The draft agreement between the countries, still unannounced publicly, envisages, according to regional media reports, a gradual lifting or roaming charges for texts and mobile Internet. Bosnia and Kosovo are also expected to join the Balkans roaming-free area.

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The officials say the roaming-free zone will be launched next year, as it is necessary for the countries to align legislation in this area and for mobile operators to adjust to changes. It has been announced that the agreement will be formally signed in late September in Montenegro.

"After this agreement, we will launch talks with local operators. We hope they will find economic interests in this arrangement. This will contribute to the development of business and bilateral cooperation, as well as tourism," said Rasim Ljajić, Serbia's telecommunications minister.

The plan is to reduce the prices down to the EU average over a period of three years. Regulators in Serbia, Macedonia, and Montenegro had already asked the EU to advise the European operators in the region to align their roaming prices with those in the EU, but the electronic communications directorate said this was not possible.

The European Commission started tackling excessive telephony pricing in the EU in 2007. In the past two years restrictions have been imposed ensuring ever lower prices for calls, texts, and data. The EU can impose such limitations in the interest of the integration and development of the single market. However, for countries which are not part of the common market, it is hard to impose similar limitations as the companies providing roaming services have to pay for access to the foreign operators' networks. The EU has also set the ceilings on the wholesale pricing for such services.



The latest price reduction in the EU came in July 2014, and it was the largest reduction for Internet prices ever - from 0,45 to 0,20 euro cents. The EU citizens pay 0,05 euro cents to receive calls abroad, as long as they are within the EU.

Mobile telephone operators across the region declined to comment on this initiative for price reductions and gradual removal of roaming prices, or said that they had received no official information on the matter and It is doubtful whether the announced reduction in roaming prices from early 2015 is realistic, as it will largely depends on the policies of mobile operators.

asked to be involved in finding the solution. Telekom Serbia says that gradual removal of roaming prices might require establishment of a single market for these countries, which is a very complex matter. In their answers to media inquiries, all operators pointed out that they already provide various benefits for roaming services.

Director of the Agency for Electronic Communication and Postal Services (Ratel) of Serbia, **Milan Janković**, said the line ministers will have to work out the programme, as an agreement which imposes such obligations on operators will require an inter-state treaty.

"Even in the EU it up to the operators to reduce prices," Mr Janković told *EurActiv*, adding that each of the countries involved has different legislation and that it is necessary to think carefully before adopting such agreements.

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Rapprochement between Turkey and the Balkans

The agreement is significant for Turkish citizens travelling throughout the Balkans and will ease their mobile communications, said **Murat Aydin**, press director of the Turkey Information Technologies and Communications Authority.

"However, it is also important to assess the eventual legal barriers and possible economic impact of implementing such an agreement, both for our telecommunication companies and our country in general," Aydin told SETimes.

Turkey's telecommunication companies -- Avea, Turkcell and Vodafone -- have so far been setting the roaming charges independently.

This agreement will increase Turkey-Balkan integration by encouraging co-operation and technological alignment on the way to EU membership, said **Orhan Dede** of the Istanbul-based think-tank BILGESAM.

"In recent periods Balkan countries received a significant number of Turkish tourists. This agreement is the inevitable result and a necessary step that follows that kind of people-to-people contact," Dede told SETimes.

Resolve all cases of missing persons

Kosovo Missing Persons Families' Association in cooperation with Centre for Civic Education (CGO) organised on 30 August 2014 a press conference on the occasion of marking the International Missing Persons' Day. **Tamara Milaš**, project associate at CGO and spokesperson for Montenegro on behalf of the Regional Reconciliation Commission (REKOM), underlined the importance of commemorating the victims of forced disappearance during the armed conflicts, and she implored the countries and societies in post-Yugoslav societies to continue working relentlessly on uncovering the faith of the war victims of the 1990s. "All the countries of the region, as well as the societies in those countries, have a moral, legal, and even civilisational obligation towards the victims, their families, and the society as a whole to shed light on the faith of

disappeared persons and to make the perpetrators of these crimes and those who instructed them face justice, but also to provide continuous support to those who suffered the most. Regrettably, even today, two decades since the wars in the region, we still talk about thousands of disappeared persons in this area, so it is necessary first to do everything possible to find burial places and areas where crimes took place at the territories of all the countries," Ms Milaš has noted. Ljubiša Filipović, chairman of the Kosovo Missing Persons Families' Association "Red Peony" ("Crveni Božur") underlined that a very small number of crime perpetrators have faced justice and that we have a serious problem of the lack of social dialogue on our past and responsibility "using the pretext of European integration as an excuse." "Political elites are



advocating a shift toward the future and ask us to forget, but the families of at least 12 thousand more persons who disappeared in the Yugoslav area are still searching for the graves of their loved ones, "Mr Filipović has noted. "Our association's initiative is to find a local bottom-up response to the ripened social need for facing the past. Its legitimacy strives from the strong sense developed among many civil society organisations in across the former Yugoslav area that their common objective is to find the facts on the victims of war crimes and breaches of human rights," Mr Filipović stressed. "We believe that each person that was murdered or forcefully taken needs to be known and remembered by name and role in the society prior to becoming victim of the conflicts. Facts must be preserved about the circumstances these people were killed, kidnapped, or are still missing," Mr Filipović underscored.

REKOM spokesperson for Montenegro presented REKOM's video made to mark the International Missing Persons' Day – http://www.zarekom.org/News/Video-clip-Otkriti-tajne-grobnice.cg.html.

Focus on protecting LGBT rights

A workshop on the protection of LGBT rights took place in Podgorica on 28-29 August 2014, supported by the European Commission's TAIEX programme, hosted at the proposal of the Ministry of Labour and Social Welfare. Its aim was to gather representatives of health and social protection institutions with the view to raising awareness on the state of affairs of LGBT rights in Montenegro and learning about good regional and EU practices. Additionally, the workshop aimed at connecting the institutions with civil society representatives in order to initiate joint activities in the field of improving social and health rights of LGBT persons. During the two-day event, a broad spectrum of topics was discussed, ranging from legal and institutional aspects of LGBT protection, to the importance of improving the overall social climate of accepting persons with different sexual orientation through education, media, and development of the healthcare system and other social services. CGO was represented by **Petar Đukanović**, coordinator for human rights programmes.

CCE and Friedrich Ebert Stiftung announces an OPEN CALL for participants of the XXIV generation of

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School comprises of 5 modules in total duration of four months. The sessions will be held once or twice a week, in duration of two hours. All expenses are covered by the Friedrich Ebert Stiftung and the Centre for Civic Education (CCE), with obligation of the participants to attend not less than 80% of the programme. Upon finishing of the School the participants shall receive a certificate and be eligible for further educational development.

Eligible candidates are those who want to contribute to development of democracy and civic society in Montenegro. All candidates are welcome, regardless of age, gender, nationality, religion or personal convictions, with the indication that advantage will be given to the activists of the political parties and non-governmental organisations, as well as all individuals who are demonstrating high level of social activism.

The programme of the Democracy School is designed in such a manner to offer wider understanding of the democracy idea and forms in which that idea is implemented within various social spheres.

School moderator is professor Radovan Radonjic, PhD, and beside him eminent domestic and foreign lecturers will be working with participants.

All interested candidates may submit their application with short biography (CV) and motivational letter not later than **19 September 2014**, via the e-mail address <u>info@cgo-cce.org</u> with the subject **"For Democracy School" or directly via application form**. For all additional information call **020/665 112** or visit Centre for Civic Education, Njegoševa 36, I floor, 81 000 Podgorica.

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The capacity for this course is 45 persons. We recommend that you apply early for this very popular course, as we expect places to fill fast. Applicants who apply after the 45 seats are filled will receive an e-mail inviting them to attend the next PEP in February, 2015. We will continue to accept applications until 15th October.

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For more information on the Peace Education Programme (PEP) please visit:

www.tprf.org/en/programs/peace-education-program and www.porukamira.org.rs/program-edukacijom-do-mira/

Prepared by: A.V

No Hate Speech Seminar

SCI Germany in cooperation with the "SAVA Workinggroup" and the "Media Competence Centre Pankow" is organizing the "No Hate Speech" Seminar which will be held in Berlin from 20-29 October 2014. During this seminar the participants will get to know about the "No Hate Speech" movement, which addresses and contradicts hate speech, racism and discrimination in their online expression. The participants will first discuss the topic theoretically by analysing examples. Then, under the guidance of the media competence centre, they will develop an online platform which enables users to react to hate speech creatively and to connect with other activists of the No Hate Speech movement. After the seminar, it is planned to organize an event in each participating country with the aim of popularizing and promoting the platform. The seminar is open to people interested in the topic coming from Germany and all countries from the Balkan region. All the costs for food, accommodation and travels inside Berlin are covered by the organizers. Participants will need to cover their own travel expenses.

Interested applicants need to fill in the application form available HERE and submit it to: outgoing@sci-d.de. The deadline to apply is 1 October 2014.

For more information please visit the official call.

Published by: Centre for Civic Education (CCE)

EIC Bulletin – European Pulse – is an electronic monthly published since 2005 with support of Friedrich Ebert Foundation. Registered under no. 578 with the Ministry of Culture of Montenegro.

Editor-in-chief: Vladan Žugić Editorial board: Vera Šćepanović, Daliborka Uljarević, Svetlana Pešić Translation and proofreading: CGO Design and illustrations: Dragana Koprivica Production: Centre for Civic Education (CCE)

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