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COMMUNICATING INTEGRATION IMPACT IN CROATIA AND IRELAND



Edited by:

Višnja Samardžija and Alan Dukes

COMMUNICATING INTEGRATION
IMPACT IN CROATIA AND IRELAND



EUROPEAN COMMISSION



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EDITORIAL

The book *Communicating Integration Impacts in Croatia and Ireland* brings together a selection of papers prepared within the project EU IMPACT - Academic Network for Communicating Integration Impacts in Croatia, carried out from January 2007 till April 2008 within the EC PHARE 2005 programme. The book is a kind of proceedings publication, which puts together the key outputs of all the events that were organized within the project.

The project EU IMPACT was aimed at raising awareness of the impacts, challenges and opportunities of EU membership and to enabling better networking within the academic community in Croatia, to encourage dialogue between academic and civil society on EU integration issues, in order to create informed and motivated opinions and, finally, to better communicate the impacts of Croatia's integration into the EU.

The project has brought together Irish, German and Croatian institutions that were jointly analysing the EU and Irish experiences and best practice, trying to find optimal solutions for communicating integration impacts in Croatia. This venture was implemented by a network of partner and associate institutions gathered around the Institute for International Relations in Zagreb. The network comprised the Institute for International and European Affairs in Dublin, the Jean Monnet Chair for Political Science of the University of Cologne, and several Croatian universities and institutions, including the University of Rijeka, the Josip Juraj Strossmayer University of Osijek, the Faculty of Economy of the University of Split and the National Foundation for Civil Society Development in Zagreb.

The Irish experiences were chosen having in mind the fact that Ireland could share an extremely useful experience and best practice on communicating

Europe to citizens. By the time of its accession, Ireland had passed through extensive and lively debates that included a successful referendum in 1972 with a high turnout of citizens. Furthermore, each subsequent amendment of the EEC and the EU Treaties has been put to a referendum. The country has organized a series of successful debates on EU issues since 2001, within the framework of the National Forum on Europe, which proved to be successful during the process of ratification of the Nice Treaty (2001 and 2002). Ireland is facing the challenge of a new referendum on the Lisbon Treaty, being the only country which will have to pass through such a procedure. This extensive experience might be useful for Croatia during the accession process and contribute to better communicating the EU integration issues and increasing the support, knowledge and understanding of the process on the part of all the stakeholders involved, including citizens.

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Networking, as another important aspect of communicating EU integration issues, was in the focus of the project and of this book. The experience of conducting the Europe-wide “network of excellence” established through the FP6 project, EU CONSENT– Wider Europe, Deeper Integration?, in which IMO and IIEA are participating together with some fifty European institutes, higher education institutions and think-tanks, was a particularly valuable experience for Croatia.

The papers that are presented in the book are the result of academic debates held at the international kick-off conference *The Role of the Academic Community in Communicating Europe to Citizens* (held in Zagreb in March, 2007), and three regional European forums. The forums followed the experiences of the above-mentioned Irish national forums and they dealt with impacts on education (Rijeka, May 2007), environment protection (Split, June 2007), and consumer protection and food safety (Osijek, October 2007).

All the above-mentioned academic events provided a useful exchange of experience on communicating the impacts of integration. The project resulted in transfer of knowledge – transnational, between the academic network partners, as well as national, within the Croatian academic community and wider civil society.

On behalf of the Institute for International Relations, and acting as a co-ordinator of the EU IMPACT project, I would like to thank the Delegation of the European Commission for supporting the EU IMPACT project, and the National Foundation for Civil Society Development in Zagreb, particularly Cvjetana Plavša Matić, who recognized its relevance and the value of this book. We are most grateful to the Institute for International and European Affairs in Dublin for their support, particularly to Alan Dukes, the former director of IIEA for fruitful cooperation on all the events, including the co-editing of this book, as well as to Jill Donoghue, acting director of IIEA. We would like to express our gratitude to Prof. Wolfgang Wessels, Jean Monnet Chair for Political Science in

the University of Cologne and co-ordinator of EU CONSENT, for his valuable contribution and sharing the experiences within the project and this book. Last but not least, our gratitude goes to the Croatian universities and faculties which actively participated in the project, and contributed in the book, particularly to Prof. Pero Lučin, vice-rector of Rijeka University, Prof. Maja Fredotović, Faculty of Economics in Split, as well as Prof. Gordana Kralik, rector and Lidija Getto, University of Osijek.

Finally, I would like to thank all the panellists for their extremely useful presentations and interventions on all events as well as for their contributions for the book. My thanks go to the Irish experts who assisted our endeavour, Tom Boland, Gerard O'Leary and Thomas Quigley, who shared their experiences with Croatian colleagues. I would also like to thank the reviewers for their useful comments and suggestions, particularly to Prof. Blaženka Divjak, Dr. Jelena Đugum, Dr. Laurent Pech and Prof. Nikola Ružinski.

Finally, my thanks go to Dr. Igor Vidačak, Head of the Croatian Government Office for Cooperation with NGOs, for his valuable advice during the implementation of the project, to Hrvoje Butković for technical assistance during preparation of the book, to the language editor for the improvements in the papers and to all those who were involved in finalizing the material, thus making this editorial work possible.

The publication resulted from the IMO long term research activities supported by the Ministry of Science, Education and Sports.

Višnja Samardžija

EDITORIAL

The broadest definition of the mandate of the Institute of International and European Affairs in Dublin is to identify policy options for the governance and development of the European Union. To do this effectively, the Institute must have regard to all of the influences that bear on EU activities. For that reason, the Institute participates in networks of organizations with similar or overlapping missions. These networks include IMO Zagreb.

The IIEA immediately accepted the invitation from IMO Zagreb to participate as a partner in the project EU IMPACT – Academic Network for Communicating Integration Impacts in Croatia, since it was clear that the project would contribute to promoting research and deepening knowledge on matters relevant to what is expected to be the next enlargement of the EU. In addition, a reflection on issues of communication promised to be of interest in view of the Irish experience of communications during the course of successive referendums on European Treaties and amendments, and in view of a forthcoming referendum on the Lisbon Treaty. A reflection on the continuing need for effective communication of EU activities is, of course, a matter of continuing relevance both in Member States and in candidate countries.

The topics selected for the IMPACT Study – Education, Environment Protection and Consumer Protection and Food Safety – are all matters of continuing interest and importance. As Co-Editor, I would like to record my sincere thanks to our Irish colleagues from the Higher Education Authority, the Environmental Protection Agency and *safefood*, for their readiness to participate in the regional forums and in this publication and for making their expertise and experience available to the project.

I associate myself wholeheartedly with the thanks expressed to all contributors to this project by my Co-Editor, Dr. Visnja Samardžija. It is, however, to Dr. Samardžija herself that the greatest thanks are due. She has guided the project through all its stages and has given clear, energetic and understanding leadership throughout. Her commitment has produced a result that lives up to the highest expectations for the project.

Alan Dukes

ABBREVIATIONS

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ASHE	Agency for Science and Higher Education (in Croatia)
BAT	Best Available Technologies
BIPs	Border Inspection Posts
BSE	Bovine Spongiform Encephalopathy
CACP	Croatian Association for Consumer Protection
CAP	Common Agricultural Policy
CARDS	Pre-accession fund (derived from Community Assistance for Reconstruction, Development and Stabilization)
CBA	Cost-benefit Analysis
CBS	Central Bureau of Statistics (in Croatia)
CEC	Council of the European Communities
CEDEFOP	European Centre for the Development of Vocational Training
CEE countries	Central and Eastern European countries
CISZP	Central Consumer Protection Information System (in Croatia)
CFA	Croatian Food Agency
CNES	Croatian National Educational Standard
CNPHI	Croatian National Public Health Institute
CSI	Croatian Standards Institute
CO	Carbon Monoxide
CSO	Central Statistics Office (in Ireland)
DEHLG	Department of the Environment, Heritage and Local Government (in Ireland)

DG SANCO	Health & Consumer Protection Directorate-General
DPSIR	Driving forces for Pressures, for State, for Impacts and for Responses
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECAS	European Citizen Action Service
ECPR	European Consortium for Political Research
ECSA	European Community Studies Association
ECTS	European Credit Transfer System
EEA	European Environmental Agency
EEC	European Economic Community
EESC	European Economic and Social Committee
EEN	Environmental Enforcement Network (in Ireland)
EFSA	European Food Safety Authority
EIA	Environmental Investigation Agency
ENFO	Public service in Ireland which provides access to wide-ranging and authoritative information on the environment
ENQA	European Network of Quality Assurance Agencies
EP	European Parliament
EPA	Environmental Protection Agency (in Ireland)
EPIN	European Policy Institutes Network
EQF	European Qualification Framework
ERA	European Research Area
ERASMUS	European Community Action Scheme for the Mobility of University Students
E&T 2010	Education and Training 2010
ETTA	Education and Teacher Training Agency (in Croatia)
EUA	European University Association
EU	European Union
EU/ Life	Financial instrument supporting environmental and nature conservation projects throughout the EU
EU-CONSENT	Europe Wide Academic Network of Excellence in European Studies
FAO/WHO	Food and Agriculture Organization / World Health Organization
FDI	Foreign Direct Investment
FP6	Sixth Framework Programme for Research and Technological Development (in the EU)
FSAI	Food Safety Authority of Ireland
FTEs	Full Time Equivalents

FVO	Food and Veterinary Office (in the EU)
Cd	Cadmium
GDP	Gross Domestic Product
GfK	Centre for Market Research (in Croatia), in partnership with GfK (Growth from Knowledge) group
GHP	Good Hygienic Praxis
GHSs	Greenhouse Gases
GM	Genetic Modification
GMOs	Genetically Modified Organisms
GMP	Good Manufacturing Praxis
HACCP	Hazard Analysis and Critical Control Points
HAZRED	Project co-funded by the EU Life Environment programme aiming to help small and medium sized enterprises prevent and reduce production of hazardous wastes
HEA	Higher Education Authority (in Ireland)
HETAC	Higher Education Training and Awards Council (in Ireland)
HINA	Croatian News Agency
Hg	Mercury
HSE	Health Service Executive (in Ireland)
IIA	Inter-Institutional Agreement
IPARD	Pre-accession programme (derived from Instrument for Pre-accession Assistance - Rural Development)
IPPC	Integrated Pollution Prevention and Control directive
IPC	Integrated Pollution Control
ISPA	Pre-accession fund (derived from Instrument for Structural Policies for Pre-Accession)
Kn	Croatian kuna
LLP	Lifelong Learning Programme
LAPD	Local Authority Prevention Demonstration Programme (Ireland)
MAFWM	Ministry of Agriculture, Forestry and Water Management (in Croatia)
MBT	Mechanical-Biological Treatment
MEPs	Members of European Parliament
MFAEI	Ministry of Foreign Affairs and European Integrations (in Croatia)
MHSW	Ministry of Health and Social Welfare (in Croatia)
MSES	Ministry of Science, Education and Sport (in Croatia)
NCHE	National Council for Higher Education (in Croatia)
NDP/CSF	National Development Plan / Community Support Framework (in Ireland)
NEAP	National Environmental Action Plan (in Croatia)

NFQ	National Framework of Qualifications
NFS	National Foundation for Science (in Croatia)
NGO	Non-governmental Organizations
NH ₃	Ammonia
NO _x	Nitrogen Oxides
NO ₂	Nitrogen Dioxide
NQF	National Qualification Framework
NWPP	National Waste Prevention Programme (in Ireland)
OECD	Organisation for Economic Co-operation and Development
OECD/PISA	OECD Programme for International Student Assessment
OEE	Office of Environmental Enforcement (in Ireland)
OG	Official Gazette
OMC	Open Method of Coordination
OSCE	Organization for Security and Co-operation in Europe
p/c	per capita
Pb	Lead
PEPA	Priority Environmental Programme for Accession (in the EU)
PHARE	Pre-accession fund (originally derived from Poland and Hungary Action for Restructuring of the Economy)
PJ	Petajoule, a unit of energy
PM	Particulate Matter
PM ₁₀	Particles measuring 10µm or less
PPP	Public-Private Partnership
PR	Public Relations
QMV	Qualified Majority Voting
RAPEX	Rapid Alert System for all Dangerous Consumer Products
RASFF	Rapid Alert System for Food and Feed
RC	Republic of Croatia
REPAK	Ireland's first voluntary initiative designed to meet industry's producer responsibility obligations under the EU directive on packaging and packaging waste
RCC	Regional Co-operation Council
R&D	Research and Development
RoHS	Restriction of Hazardous Substances
RTCs	Regional Technical Colleges (in Ireland)
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SAPARD	Pre-accession fund (derived from Special Accession Programme for Agriculture and Rural Development)

SARS	Severe Acute Respiratory Syndrome
SCG	Spem Communication Group
SDS	Sustainable Development Strategy
SDURF	Croatian abbreviation for CODEF – Central Office for Development Strategy and Coordination of EU Funds
SEA	Strategic Environmental Assessment
SEECF	Southeast European Cooperation Process
SEVESO II	Directive on the control of major-accident hazards involving dangerous substances
SI	Statutory Instruments
SSTI	Strategy for Science, Technology and Innovation (in Ireland)
SO ₂	Sulfur Dioxide
TE institutions	Tertiary Education institutions
TEPSA	Trans European Policy Studies Association
TSE	Transmissible Spongiform Encephalopathies
Ug/m ³	Micrograms per cubic meter of air
UKF	Unity through the Knowledge Fund (in Croatia)
UN	United Nations
UN ECE	UN Economic Commission for Europe
UWWT	Urban Waste Water Treatment
VET	Vocational Education and Training
VOC	Volatile Organic Compounds
WB	World Bank
WEEE	Waste Electrical and Electronic Equipment
WEF	World Economic Forum
WFD	Water Framework Directive
WHPR	Weisman Hamlin Public Relations
WTO	World Trade Organisation

Chapter I

Communicating Europe and Networking

THE EUROPEAN
RESEARCH AREA
- CONSTRUCTING
AN EU PUBLIC SPACE

Wolfgang Wessels
Yvonne Nasshoven

ABSTRACT

Academic networks perform a number of functions, and with their approach to analysing and assessing political developments as well as advising the actors involved, they transcend the area of theory and create applicable knowledge. This text, drawing on two concrete examples, argues that the European Research Area by its working mechanisms and membership supports the emergence of an EU public sphere. This can prove to be especially helpful in the accession of a state to the European Union and in membership itself, which is even more demanding than accession negotiations. Think tanks and research institutes thus play a valuable role in offering solutions to political challenges, but also provide social linkage among researchers, politicians and civil society in European and non-European states. The article concludes by setting out a research agenda concerning the Western Balkans with a special emphasis on Croatia, the concept of enlargement as a whole and the challenges posed by enlargement rounds to the European Union and its institutions, identifying topics which need to be addressed by the research community.

Key words:

academic community, networks, civil society, citizens, EU accession, EU membership, communicating integration impacts

RELEVANCE - THE ROLE AND FUNCTIONS OF ACADEMIC NETWORKS

Knowledge, education and practical guidance

Ever since Plato and Aristotle, political science has fulfilled several major functions. Besides research and teaching activities, academia is supposed to contribute to public discourse about the optimal forms of government in the broadest sense. Political scientists are able to analyse policy narratives and suggest solutions without ideological claims, and to act as policy fora for retrieving alternatives for political reform (Radaelli, 1998). Moreover, the narratives developed and put forward by these networks not only comprise communicative but also co-ordinative power if the actors communicate clearly and with one voice (Schmidt, Scharpf, 1998), as is the case with most academic networks.

For our political system - which we now call the "European Union" - the three functions of development of knowledge, education and practical guidance play a major role, not least given the open character of its constitutional and geographical *finalité* which has again been documented by the Lisbon Treaty. These functions are especially relevant for the construction of a European public sphere, a realm of our social life, accessible to all citizens, in which a public opinion can be formed (Habermas, 1989). Academic networks can help to establish a European community of researchers, partly fascinated and partly frustrated by the same object. Think tanks – defined here as "organizations engaged on a regular basis in research and advocacy on any matter related to public policy" (United Nations Development Programme 2003) - as one important branch of these networks can therefore be attributed a set of roles that will be summed up as a triple "A" approach of analysis, assessment and advice.

The analytical device of think tanks can be found in their structured and systematic access to the past, present and, using the appropriate scientific tools, future functioning of political systems. Providing methodological and theoretical offers, political scientists thus contribute to the understanding of the basic mechanisms of societies, states, international organizations and political systems of any kind. Drawing on knowledge provided by several areas, particularly sociology or economics, think tanks are also able to enrich the public debate.

The findings of the analytical consideration can then be assessed in a next step in order to draw conclusions: How do the structures detected fit into normative patterns? Are there positive or negative connotations? What actors are dominant? How might the perception of a political system like the EU be different from its actual functioning?

Based on this proceeding, think tanks are then able to give political advice on how to improve and strengthen political mechanisms. Thus their role should also be to develop as an active part of civil society, though the think tanks need to keep

their own criteria, working methods and autonomy. For this last task three (sub-) roles can be identified: Academic advisors can be craftsmen, shaping ideas and proposals for the public discourse, they can be actors, being involved directly in policy-making, and finally scholars can be agents of transnational expert networks, transmitting their ideas to the national arena (Marcussen, 1997).

For the purpose of conceptualizing the work of research networks the notion of epistemic communities provides a valuable approach. This concept refers to a network of knowledge-based experts or groups with an authoritative claim to policy-relevant knowledge within the domain of their expertise (Haas, 1992). Characteristics are the development of a common language in terms of categories and specialized knowledge, bringing the group itself closer together. Research and policy networks are thus epistemic communities in the making that have the possibility to anticipate EU membership by establishing cooperation among institutes in member countries as well as states that are going to join the European Union in coming years. Epistemic communities can channel new ideas from societies to governments and from country to country. They can provide for advice, identify inter-linkages between policy areas to address and the consequences of specific actions, define interests and present alternatives (Haas, 1992). Thus these communities are not only able to diffuse knowledge and expertise, but can also disseminate political norms and values. These mechanisms have been studied broadly, be it for national or European policy cycles (Richardson, 1996; Ladi, 2005).

The work of academic networks is partly pulled by the developments of the EU-system itself and partly pushed by the endogenous evolution of the discipline itself (Wessels, 2007; Rosamond, 2007). Thus the "pull factor from the EU", consisting of Treaty changes, enlargement rounds or policy innovations is likely to have important repercussions on the academic debate and to pose questions concerning the validity of theories and approaches making a contribution to the analysis of European integration.

Accession and Membership

The functions of academic networks become even more relevant in the context of enlargement. As the accession negotiations towards the European Union are already a major challenge for countries, real membership perhaps poses even more demands. Membership in the European Union is consequently not a snap-shot of political life, fixed to the accession date and happening on a *tabula rasa*. Application for membership is a process, consisting of a joint effort of the prospective member state and the European Union, which involves both a high amount of preparatory work and close cooperation after the date of accession, particularly (in the case of the Central and Eastern European countries) as regards systemic change, delayed or interrupted economic modernization and adjustment to EU conditions (Inotai, 1997). This development, consisting of

different stages, means that the candidate country needs to take on the *acquis communautaire* that has evolved during the past decades in the Community framework. It is also important to ensure that membership is accompanied by an active information strategy *vis-à-vis* the people: As participation in the structures of the European Union has a major impact on the polity, policies and politics of a member state, it is important to communicate issues related to the EU's work efficiently to the public of a state. These topics need to be taken up also by the academic and research agenda.

Applied to the case of EU enlargement and the accession of countries, networks not only provide a link between scholars of different nationalities but are also able to evaluate and elaborate the effects of EU membership on a scientific level, pointing to deficits and highlighting achievements. Science should therefore draw lessons from the experiences of past accessions in order to create realistic expectations. This process of learning initiated should then be able to both capture the dimension of preparing and advising the national administrations (Lippert, Umbach, 2005; Lippert, Umbach, Wessels, 2001), and to give to the citizens an adequate perception of the chances and challenges linked to EU membership. Consequently, the surplus of academic participation is to be found on the level of analysis and forecast, as well as the dissemination of the results created to political and societal actors. In these areas the academic community can contribute to a high extent, and has already done so in the past. Networks thus have become a form of governance, bridging society, political actors and science (Stone, 2007).

Academic and research networks might even gain more importance after the date of enlargement, as membership overall is more demanding than accession. In order to enter fully into the institutional architecture and to be able to participate in the decision-making process, a high input from the member states is demanded. This work begins with the need to establish common positions in areas under discussion in the European Union; it means a high administrative capacity as well as efforts to secure a stable market economy and democratic culture in a country. These tasks, already complex for members with a long tradition of statehood, are even more challenging for states which have only recently gained or regained their sovereignty. This implies that a common understanding in the sense of Habermas' communicative action (Habermas, 1987a,b) is created between actors from the side of the European institutions, the political actors on the national stage, and civil society and citizens on what involves membership and what values are commonly shared throughout the European Union. As the EU is more than a purely economically motivated organisation, its policy agenda has also been broadened. Consequently, this development calls for shared views on a variety of issues, making national and transnational dialogue an indispensable element of political life.

The Social Linkage Function of Research

The transformation of the character of the European Union and the quality of European Integration has led to the need for stronger communication of European issues, as membership in the EU involves not only duties but also rights which citizens in an acceding country have to be informed of to be able to develop a realistic perception of the European Union. *Vice versa*, the needs of the applicant country also have to be transferred to the European level to make known to the actors of the European Union what problems and challenges come from new members. The challenge for the individual country thus lies in the effort to make the joint policy-making at the European level - which is often characterized by a high frequency of package deals and hidden negotiations - transparent to all EU citizens.

Naturally, this communication has to be managed to a large extent by the media. But civil society, think tanks and academic networks also play a huge role in linking the public and political sphere - even more, as the media is often perceived not as the solution but as a reason for the communication gap due to the excessive or unspecific information produced. Therefore the integration of civil society via research networks and think tanks plays an important role in assuring the success of the EU membership of a country, making political science even an integral part of European civil society (Wickham, Collins, 2006).

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FORMS AND STRUCTURE OF THE NETWORKS WITHIN THE EUROPEAN RESEARCH AREA

The Frameworks

There exist a multitude of academic networks with a high degree of variation in the European Union, contributing also to a dialogue with actors and countries outside the EU framework. Academic networks may either be created on the basis of an initiative of a number of research institutes, or stimulated by the European Union through research programmes or as networks of excellence.

The European Union actively encourages the formation of research networks, for example by its Framework Programmes¹ which are focused on thematic priorities and aim at stimulating research, education and innovation. Another activity can be found in the Jean Monnet Programme, targeting higher educa-

¹ For further information see: http://ec.europa.eu/research/fp6/index_en.cfm

tion institutions to support teaching and research initiatives, but there are also projects like ERASMUS, enabling exchanges amongst university students, which contribute to the strengthening of the European Research Area. EU-funded research itself consequently plays a role in European integration, placing new topics and issues on the research agenda and proposing new ways of organizing and doing research (Wickham, 2004).

Thus it is possible to distinguish between different types of networks: First, academic networks are set up which evolve on the basis of research programmes and are dissolved after the end of the programme. This means a temporary co-operation on a specific topic or policy area, sharing expertise and results. Second, sustainable research networks exist, which comprise a number of institutes, tied together by an umbrella organisation.

The European Union has taken several actions to foster dialogue and cooperation in the area of research and developed its view on this concept (European Commission, 2006). This led in the year 2000 to the decision to create the European Research Area with the goal of ensuring stronger interaction between researchers. The good functioning of this area is again the basis for achieving a number of objectives of the EU, involving the successful implementation of the Lisbon Agenda which aims at making the EU the most dynamic and competitive knowledge-based economy in the world by 2010.

The Structure and Functions of Academic Networks

EU-wide academic networks have during the past decades gained importance and increased in number, as well as the scope of their research agenda. They are mostly composed of European researchers and institutions, but partially involve think tanks or universities outside the European Union, enabling them to also draw on other viewpoints and perspectives, and extend from informal, *ad hoc* networks to international associations, including a secretariat and large membership (Stone, 2007).

The notion of academic networks has a broad meaning and can be applied to any scientific branch. For the purpose of this article academic networks are - limiting the concept to the realm of political sciences - defined as formalized cooperations which aim at the organization and creation of knowledge through the analysis and assessment of current developments, giving advice to political actors. Still, the tasks of these specialized interactions are various and extend to the dissemination of the results obtained to a broader public and the initiation of political education, be it to university or PhD students within their direct reach, or to recipients indirectly addressed. Moreover, the scientific dimension is enlarged by a social scale, creating bonds throughout and over Europe.

But also the networks themselves benefit from the need and effects of transnational co-operation. With different approaches and focal points for research

being favoured in the different countries and institutes, it is possible to combine ideas and thus to create a surplus by European cooperation. Consequently, research networks are more than composites of institutes and think tanks; they have an additional impact on societies and political structures, providing for an exchange of views.

Two of these added values are the efforts in the fields of education and communication, and the possibility to involve partners from acceding countries at an early stage in ongoing activities. Scholars, students and institutes get in touch with their European counterparts and can place their own interests efficiently on the research agenda, as well as benefit from undertakings of other parties involved. This again has an impact on the academic and political community, creating closer bonds and a common understanding.

As research does not limit itself to theory but also seeks to create applicable knowledge, academic networks also have an indirect impact on political and economic actors as well as society, namely to make actors "fit". Consequently, research can give direction to several groups and provide guidance. It is thus able to set expectations and present alternatives, drawing on lessons of the past for visions of the future.

Examples of Research Networks

There exist different research networks where Croatian research institutes like IMO are also actively involved. ECSA², the European Community Studies Association, which liaises 52 national research associations and professors; ECPR³, the European Consortium for Political Research, with about 325 European institutional members, or institutions with a stronger educational focus such as the European University Institute in Florence⁴ or the College of Europe⁵ in Bruges and Natolin. In the following discussion, two networks will be given closer consideration in order to exemplify the goals and structures of the European Research Area.

First to be mentioned is the "network of excellence" of "EU-CONSENT"⁶ which not only aims at a better understanding of European processes, but seeks to additionally create a forum for researchers, students and the general public. EU-CONSENT includes partners from the member states of the European Union, and also from applicant countries such as Croatia and Turkey. Through

2 See: <http://www.ecsanet.org>

3 See: <http://www.essex.ac.uk/ecpr>

4 See: <http://www.iue.it>

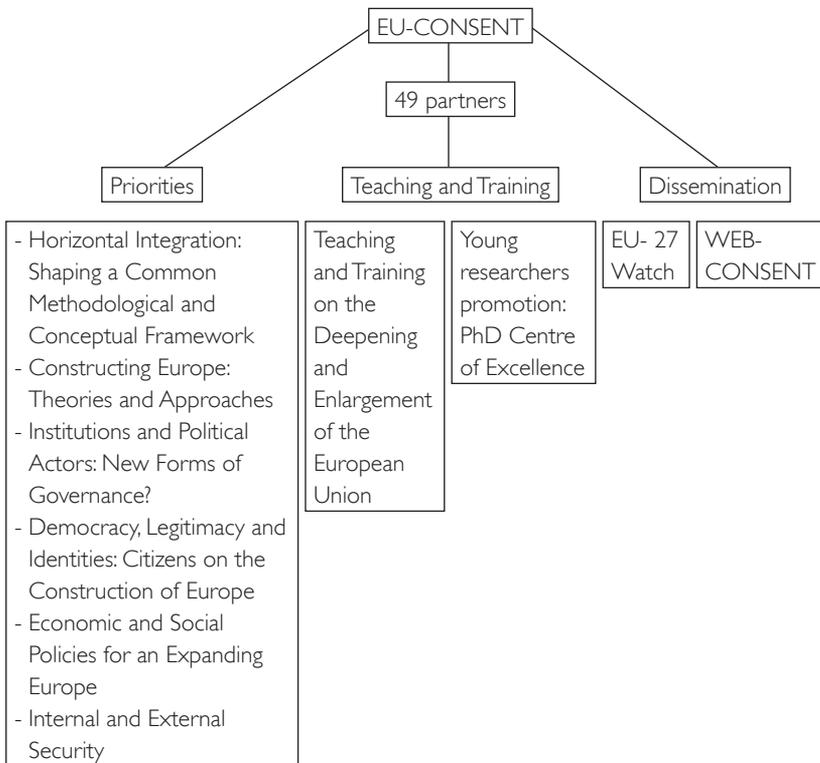
5 See: <http://www.coleurop.be>

6 See: <http://www.eu-consent.net>

participation in the existing work packages and regular meetings a constant dialogue is ensured, which allows taking the different perspectives into account.

During its existence EU-CONSENT has focused on topics which are either of an overarching nature such as theories and approaches, enabling historic and forward-looking perspectives, or institutions and actors, taking especially into consideration the overall goal of the project to identify patterns and challenges in the areas of “widening” and “deepening”. But also key issues such as “democratic life”, “economic and social policies” and “external relations” have been covered in order to draw a comprehensive picture of current developments within the European Union, especially after its enlargement.

Table I. Structure of EU-CONSENT



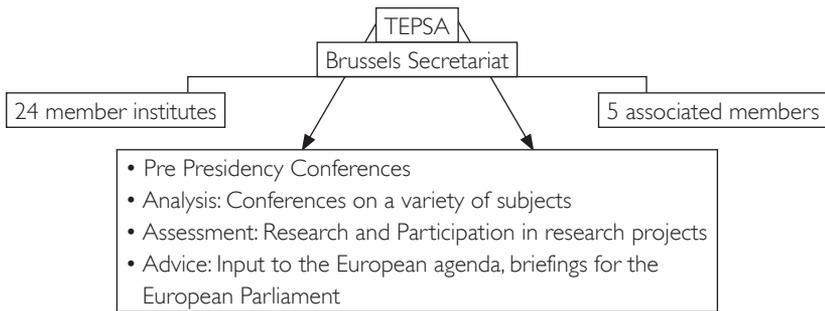
Source: own design Wessels, Nasshoven 2008

Not only has this work resulted in the development of new ideas and concepts, it has also, by its dissemination strategy and publications resulting from its in-

novative working groups, contributed to education and communication with regard to European affairs.

Secondly, research networks like the TEPSA⁷, Trans European Policy Studies Association, where IMO is also associated, represent a valuable platform for interaction. As TEPSA follows a bottom-up approach from its member institutes with the goal of stimulating discussion on policies and political options for Europe, it is especially interested in the plurality of concepts of its member institutes and their fields of interest.

Table 2. Structure of TEPSA.



Source: own design Wessels, Nasshoven 2008

TEPSA as a network gives the possibility to participate in joint research programmes or at conferences and thus to have a direct flow of information from the Brussels office to the members and vice versa. One major item on this agenda is the Pre-Presidency Conferences, where every six months representatives of the member institutes meet in the country taking over the Presidency of the EU to discuss the future priorities and plans for the upcoming EU Presidency. These events give room for debate and interaction and also enable an exchange of views with political and economic actors and the media. By these means, member institutes from countries which are not yet members of the European Union are able to actively participate in current debates and to also emphasize their views and needs.

TEPSA has considerably enlarged its membership to 29 institutes and always tried to include already at an early stage institutes from acceding countries. It not only focuses on the research side of networking Europe, but aims also at in-

7 <http://www.tepsa.be>

cluding civil society and citizens and keeping a close contact with the European Institutions as well as training for the younger members of its institutes. With its conferences, TEPSA is able to provide information about current activities and challenges of the European Union to a wide audience and to link actors involved on different levels in the field of European Integration.

SETTING THE RESEARCH AND POLICY AGENDA

Networks should especially take up the experiences of institutes directly involved in processes of change to enrich the *acquis academique*. This means that key issues have to be identified and discussed, together with attempts to find applicable solutions.

EU-CONSENT in this context starts from different sets of expectations which will over the duration of the project be either confirmed or falsified, drawing on the contributions of its various members. The linkage of the different topics is assured by the creation of cross-cutting working groups, putting together issues identified by the different work packages and discussing them in a more interdisciplinary approach.

Also the TEPSA network is putting forward the triple "A" approach of analysis, assessment and advice, with a view to both enriching the *acquis academique* and having the maximum effect on advancing European integration, as for example by its Pre-Presidency in Ljubljana, discussing the priorities of the Slovenian Presidency. This implies taking up issues put forward by its member institutes and thus developing a common research agenda which is elaborated below.

For the research areas of accession to the European Union there exist a number of relevant topics which need to be addressed. These involve the functioning and interactions of the European institutions, studies on the different policy areas covered by the EU, or of the effects of membership on national political systems. A central point for research during the next years will be the ratification and implementation of the Treaty of Lisbon, marking another step in the process of system making. Still, besides this constitutional point of reference for the development of the European Union, major topics of research involve the role of the European Union in the international system (Bretherton, Vogler, 2006), including the question of what kind of power the EU constitutes and its common foreign and security as well as defence policy (Duchêne, 1972; Manners, 2002). Equally important, economic governance, especially with regard to the future development of the Eurozone and the Community budget, and also the finalization of the Internal Market and the Lisbon Strategy, will have to fig-

ure on the research agenda, implying also an extended discussion on the "new modes of governance".

For the Western Balkans and especially Croatia there also exists a broad range of topics which need to be addressed more specifically by the European academic networks in order to have an impact on processes of change and the preparation for EU membership. This forms the basis of the following research agenda:

First the post-conflict management of the European Union, including the perspective of accession as an instrument thereof, and the impact of this management on the EU itself needs to be assessed. Therefore a double perspective has to be taken, namely the effects the European Union has on political, economic and societal structures in the respective countries, but also taking into consideration what repercussions the different activities have on the policy, policies and polity of the European Union. Taking the example of Macedonia, the involvement of the European Union in state-building has led to the creation of a double-hatted special representative, who is at the same time Special Representative and Head of the Commission Delegation. This again has led to this concept being applied in the Great Lakes region of Africa, thus changing the structures of the EU's external representation.

But also with regard to the tool of accession negotiations and an envisaged common future within the EU, research needs to critically examine the EU's policies. This refers not only to the question of what kind of power the European Union is, but also whether enlargement forms a part of the EU's external policies and how strong an instrument it is.

In line with these considerations, for the Balkans the future of Kosovo and the role of the European Union with regard to the question of Kosovo also represent a wide field of research. Not only can co-operation structures and negotiation procedure be examined, but also the influence of EU actors on subject areas which are of vital interest to several states can be traced.

Another area of research is that of the impact of EU accession on regional integration and regional ownership in the Balkans. Different mechanisms exist in this respect such as the Regional Co-operation Council (RCC) or the South-east European Cooperation Process (SEECP), so that one could argue that the European Union transforms procedures and levels of integration, aiming at a cross-border and transnational approach. Institutions such as the United Nations University on Comparative Regional Integration Studies focus on those issues, examining the effects of regional integration worldwide and drawing to a large extent also on the measures taken by the European Union.

Concerning accession, lastly a wide range of subjects is to be covered by research, amongst these the evolution of new accession criteria with the conditionalities set out by the European Union and an ever more comprehensive catalogue of criteria to be fulfilled, the varying speed of opening accession

negotiations and the consequences to the individual countries resulting from these differences, and, after accession, the adaptation of national administrations in the context of EU accession (Lippert, Umbach, 2005). This again links up with the point of regarding enlargement as a process starting before the opening of accession negotiations and continuing after the accession treaty has been signed and representatives of the new member state have joined the bodies of the European Union.

Finally, changes in the perception of the EU by the applicant countries and the visibility of the EU in the Balkans have to be considered, this being a task where academic networks need to assess the situation, but they also may serve as key actors in education and communicating European issues. Especially for Croatia, its plans for accession to the European Union have with its candidate status come to a stage where it is necessary to emphasize the impact of membership negotiations and membership itself. This process, which needs to be started by academic networks and politicians as well as civil society, has especially to draw the wider public into the developments so that an understanding of the changes taking place can evolve. Comprehending the structures in which Croatia will take part after accession will then also lead to a more objective public opinion concerning European Integration, necessary for the future decisions of the citizens in referenda and elections to the European Parliament.

Regarding the development of the European Union it furthermore needs to be assessed whether the European Union is "fit" to balance the items of 'deepening' and 'widening': The Lisbon Treaty therefore draws on the strategy of flexibility and differentiation. Especially in the process of implementing the new treaty it will therefore need to be assessed by the research community whether the tools developed are appropriate measures for obtaining this goal.

CONCLUSION

To sum up, European research networks provide a forum for discussion and a tool for communication between researchers, but also to involve students, political actors and the public. This activity is especially important to encourage reform and raise public awareness in countries like Croatia, on the one hand by giving advice and expert knowledge on where change is necessary and how the goals identified might be reached. By a transnational approach networks can draw on various examples and experiences in different countries, and also help to communicate reforms within and outside the country concerned. They also contribute to educating an elite which can be in charge of administrative changes and develop visions for a country's future.

By the key items of analysis, assessment and advice, academic networks such as presented with the examples of EU-CONSENT and TEPSA form a major basis of the European Research Area. These activities are strongly encouraged by the European Union, underlining the importance of these cooperations for the development of knowledge and the formation of a transnational society as well as the communication of European issues to the citizens. Thus the effect of networking transcends the mere delivery of studies, and has a concrete impact on the shape of research, education and the communication of issues of European Integration.

The academic community needs to further engage in studies on the issues elaborated upon. By analysing the current state of the art in both the countries concerned and the European Union itself, academic networks will be able to at the same time integrate perspectives from the accession countries themselves and also to give valuable advice to political actors, drawing on the expertise of an evolving transnational research community.

LITERATURE

Bretherton, C., Vogler, J. (2006) *The European Union as a global actor*. London, New York: Routledge.

Commission of the European Communities (2006) *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, towards a European research area*: COM (2000) 6 final, 18 January. Brussels: Commission of the European Communities.

Duchêne, F. (1972) Europe's role in world peace, in: Mayne, R., ed. *Europe tomorrow: sixteen Europeans look ahead*. London: Fontana, 32-47.

European Council (2007) *The Treaty of Lisbon* [online]. Available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML> (05.02.2008)

Haas, P. (1992) Introduction: epistemic communities and international policy coordination. *International Organization*, 46 (1), 1-35.

Habermas, J. (1987) *The theory of communicative action. Volume 1: Reason and the rationalization of society*. Cambridge: Polity Press.

Habermas, J. (1987) *The theory of communicative Action, Volume 2: Lifeworld and system: a critique of functionalist reason*. Cambridge: Polity Press.

Habermas, J. (1989) The public sphere: an encyclopedia article, in: Bronner, S., and Kellner, D., eds. *Critical theory and society: a reader*. New York, London: Routledge, 136-142.

Inotai, A. (1997) The future of financial transfers and Hungary, in: Inotai, A., and Vida, K. *Financial transfers of the European Union and Eastern enlargement*. Budapest: Trans European Policy Studies Association, Institute for World Economics, Strategic Task Force for European Integration.

Ladi, S. (2005) The role of experts in the reform process in Greece. *West European Politics*, 28 (2), 279-296.

Lippert, B., Umbach, G. (2005) *Pressures of Europeanisation: from post-communist state administrations towards normal players in the EU system*. Baden-Baden: Nomos-Verlag.

Lippert, B., Umbach, G., and Wessels, W. (2001) Europeanisation of CEE executives: EU membership negotiations as a shaping power. *Journal of European Public Policy*, 8 (6), 980-1012.

Manners, I. (2002) Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 40 (2), 235-258.

Marcussen, M. (1997) *The role of ideas in the EMU-Process: the case of three small economies and of European central bankers*. Seattle, Paper delivered to the ECSA conference.

Radaelli, C.M. (1998) Networks of expertise and policy change in Italy. *South European Society and Politics*, 3(2), 1-22.

Richardson, J. (1996) Actor-based models of national and EU policy-making, in: Kassim, H. and Menon A., eds. *The European Union and national industrial policy*. London: Routledge, 26-51

Rosamond, Ben (2007) The political sciences of European integration: disciplinary history and EU studies, in: Jorgensen, K., Pollack, M., and Rosamond, B., eds. *Handbook of European Union politics*. London: Routledge, 7-30.

Schmidt, V.A., Scharpf, F. (1998) *Europeanization and domestic structural change: a question of fit?* Paper delivered to the conference on Europeanization and domestic policy change. Florence: European University Institute.

Stone, D. (2007) Recycling bins, garbage cans or think tanks? Three myths regarding policy analysis institutes. *Public Administration*, 85 (2), 259-278.

United Nations Development Programme (2003) *Thinking the unthinkable*. Bratislava: UNDP Regional Bureau for Europe and the Commonwealth of Independent States.

Wessel, R. (1999) *The European Union's foreign and security policy: a legal institutional perspective*. The Hague: Kluwer Law International.

Wessels, W. (2007) Die Europapolitik in der wissenschaftlichen Debatte, in: Weidenfeld, W., Wessels, W., eds. *Jahrbuch der Europäischen Integration 2007*. Baden-Baden: Nomos-Verlag, 25-35.

Wickham, J. (2004) Something new in old Europe? Innovations in EU-funded research. *Innovation: European Journal of Social Science Research*, 17 (3), 187-204.

Wickham, J., Collins, G. (2006) Involving users in social science research: a new European paradigm? *European Journal of Education*, 41 (2), 269-280.

EUROPEAN
CHALLENGES AND
IRISH EXPERIENCES
IN COMMUNICATING
EUROPE TO CITIZENS

Alan Dukes

ABSTRACT

Accession to the then EEC was the subject of lengthy public debate in Ireland. The first application for membership was made in 1961, the referendum on accession took place in 1972. By the end of that debate, the Irish people were well informed about the nature and functioning of the EEC. Today, there appears to be a reduced level of interest in the history of the Union and in its significance. Channels of communication have been significantly expanded by the European Institutions and by the Irish Government. In particular, a National Forum on Europe has been set up to ensure public access to information and debate on European issues. There have, however, been failures of communication. As a result, a number of misunderstandings and myths about the content of EU action have emerged, and will figure in the referendum debate to be held on the Lisbon Treaty. These demonstrate the continuing need to maintain effective channels of communication with the public. Finally, a series of recommendations aimed at sustaining debate and analysis of European issues are put forward.

Key words:

EU accession, communicating integration impacts, citizens, EU's democratic deficit, EU's legitimacy, Lisbon Treaty

INTRODUCTION

Ireland, together with Denmark and the UK, joined what was then the European Economic Community (EEC) on 1st January, 1973, having first applied for membership in 1961. The public debate on Ireland's application had taken place throughout most of the 1960s (the enlargement process having been interrupted between 1963 and 1969 by the French vetoes of 1963 and 1967). By the time of accession, therefore, there had been an extensive and lively public debate, culminating in the referendum of June, 1972, with a turnout of almost 80% of the eligible electorate.

The transfer of sovereignty involved in accession to the EEC required an amendment to the Irish Constitution. The amendment made in 1972 to permit accession was framed in such a way as to require further constitutional amendment in the event of any further transfer of sovereignty to the EEC at a later date. This, together with a Supreme Court judgement in relation to the ratification in Ireland of the Single European Act of 1986 (The Supreme Court, 1987) has been taken to mean that, in terms of practical politics, each subsequent amendment of the EEC and EU Treaties has been put to a referendum in Ireland (even where, as in the case of the Amsterdam Treaty of 1998, it could be argued that no new transfer of sovereignty was involved).

The result was active public debate on European issues in Ireland in

- 1972 - Accession Treaty;
- 1987 - Single European Act;
- 1992 - Maastricht Treaty;
- 1998 - Amsterdam Treaty;
- 2001 and 2002 - Nice Treaty (rejected on the first occasion, passed on the second).

On each of these occasions, the debate centred around a range of forecasts or expectations as to what the impact of ratification would be.

DEBATE ON 1972 ACCESSION TREATY

The principal areas of debate on this occasion were the effects of accession on:

- Ireland's economic independence and ability to pursue fiscal and economic policies adapted to the country's needs;
- the ability of the Irish indigenous industrial sector to compete with industry in the other Member States (the Accession Treaty in Protocol no. 7. included a special measure under which the Irish motor assembly industry would be protected until 1985: in the event, this proved futile and the industry collapsed in the second half of the 1970s);
- Irish agriculture, which was heavily influenced by the "cheap food" policy operated by the UK prior to accession and by the effectiveness of the Common Agricultural Policy in protecting the EEC market by means of tariffs and variable levies on imports (making access to continental markets extremely difficult for Irish products);
- Ireland's cultural identity (particularly in view of the perceived emergence of a "mid-Atlantic" culture dominated by American influences);
- Irish neutrality (policy of military non-alignment dating from 1939), in view of the fact that the Six original Member States, Denmark, Norway (then a candidate) and the UK were all Members of NATO.

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The debate on accession was long-lasting and lively. It had, in fact, started when the first application for membership was made in 1961.

- A Catholic Church-based adult education organization (the National Social Services Conference) ran several series of public lectures on the issue.
- Civil society organizations throughout the country, including a number of organizations which were opposed to membership of the EEC, organized public debates.
- Members of Government frequently spoke on the issue. As negotiations on the terms of accession proceeded, the Government engaged in frequent consultations with the various interest groups.
- The principal agricultural and industrial lobby groups expressed their support for accession at an early stage and regularly held debates on the issue among their membership. These included intensive debates on difficult issues as they arose in the course of the negotiations.
- Urban and rural youth organizations organized debates in which their members took part.
- The European Movement provided a panel of speakers to engage in public debates and to contribute to media analysis.
- The Irish Congress of Trade Unions, the representative body of trade unions, opposed membership, as did the Labour Party, and this level of opposi-

tion undoubtedly contributed to the liveliness and to the comprehensiveness of the debate.

- A number of “republican” organizations expressed opposition to what they characterized as an unwarranted cession of sovereignty to foreign (including British) influences.
- When the negotiations were concluded, the Government published a White Paper setting out the terms of the Treaty and stating what it believed to be the reasons in favour of ratification of the Accession Treaty (The Irish Government, 1972). The public debate outlined above continued during the period between the publication of the White Paper and the referendum.

By the time the referendum took place in June, 1972, debate on the issues had lasted for the greater part of a decade. Every city, every substantial town and a great many villages and rural communities in Ireland had been the scene of several public debates. Both print and broadcast media had given a great deal of time and space to analysis of the issues and to the presentation of the range of opinions in the debate. By June, 1972, there can hardly have been a citizen of voting age who was unaware that a lengthy debate had taken place, and very few who were unaware of the nature of the issues under debate.

It is probably relevant at this point to observe that, in the 1960s and early 1970s, there was a greater disposition on the part of the public to participate personally in public meetings on such issues than there is today. All kinds of organizations – political parties, trade union and professional organizations and all kinds of civil society organizations – agree that it is today much more difficult to muster a substantial gathering of concerned or interested citizens than it was thirty to forty years ago¹.

In the event, a majority of the electorate took a positive view of what the impact of accession on Ireland would be, and the Accession Treaty was ratified. With a turnout of 70% of the electorate, 80% of those voting said “YES”.

In the thirty-five years since Ireland’s accession, Eurostat and other opinion polls have consistently shown that Irish public opinion is, on the whole, more favourably disposed to the EU than public opinion in most other Member States.

What can be said about the claims made and the fears expressed during the debate on accession? Any judgements must be subjective to a considerable extent, but some conclusions are shared by the majority of observers, whatever their position in the first referendum.

¹ A meeting to discuss the Lisbon Treaty organized by the National Forum on Europe in Waterford (pop. 50,000) on February 11, 2008, was attended by only 50 people (*The Irish Times*, February 12, p.5)

- Ireland (like all other Member States) has clearly retained a very substantial degree of autonomy in fiscal and economic policy. Membership of the European Community did not prevent the emergence of very serious fiscal disequilibria in the 1970s, nor did it pose any obstacles to remedial action during the 1980s. In more recent years, the (relatively loose) disciplines of the European Monetary System followed by those of the Broad Economic Policy Guidelines, the Eurozone and the European Central Bank, have arguably contributed positively to the solidity of economic and fiscal policy.
- The progressive unification of the EU's internal market (covering agriculture, industry and services) has clearly been to the benefit of both consumers and producers in Ireland.
- The progressive unification of the EU's internal market is also widely held to have been a positive factor in Ireland's success in attracting foreign direct investment (FDI).
- The European Structural Funds, followed by the Cohesion Funds, have played a significant part in Ireland's infrastructural development since accession.
- Judgements on cultural issues are notoriously subjective, but it can certainly be argued with considerable conviction that there is still a clear "Irish" sense of identity.
- There can be little argument with the proposition that there is a clear Irish political and diplomatic identity.
- Notwithstanding substantial (and frequently controversial) developments in the EU's action on foreign policy, security and defence issues, Ireland still remains militarily non-aligned, and has not been subject to any pressure from other Member States to change that position or to join NATO.

CONTENT OF COMMUNICATION

It would be useful at this point to review the principal features of the material communicated to the public during the course of Ireland's accession debate and in the intervening period.

A great deal has been written and said about what has happened and what has been achieved since the Hague Convention of 1947. We have the personal memoirs, the biographies and the writings of the founding fathers and philosophers of European economic and political integration: Monnet, Schuman, Werner, Adenauer, de Gasperi, Spinelli and many others. For those of us who read the history and have lived some of it, it is a truly absorbing and inspirational study. We may indeed communicate to the public what we regard as an

astonishing history of vision and of extraordinary achievement. For many of the public we address, however, it may seem to be no more than a tedious recital of the rather obscure history of how we got to where we are: a European Union in which peace and prosperity are regarded as the norm, things to which we are entitled as a matter of course. Most of the young people we address today are bored by the history; some of them are more interested in hearing of a vision of where we go from here.

Those with a sense of history cannot fail to be impressed by the wisdom of the original moving spirits in foreseeing the long-term advantages of the Single Market, which has proven its worth again and again as the process of globalization has proceeded². The vision of those who advocated a single currency over thirty years ago cannot fail to impress. When we reflect today on how the process of co-decision between the European Parliament and the Council of Ministers works in practice, we can only be grateful to those who, over the years, fought and manoeuvred to secure extra effective powers for the Parliament. Even though all this is history, it still has lessons of value for the European Union of today.

For much of the present generation, however, these achievements are nothing more than normal parts of the picture of the society in which they live. The current stage of European integration is the norm rather than the result of political actions which they have witnessed. Less than one third of today's Irish population were aged ten years or more at the time of the referendum on accession to the EEC, so that some two thirds of the population have very little direct personal experience of the dramatic build-up to the EEC's state at the time of Ireland's accession.

Throughout the fifty years of its history, the EU has evolved and grown. It has both adapted to the world around it and helped to shape that world. It has shared the history of that period with each one of its current twenty-seven Member States. The experience has been different in every case, but that combination of experiences has made the EU what it is today, just as it has shaped each one of the Member States. In a real sense, the EU and its Institutions have travelled the frequently hard road between the expression of high ideals and their gradual and often imperfect realization, between their conception and their accommodation to the changing realities of the surrounding world. This has involved the exercise of imagination and the application of pragmatism, in much the same way as has the governance of any individual Member State.

2 "There will be no peace in Europe if the States rebuild themselves on the basis of national sovereignty, with its implications of prestige politics and economic protection (...) The countries of Europe are not strong enough individually to be able to guarantee prosperity and social development for their peoples. The States of Europe must therefore form a federation or a European entity that would make them into a common economic unit". (Jean Monnet, speech in Algiers, August 2, 1943).

The nature, politics and structure of the EU and of its Institutions have created some particularities in the presentation of that history to the populations of the Member States. The crudest but clearest expression of this problem is to be found in the complaint frequently made by members and high officials of the European Commission: the good, agreeable and successful things that the Union does are claimed by the Governments as their doing, while the bad, unpopular or unsuccessful ventures are blamed on "Brussels". Thus, the Member States are always "good" for the citizen, while "Brussels" is frequently "bad".

CHANNELS OF COMMUNICATION

In the thirty-five years since Ireland's accession, channels of communication have been modified and expanded in a number of ways.

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- Government White Papers are now accompanied by summary documents and all of the published material is now available on-line.³
- There have been similar developments in communications from civil society organizations, professional organizations and interest groups.
- All of the media now offer on-line services.
- The European Parliament has greatly expanded the scope of its information activities in all of the Member States.⁴
- The European Commission has equally expanded the scope of its information services, it runs a comprehensive on-line information service across the whole range of Union activities and policies, it has itself engaged in an expanding series of consultations with civil society organizations and has financed extensive trans-national consultation activities carried out by civil society organizations.⁵
- The Council of Ministers has a comprehensive on-line information service.⁶
- Many observers would agree that there is greater access to information on the activities of EU Institutions than is available on the activities of many national administrations.

3 See: <http://www.gov.ie>

4 See: <http://www.europarl.europa.eu>

5 See: <http://www.ec.europa.eu>

6 See: <http://www.consilium.europa.eu/infopublic>

The Irish Government has, of course, participated in this expansion of the scope of information channels about Union activities and has added some particular dimensions to communication methods.

In advance of the first referendum on the Nice Treaty in 2000, in response to a Supreme Court ruling on the financing of information activities in connection with the referendum (The Supreme Court, 1995), the Government set up a Referendum Commission, charged with ensuring "balance" in publicly-funded information campaigns relating to the referendum issue. Essentially, the Supreme Court had ruled that the Government cannot act in a partisan way by spending public money in the promotion of only one view in a referendum campaign. In other words, the Court decided that, if the Government wishes to expend public money on a campaign to explain why it believes that its proposal for an issue to be put to the people in a referendum, duly passed by the Oireachtas (parliament) should be accepted by the electorate, it must spend an equal amount on publicizing the views of groups which take a contrary view. The Government decided to avoid the difficulties inherent in choosing organizations to be financed by setting up a new, publicly-funded organization mandated to communicate, in a non-partisan and non-judgemental way, the arguments on the two opposing sides of the referendum debate: this organization is the Referendum Commission⁷. It is chaired by a retired Judge of the Supreme Court or of the High Court: the other members are the Clerks (chief officers) of the two Houses of the Oireachtas, the Ombudsman and the Comptroller and Auditor General. The Commission is set up by the Minister for Justice, Equality and Law Reform in advance of the referendum: once it completes its functions, it must report within six months on the performance of those functions and is dissolved one month after the submission of its report.

During the two referendums on the Nice Treaty (2001 and 2002), the Referendum Commission published documents which were circulated to all registered voters and funded a series of broadcast advertisements. These materials set out the arguments being advanced by both the proponents and the opponents of the referendum proposal. While the procedure adopted may have been properly in accordance with the Supreme Court's ruling, it has not been without its critics. To give only one example, it is sufficient to recall that, in one of the documents published by the Referendum Commission in the course of the debate on the second referendum on the Nice Treaty, two facing pages contained flatly contradictory statements: one page included the assertion that the provisions of the Nice Treaty would put an end to Ireland's neutrality, while the facing page included the assertion that Ireland's neutrality would be unaffected. This juxtaposition of two contradictory assertions without any supporting argument or analysis left many readers feeling understandably puzzled, to say the least.

7 See: <http://www.refcom.ie>

In 2001, after the rejection of the Nice Treaty in the first referendum, the Government set up the National Forum on Europe.⁸ This is intended to provide a forum for debate on EU issues and on the future of the Union, accessible on a wide basis. The six political parties represented in Dail Eireann and representatives of independent members appoint members to the Forum. All Irish Members of the European Parliament are members of the Forum. In addition, there is a Special Observer pillar including a wide range of representatives of the social partners and of other civil society organisations. The Forum holds regular Plenary sessions, usually devoted to debate on a presentation made by a significant European figure (e.g. a President, Prime Minister or Minister of a Member State, a member of the European Commission or another authoritative figure). In addition, it has developed a series of actions involving schools and civil society organizations. It has also brought its work to the regions. It runs a substantial on-line service, which includes a number of specially-commissioned presentations and produces films and podcasts of its work.

FAILURES OF COMMUNICATION

What we often fail to communicate is the fact that, although the background against which we act has changed immeasurably – and for the better – over the past sixty years, the complexity of the background to the choices we have to make today is certainly no less than it was in 1947. The tools we have at our disposal are still the imperfect and fallible tools of democratic political systems.

The governance of the EU today is just as open to criticism as that of any one of its twenty-seven Member States. The route by which the EU has arrived at its current state has been tortuous. It has been marked by untidy, inefficient and unsatisfactory arrangements, compromises and uncertain resolutions, no less than by considerable successes. *Mutatis mutandis*, the same could be said of the governance of every one of the Member States. The degree to which Member States effectively share sovereignty has gradually increased and has always been the subject of controversy. Each successive step in this sharing has proved to be worthwhile, as, for example, in the case of the single currency or, even more, in the case of the successive enlargements. At each stage of the EU's history, the untidiness or the alleged incoherence of its governance system has been the result of contention and disagreement between the governments of its Member States. Each one of those governments has, in every one of the controversies, acted in defence of what it perceived to be the interests of its own people and

8 See: <http://www.forumoneurope.ie>

in pursuance of its own vision of its democratic mandate. When they arrived at an agreement, arrangement or compromise (however it was characterized by public opinion or by commentators), it was because they had arrived at a conclusion which they believed was preferable to the *status quo ante* or to any available or feasible alternative.

There has been a failure in every Member State to communicate the fact that this apparently complex and subtle process is essentially the same as the process of governance in any Member State. This failure to communicate is, in a sense, hardly surprising, since it has been mirrored by a similar failure to communicate the corresponding explanations about the twists and turns of governance at the national level.

There has also been a failure to communicate the essential significance of the fact that the EU Treaties and the EU's action in practice are motivated by the same fundamental principles that inspire the UN, the Council of Europe and the OSCE. In every Irish referendum on a European Treaty, part of the opposition to ratification has been based on a claim that the Treaty in question prejudices in some way one or other of Ireland's obligations as a member of the UN. Yet it can be argued that the EU's actions, both in its Member States and in its relations with the rest of the world, have provided the means by which Member States can more effectively live up to their UN obligations. The EU is, for example, the world's largest aid donor: EU common policy in this area is a powerful means of assisting and encouraging the Member States to meet UN targets. The EU Treaties are a good match for the regional organization model set out in the UN Charter: From a certain point of view, the gradual evolution and enlargement of the EU can be regarded as the most effective way so far devised of giving life "on the ground" to the principles of the UN Charter, of the Council of Europe and of the OSCE. It could even be argued that the EU is almost bound to come in for criticism simply because, when it comes to these principles, it is "doing" rather than simply enunciating.

The EU's action in the peacekeeping area in recent years has been of great significance in assisting the UN. Ireland has played its part in all of these actions, except the one in Macedonia, where Chinese opposition to a UN mandate made Irish participation in the EU action impossible because of the "triple lock" mechanism introduced as part of the means of securing a "YES" vote in the second referendum on the Nice Treaty. The significance of all this is imperfectly understood in Ireland, despite the fact that polls suggest that there is considerable pride in the country's peacekeeping credentials.

The fact that the true nature of the EU is rarely illustrated in political discourse means that there are widespread popular myths about it.

- Respectable commentators and even Ministers in national governments frequently refer to a "democratic deficit" in the EU without defining what they mean by it.

- The President of a Member State has bemoaned the “fact” (as he sees it) that 70% of national legislation “comes from Brussels”. He has not publicly explained the calculation. Others have seized on it and the claimed proportion has grown to as much as 80%.
- We are all familiar with the characterization of the European Commission as a vast collection of “faceless bureaucrats”.
- The EU is a free-market, neo-conservative capitalist conspiracy or alternatively (and simultaneously) it is an anti-enterprise left-wing plot.

The fact that these and other similar *canards* have gained widespread currency and are held to be in some way peculiar to “Europe” or to “Brussels” indicates clearly that the real (and rather mundane) nature of Union governance has remained substantially unknown to many of the citizens of the Member States. A cynic might remark that this is hardly surprising, since a great many citizens of the Member States have only a fairly hazy idea of the political and administrative structures of their own local and national administrations. All of this simply means that there is a continuing need to communicate the reality of governance and decision-making in the EU to populations whose attentions are, most of the time, focused elsewhere.

CONTINUING COMMUNICATION NEEDS

“The Democratic Deficit”

The EU is, legally and politically, a union of *States*, not of people. However much and however sincerely we might aspire to an “ever closer union” among peoples, the signatories of European Treaties are States: that is, governments acting in accordance with their own laws and Constitutions, in the exercise of powers conferred on them by those laws and Constitutions, on behalf of the people who have agreed (by accepting the structures of their home states) to be bound by those same laws and Constitutions. The fundamental reason for this feature of the European construction is the concern on the part of Member States, implicitly accepted by the architects of the original Treaty, to remain in control of the extent to which national political sovereignty (as popularly understood) is ceded to common institutions. Thus, if the fundamental structure of the EU is lacking in democracy – i.e. in a direct role for the citizen – that is because governments, acting in the name and in the interests of those citizens, wanted it to be so.

It is surely ironic that much of the criticism of the EU based on the alleged “democratic deficit” comes from the same groups which object to the de-

gree to which it is perceived that national sovereignty has been ceded to the Union. This conjunction of fundamentally contradictory criticisms was much in evidence in the debates during the French and Dutch debates leading to the referendums on the Constitutional Treaty. It is to be found also in the current Irish and British debates on the Lisbon Treaty.

Only a brief reflection is required to conclude that a truly “democratic” EU polity would necessarily lead to the progressive submergence of “Member State interests” as drivers of policy. This can be seen from a cursory examination of the various proposals that have been put forward as ways of making the Union more “democratic”.

- “Pan-European” referendums on Treaty amendments have been suggested. Leaving aside the very considerable implications which such referendums would have for the Constitutions of a number of Member States (e.g. the Federal Republic of Germany, where federal-level referendums are banned by the Constitution), a certain number of very pertinent considerations arise. It is to be presumed that the outcome of such a referendum would be determined by either a simple majority or by a majority subject to certain conditions (such as turnout or prescribed majority). Proponents of this idea must presumably accept that it could produce situations in which the overall result would be in direct conflict with the result at national level in one or more Member States. What then would be the situation of those Member States, faced with a referendum result which was clearly in direct conflict with the expressed will of their respective electorates?
- This difficulty could arise even in situations where conditions analogous to the QMV provisions of the Lisbon Treaty (support of 65% of Member States and 55% of the Union population) were applied to a referendum. Any such idea immediately poses the conflict between “Union” interests and “Member State” interests. While it might, on the surface, seem to resolve one problem of “democratic deficit”, it would give rise to a whole host of new ones.
- It is sometimes proposed that the President of the Commission might be directly elected by universal suffrage of the electorate in the Member States. This idea has an obvious superficial appeal. On examination, however, it throws up a certain number of complications. First, there is no Member State in which the head of the civil service is elected through a political process, nor does there appear to be one in which this might seriously be proposed. Received wisdom would have it that the civil service and analogous structures should be de-politicized rather than politicized. Second, the principal functionary in most international organizations (e.g. UN, OECD, Council of Europe) is appointed after a consensus has been reached between the Member States (however difficult and lengthy the process may be and whatever the formal provisions of the governing rules). Third, in some EU Member States, a President, who is also Head of State, is elected

by universal suffrage. Those who propose the direct election of the EU Commission President typically do not envisage functions for that office that would be comparable, for example, to those of the President of the French Republic.

- An alternative proposal in relation to the Commission Presidency is that this office might be filled on the basis of a vote in the European Parliament. This process is typically the one by which Prime Ministers are elected (or confirmed) by national parliaments. So far, those who have argued for such a method of appointing the Commission President have not proposed that the office should have powers analogous to those of a Prime Minister. What is clear is that a Commission President appointed in this way would have a political standing very different to the current status of the office, and arguably a more authoritative standing than that which currently attaches to the office. It would certainly increase the power of the Commission/EP axis *vis-à-vis* the Council of Ministers (and thus, *vis-à-vis* the Member States). This, however, does not (on the face of it) appear to be the objective of the suggestion.
- In providing that the appointment of the Commission President take account of the outcome of elections to the European Parliament, the Lisbon Treaty proposes to add a new democratic element to the EU institutional architecture.

In sum, making the EU more “democratic” in terms of the western model of parliamentary democracy (or, even more, of some utopian model of direct democracy) would be entirely incompatible with the maintenance of Member State interests.

An alternative view on the issue of the “democratic deficit” is that this is a phenomenon resulting from the failure of the national parliaments of most of the Member States to apply adequate systems of invigilation to the positions adopted by members of their governments acting in the framework of the Council of Ministers or of the European Council (Dorr, 2005).

“Too much Legislation Coming from Brussels”

It is alleged that 70% (or sometimes more) of national legislation “comes from Brussels”. The argument is not backed up and the methodology of the calculation has not been made clear. It is suggested that there is something inherently objectionable in the proportion of national legislation arising in this way, although there is no suggestion as to what might constitute an acceptable proportion.

It is to be suspected that this is an argument for less “Brussels bureaucracy” rather than an argument for less bureaucracy, *tout court* (an argument can be made for the proposition that most modern democracies suffer from a surfeit

of legislative interference, but that is a discussion for another place). The argument under review is based either on a fallacy or on a misunderstanding of the Union's legislative and administrative processes.

- The possible fallacy is that the Member States have no role in the "Brussels" legislative process but are simply receivers of legislation generated by the Brussels bureaucracy. The reality is quite different. The Member States, working in the Council of Ministers, are active partners in the legislative process. The Council of Ministers has a virtually equal partner in legislation in the European Parliament. Thus, legislation does not fall out of the blue on to the unsuspecting governments of the Member States: it exists because they have co-operated in framing it. Not only that, but directly-elected MEPs have participated as equal partners in the process.
- The possible misunderstanding may relate to a failure to apprehend the process by which EU legislation is generated and implemented. The development and elaboration of Union law is a highly collaborative process, sketched very briefly above. Where EU law takes the form of a Directive, Member States have to pass secondary national legislation to give it effect. This results largely from the fact that the EU itself does not have implementing structures; this means that, to a very considerable extent, the implementation of EU law is left to the Member States: hence (in large part) the need for national implementing legislation. As already pointed out, the Member States participate in framing and passing EU legislation. Member States generally do not legislate unless they are convinced that a need exists. It may be concluded, therefore, that a substantial proportion of what is today EU law would figure on national statute books even if the EU did not exist. If this is indeed the case, then this apparent criticism of the EU loses most of its sense.

In sum, it is hardly logical to criticize the EU for displaying a "democratic deficit" when it was never intended from the outset to be democratic in the manner of a modern state.

Indeed, the opposite description might more justifiably be employed: that the EU has become *more democratic* than the founding Treaty intended it to be. This, in fact, is what has happened. The Treaty of Rome provides for an Assembly (not a European Parliament) with an essentially consultative role and certain well-defined and narrow budgetary powers. Today's European Parliament is a very different body. It is a legislature with a legislative power which is, for most practical purposes, equal to that of the Council of Ministers (the body originally intended to be the sole legislative authority). It is a significant actor in the EU's budgetary process (and arguably has budgetary functions that are more substantial and more subtle than those of many national parliaments).

The Lisbon Treaty proposes a new avenue of influence for national parliaments in the EU legislative process.

“The Army of Faceless Bureaucrats”

The alleged existence of an army of “faceless bureaucrats” has been one of the most enduring of the many euro-myths. The EU currently has some 40,000 agents, of whom some 24,000 are employed in the Commission. Compared with the Civil Service structures in all but the smallest Member States, this is a very small number: In 2007, the Irish Civil Service totalled 37,200, for a population of 4.2 million. By comparison, a total of 24,000 Commission officials or even 40,000 EU officials working for an entity with a population of 450 million (107 times that of Ireland) seems relatively modest.

“Brussels bureaucrats” are hardly any more “faceless”, anonymous, unknown or unapproachable than their counterparts in national or local administrations in the Member States. Because of the highly consultative nature of the Commission’s role in preparing legislative proposals and in monitoring their application, Commission officials have a great deal of contact with national civil servants and with the plethora of European and local level lobby groups active on the Brussels scene. In fact, the experience of many lobbyists is that the Brussels bureaucracy compares well in terms of openness and transparency with its national counterparts.

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It is alleged that these “faceless bureaucrats” from time to time advance proposals for legislation that bear little relation to the real concerns of the populations of the Member States. This indeed was a criticism frequently levelled during the 1970s, when there was a considerable amount of “harmonization” activity in areas concerning the internal market. Much of that criticism was founded on various national concerns to protect market positions against competition from other Member States. Later progress, under new rules, towards the completion of the Single Market robbed much of this criticism of its veneer of respectability.

Nevertheless, fanciful proposals still occasionally appear: One such example was a proposal adumbrated in 2007 to require employers of outdoor workers to provide sun-block creams. In the event, it was not proceeded with. It seems that nobody will admit where the origin of the proposal lay but it should be said that it is not always the case that vexatious ideas originate only in the Commission: some of them certainly originate in the Member States or among interest groups. While the Commission certainly has no monopoly of wisdom, it equally has no monopoly of unwisdom.

Neo-conservative Conspiracy or Left-wing Plot?

There has hardly been a time during the last fifty years when the governments of all of the Member States were all of the same political colour: left-wing, centre-left, centre, centre-right or right-wing. There have, of course, been times when either a majority of governments or a sufficient number of influential and

energetic were of a similar political persuasion. There have been times when the EU leaned more to the left than to the right, and *vice versa*. The flavour has varied with the ebb and flow of political fortunes in the various Member States. A moment's reflection will show that there is nothing surprising or remarkable in this. What has been remarkable is the fact that, notwithstanding this ebb and flow of political currents, there has been a pragmatic (if sometimes bumpy) tendency in the direction of greater integration, motivated not so much by political philosophy as by a willingness (sometimes tardy) to respond constructively in the general interest to changes in the world around the Union.

Critics frequently see what they want to see, or what suits their prejudices, rather than what is actually there. A Norwegian Lutheran clergyman who was also a Member of Parliament once told this author that his objection to accession to the EU arose from the fact that he did not want to be ruled by the Treaty of Rome. A retired Croatian General alleged to this author that the EU is a Masonic conspiracy, headed by the Queen of England. They were talking about the same entity. To conclude:

- It is more difficult to engender public understanding of the governance system and the process of policy development and implementation at EU level than at local or national level.
- The apparent complexity of European governance and policy matters gives rise to enduring myths, which make debate even more difficult by obscuring the real issues.
- This makes it essential to find new and creative ways of engaging public attention and debate.

ISSUES FOR THE 2008 IRISH REFERENDUM ON THE LISBON TREATY

The ratification of the Lisbon Treaty in Ireland will be subject to a referendum. It could be argued that in this case (as in the case of the Amsterdam Treaty) there is, in fact, no need for a referendum, since this Treaty involves no new cession of sovereignty to the EU. As a matter of pragmatic politics, however, most political observers in Ireland take the view that it would be unwise to attempt a purely parliamentary ratification. This would certainly be contested in the Courts. Even if the Courts were to find that a referendum was not necessary (and there is no guarantee that they would, in the light of the odd Supreme Court decision in 1986 on the matter of the Single European Act), such a legal dispute would cast a political shadow over the implementation in Ireland of the Treaty provisions.

A number of issues have already emerged as subjects of debate: the following is a selection of some of these issues, together with a brief commentary in each case.

This is a "self-amending" Treaty which precludes the involvement of the Irish people by the referendum procedure in relation to future amendments.

This claim is based on Article 1 56 of the Lisbon Treaty, amending Article 48 of the Treaty on European Union. The proposed amendment provides "*Simplified revision procedures*" for revising all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union relating to the internal policies and actions of the Union. It clearly provides that no decision on any such amendment shall "...enter into force until it is approved by the Member States in accordance with their respective constitutional requirements". Thus, this provision cannot possibly be described as giving the Lisbon Treaty a "self-amending" character since, at the final stage of the process, is subject to the constitutional requirements of the Member States. In Ireland's case, this would require a referendum if any further cession of sovereignty were held to be entailed by any measure proposed.

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The "solidarity clause" in this Treaty (Art. 1 40) obliges Member States to come to the aid of any one of them subject to an attack and therefore infringes on the neutrality of the non-aligned Member States.

The "solidarity clause" reads:

"7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States".

This provision continues the well-established practice of making it possible for the Member States which are also members of NATO to adopt further measures on which they agree, without obliging the "neutral" Member States to alter their positions. This approach was originally adopted in order to respect the provision of the Irish Constitution under which the right to declare war is exclusively reserved to the Dail (lower House of Parliament). Now, of course, it takes account also of the positions of Austria, Finland and Sweden. Anti-ratification groups in Ireland have consistently claimed in every European referendum campaign since 1972 that the Treaty or amendment in question would finally put an end to Ireland's neutrality. History shows the contrary.

The European External Action Service will replace the embassies of the Member States, have access to the EU Budget to finance emergency operations, issue passports to EU citizens living outside the EU, play a political role in pushing the EU agenda and grant political asylum in sensitive cases.

The Lisbon Treaty proposes (Art. 1 30) that Article 13a 3 of the Treaty on European Union provide:

“3. In fulfilling his mandate, the High Representative for Foreign Affairs and Security Policy shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organization and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission”.

It is clearly not possible at this stage to say what the exact functions of the External Action Service will be, in the event that the Lisbon Treaty is ratified. It is equally clear, however, that it is *not* intended to replace the embassies of the Member States. Nor could it issue passports or grant political asylum, as the Treaties confer no competence in these matters on the Union.

The ratification process is flawed because Ireland is the only Member State to hold a referendum. The results of referendums in France and the Netherlands have, in effect, been set aside. Democracy requires that an EU-wide referendum be held on such an important issue.

This argument is based on the implicit proposition that a referendum is the most “democratic” way to ratify a Treaty of this kind. That contention is not self-evident.

First, the existing Treaties provide that amendments be ratified by the Member States in accordance with their constitutional provisions. These provisions are entirely a matter for each Member State. The Union has no competence to determine what such procedures should be for any Member State.

Second, it is not the business of any political or pressure group in any Member State to determine whether the constitutional provisions of any other Member State, adopted according to the wishes of the people of that Member State, are sufficiently “democratic”.

Third, this argument overlooks the fact that the Constitution of one Member State (Germany) expressly rules out referendums on such issues, that the Constitution of another (the UK) is not a single document but, in any case, emphasizes the supremacy of Parliament, and that the Constitutions of some other Member States provide for advisory rather than binding referendums.

Fourth, this argument either ignores or underestimates the potential difficulties of referendums in a collection of Member States in the (not unlikely) event of dissimilar outcomes. What if the overall result of an EU-wide referendum were

to be positive, but include rejections in one or more Member States? Would the “dissenting” Member States be bound by the result and, if they were, what would this mean for democracy in those Member States? Even if some measure of “qualified majority” were to be applied, this problem would still arise in “dissenting” Member States. The very idea of an EU-wide referendum implies an extreme form of federalism to which the proponents of the idea typically are opposed.

These examples of enduring euro-myths demonstrate clearly that there is a continuing need to ensure that the reality of the ongoing work of the Union and of its institutions must be clearly communicated to public opinion in the Member States.

CONCLUSION

Irish experience in communicating integration issues to citizens proved to be successful. In the thirty-five years since Ireland’s accession, channels of communication have been modified and expanded in a number of ways. The Irish Government has also participated in the expansion of the scope of information channels about Union activities and has added some particular dimensions to communication methods. As a result of this, the opinion polls have consistently shown that Irish public opinion was, on the whole, more favourably disposed to the EU than public opinion in most other Member States.

After the rejection of the Nice Treaty in the first referendum, the National Forum on Europe was set up, intended to provide a ground for debate on EU issues and on the future of the Union, accessible on a wide basis. The political parties, Irish Members of the European Parliament, social partners and civil society organizations are well represented in the Forum, while the impetus for the debate is usually given by a significant European figure. It has developed a series of actions involving schools and civil society organizations, brought its work to the regions and established on-line service. The ratification of the Lisbon Treaty in Ireland will be subject to a referendum which is a new challenge. This shows that there is a continuing need to ensure that the reality of the ongoing work of the Union and of its institutions must be clearly communicated to public opinion.

The key messages drawn from Irish experience for Croatia are the following:

- Strengthen the activities of a forum similar to the Irish National Forum on Europe to provide a continuing and accessible forum for debate, with the participation of the political system and civil society groups.
- Encourage civil society groups to carry out regular studies and analyses of relevant areas of European policy.

- Encourage broadcast and print media regularly to devote time and space to analysis and debate on European issues.
- Encourage study and research on European issues in the third-level education system.
- Involve research institutes in the examination of policy options relevant to Croatian interests in European policy areas.

LITERATURE

Chari, Raj S., Kritzinger, Sylvia (2006) *Understanding EU policy making*. London and Ann Arbor: Pluto Press.

Dorr, Noel, et al. (2005) *Where to now: ideas for the future of Europe*. Dublin: Institute of European Affairs.

Dukes, Alan (2005) Where is the democratic deficit?, in: Dorr, Noel, et al. *Where to now? Ideas for the future of Europe*. Dublin: Institute of European Affairs. Dublin, 75-88.

Gasteyer, Curt (2006) *Europe: from division to unification*. Bonn: Bundeszentrale für Politische Bildung.

The Irish Government (1972) *The accession of Ireland to the European Communities*, Laid by the Government before each House of the Oireachtas, January 1972. Dublin: Stationary Office.

The Irish Times (2008), February 12.

Judt, Tony (2005) *Postwar: a history of Europe since 1945*. London: Heinemann.

Pech, Laurent (2007) *The EU and its Constitution: from Rome to Lisbon*. Dublin: Clarus Press.

The Supreme Court. *Crotty v. An Taoiseach* [1987] 2 IR 10

The Supreme Court. *McKenna v. An Taoiseach* (No. 2)[1995] 2 IR 10

Treaty of Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community (1972) Protocol no. 7, January. *Official Journal*, L 073 , 27/03/1972 P.0184.

THE CHALLENGES OF COMMUNICATING EU INTEGRATION ISSUES IN CROATIA

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Igor Vidačak

ABSTRACT

The process of negotiations on EU accession implies the need for raising awareness on all kinds of impacts that membership brings for the wider community and its citizens. Stimulating and enhancing public debates and other forms of citizens' participation in the process has proved to be very useful in former candidate countries. The same challenge faces Croatia in the process of accession. The EU communication strategy has tried to overcome communication gaps between political elites and the public. Its failures and successes should be taken into consideration in Croatia, which needs stronger support for EU accession among its citizens. A number of experts and representatives of the academic community have been actively involved in the negotiations with the EU, but there is still a lack of public debate based on in-depth analysis of the issues related to the impact of EU accession on certain areas. Education, environmental protection, consumer protection and health safety are examples showing the importance of understanding the impacts of accession.

Key words:

communication strategy, civil society, academic community, attitude towards EU accession, public opinion, networks

RELEVANCE OF COMMUNICATING THE IMPACTS OF INTEGRATION FOR CROATIA

Croatia has made progress in preparations for integration since 2000 and the status of the candidate for EU membership, achieved in 2004, gave Croatia the attribute of the forerunner and model for the countries of the Stabilization and Association Process (SAP). The negotiations on full membership in the EU were opened in October 2005, while the screening process, as a first step in negotiations, took one year and was completed by the end of 2007. In the meantime, Croatia has established the institutional set-up for managing the accession process and developed its negotiation structures.

Integration into the EU is a priority in the Government programme 2008-2011 (Government of RC, 2008). The Government aims within its term of office to create the preconditions for entering EU membership, which is seen as a nucleus for stable peace, democratic freedoms and economic development. The year 2009 has been foreseen as a target date. The messages that are coming from EU institutions stress the need for Croatia to speed up the reforms and redouble efforts to meet the benchmarks for opening chapters so as to be able to finish most of the negotiations in early 2009, before the dissolution of the European Parliament. Meeting the target date is difficult but according to some opinions still might be possible (European Parliament, 2008). However, the quality of the reforms is much more important than the timing itself, while the process of accession, with all the reforms and transformations it brings, sometimes matters even more than the accession itself.

According to overall economic development and key economic indicators as well as the achieved level of preparations for EU integration, Croatia is well above the average of the Stabilization and Association Process (SAP) countries. Croatia reached in 2006 the level of 52% of the EU27 average GDP¹ (Eurostat, 2008). Furthermore, in 2006 Croatia achieved the level of 7,706 euro GDP p/c; the average GDP gross rate was 4.8%, the average inflation rate of 3.2% was moderate, the unemployment rate decreased to 11.2%, while the employment rate was 43.6%, but external debt as a ratio of GDP reached 85.5% and public debt 46.6% of GDP (Croatian National Bank, 2008).

However, there are a number of important steps to be undertaken on the path towards the EU, including enhanced judicial and public administration reform, the strengthening of administrative capacity in order to implement new legislation, the fight against corruption, the restructuring of the shipbuilding and steel industries, and the solving of border and other important outstanding issues

¹ Eurostat data present estimates of the comparative price levels of 37 European countries, including some countries from Southeastern Europe. Indicators are based on Purchasing Power Parities and National Accounts data. The data for the other candidates and countries of the region are: Macedonia 28%, Turkey 31%, Albania 21%.

with neighbouring countries, which are ranked as the highest priorities in the current stage of negotiations (European Commission, 2007d; European Parliament, 2008).

The negotiation process is well underway and almost half of the negotiation chapters have been opened so far, while two of them were provisionally closed by the end of 2007². However, the opening of half of the chapters was conditioned by the attainment of a number of the opening benchmarks. This is a difference from the previous enlargement but it is expected that good preparation before opening will contribute to more efficient “real” negotiations. The benchmarks impose requirements for establishing infrastructure, developing strategies or action plans, harmonizing legislation, implementing liberalization procedures and certain measures or policies, adopting reconstruction programmes for certain industrial sectors, or enabling transparency in certain areas, etc.

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In the areas that are in the focus of this book, the situation is different regarding the requirements for the opening of negotiations. Education is the first chapter that has been provisionally closed in the negotiations with the EU. It was not a very demanding chapter since it mostly relies on the *soft acquis* and no opening benchmarks were required. On the other hand, environmental protection is a much more demanding and investment-heavy chapter, where strengthening administrative capacities and providing the financial sources are crucial preconditions for the opening of negotiations. In the area of food safety, apart from a new strategy and laws, there is a need for introducing new identification and classification systems, which was identified as a benchmark. The chapter on consumer and health protection is one of the areas where negotiations were opened without any preconditions, but there are number of legal acts that need to be harmonized before entry into the EU.

Although the negotiations with the EU will in 2008 address the most demanding chapters, the whole process needs to be more transparent in Croatia. There is a broad spectrum of integration and enlargement issues, which will gain additional relevance during the coming years and need to be better explained and communicated. The transparency of the EU integration process, which is essential for reaching consensus in the country, could be achieved through dissemination of appropriate information and knowledge on the impacts of membership for Croatia, created through research and policy analyses, monitoring the accession and stimulating academic public debates. This will be even more important in the coming period, having in mind the fact that according to the Constitution (Official Gazette, 2001, 55/01), Croatia will have the ob-

2 The status of negotiations on full membership between Croatia and the EU at the end of 2007 was as follows: out of 35 chapters 16 were opened; two chapters were provisionally closed, ie. Chapter 25 - Science and Research and Chapter 26 - Education and Culture.

ligation to hold a referendum on joining the EU.³ That is to say, the decision on Croatia's entering an international association, adopted on a preliminary basis by the national Parliament, requires to be made by a referendum, by the majority of voters of the whole electorate. It is important to note that among the new EU member states only Latvia and Lithuania had similar provisions requiring the support of the majority of voters. The possibility of changing the Constitution for some other reasons is under consideration in Croatia. Without changes in the Constitution, Croatia will need both a sharp increase in percentages of citizens supporting EU membership and a high turnout of voters at the referendum. In any case raising the knowledge, understanding and awareness of EU accession will be the precondition for the success of the referendum on EU membership. The Irish example is a valuable experience for Croatia in this respect (see Dukes, contribution to this book).

It seems that the current level of cooperation and networking of Croatian academic institutions dealing with EU integration is not sufficient to achieve synergy in communicating EU issues. Better networking could have an impact on the capacities of the academic community to become an important actor in enhancing public debates on European integration. There seems to be a lack of opportunities for continuous dialogue with an appropriate response from different target groups. It needs to become a real two-way process, enabling the actors that have the potential of understanding the process (primarily academic society, not excluding the other relevant actors) to act as multipliers in the process.

Finally, there is a need for strengthening cooperation between the academic institutions in Croatia and the EU dealing with European studies through joint activities focussed on building institutional capacities for enhancing dialogue between academics, civil society and public administration. European research networks provide a forum for discussion and a tool for communication between researchers, and also involve students, political actors and the public. This activity is important to encourage reform and raise public awareness during the accession process, by sharing expert knowledge to identify the areas where change is necessary and giving advice on how the identified goals might be reached. Networks can draw on various examples and experiences in different countries, but also help to communicate reforms within and outside the country concerned. They contribute to educating an elite which can be in charge of administrative changes and develop visions for a country's future (see Wessels and Nasshoven, contribution to this book).

3 Any association of the Republic of Croatia shall first be decided upon by the Croatian Parliament by a two-thirds majority vote of all representatives. Any decision concerning the association of the Republic of Croatia shall be made on a referendum by a majority vote of the total number of electors in the State." Constitution of Republic of Croatia, Article 141.

LESSONS LEARNED IN IMPLEMENTING COMMUNICATION STRATEGY – THE EU vs. CROATIAN APPROACH

Enhanced EU Communication Policy

In October 2007, the Commission issued a Communication on Communicat- ing Europe in Partnership (European Commission, 2007c). This document aims at strengthening coherence and synergies between the activities undertaken by the different EU institutions and by Member States, in order to offer citizens better access and a better understanding of the impact of EU policies at European, national and local level. It uses the results of a series of Commission initiatives to formulate a set of concrete proposals which should serve as the basis of an enhanced communication policy for the European Union, which respects the autonomy of the different institutions. More particularly, it sums up a long process of multi-stakeholder consultations conducted all around Europe on the basis of the White Paper on a European Communication Policy published in February 2006 (European Commission, 2006b). As with previous White Papers, the Commission has put forward some proposals for EU action in this specific area; but it has also launched a consultation process that lasted 8 months, involving different actors: the EU institutions, the Member States, the regional and local authorities, the media, and civil organizations.⁴ After this period of consultation, the Commission organized a series of stakeholder conferences in order to highlight and discuss the ideas and suggestions received.

The White Paper followed from the realization in “Brussels circles” that there was an increasing gap between the EU citizens and their policy-makers, and in particular, the EU institutions and politics. This gap, however, was nothing new. Better known among social researchers as the “democratic deficit” of the EU, it has been a constant factor that has accompanied the institutional development of the European Union. The ratification of the Maastricht Treaty served as a first evidence of this gap between the EU and its citizens.⁵ The rejections of the Constitutional Treaty at the French and Dutch referendums are the most dramatic one.

4 EU citizens and stakeholders were invited to express their views on the White Paper by writing to the Commission or on the following website: [http://europa.eu.int/comm/communication_ white_paper](http://europa.eu.int/comm/communication_white_paper):

5 In order to improve transparency and openness to the EU public, the EU institutions agreed in October 1993 on an Inter-institutional Declaration on Democracy, Transparency and Subsidiarity. For its part, the Commission adopted a communication in June 2001 on a new framework for co-operation on activities concerning the information and communication policy of the EU, and in July 2002 the Commission issued a Communication on a New Strategy for its Information and Communication Policy. These were the first examples of an increasing realization that “something has to be done” to better engage with the EU public.

Furthermore, the last elections to the European Parliament in 2004 constituted another reminder that EU citizens feel alienated from EU affairs.⁶

Even though more and more decisions having an impact on the day-to-day life of European citizens are taken in Brussels, citizens do not feel involved in the decision-making process and they do not communicate their views on these issues. What is more important, in addition to an increasing lack of trust in politicians and politics common to all modern democracies, there is a particularly low level of understanding about what the EU does and how it works. For these reasons, a communication strategy, bringing back the people to politics, seems essential. Moreover, according to Margot Wallström, Commissioner for institutional relations and communication strategy: "Communication helps understanding, builds common values, creates communities and that is what the EU needs more than anything"⁷.

In this context, the Barroso Commission launched several initiatives in 2005. First, an Action Plan on Communicating Europe to improve the Commission's own communication with the citizens, including 50 practical steps (European Commission, 2005a). Second, a Plan D for Democracy, Dialogue and Debate as a contribution from the Commission to the "period of reflection" launched by the EU leaders at the European Council in June 2004, after the French and Dutch "no" votes (European Commission, 2005b). Whereas the *Plan D* intends to contribute to the public debate about *what* EU we want, in the context of the constitutional debate, the White Paper does not tackle the *what*, but rather the *how*: how to improve information on EU issues among citizens (top-down communication), how to help citizens to make their voices heard (bottom-up communication) and how to make sure that their views are fed through into the policy-making process (a genuine dialogue). In other words, "a decisive move away from one-way communication to reinforced dialogue, from institution-centred to a citizen-centred communication, from a Brussels-based to a more decentralised approach" (European Commission, 2006b).

In order to do there need to involve other key actors such as other EU institutions, the national, regional and local governments, the political parties and civil society. To a great extent, this is due to the fact that, so far, the public sphere remains national: political participation is basically national (except for the participation in the elections of the European Parliament), the focus of political parties remains national, and the same goes for the media, NGOs, professional and sectoral organizations. Therefore, one of the objectives of the White Paper is to develop a European public sphere. Although to develop a European public

6 Resulting from that, the new Barroso Commission created the post of Commissioner for communication, a responsibility currently carried out by Margot Wallström.

7 ECAS, Margot Wallström's presentation of the Commission White Paper: Will it Work? An Open Debate on the Commission White Paper on a European Communication Strategy, 1 February 2006.

sphere that replaces the national public sphere might seem unrealistic, more effort should be directed to building the European dimension in the national, regional and local public spheres. At the same time, public discussion should be promoted across Member States to bring closer and to coordinate national debates (rather than to uniformize them).

The White Paper has taken on board part of the theoretical debate concerning the European public sphere, as well as previous reports on these issues issued by several networks of NGOs and think tanks (Friends of Europe, 2004; EPIN, 2005). It identified five areas for action that should lead public discussion. The first one refers to the definition of common principles for an EU communication policy, among them, the right to information and freedom of expression, and also other principles such as inclusiveness, diversity and participation⁸. The second priority area refers to the means that could be put forward to empower citizens, in other words, what tools and forums may facilitate the active communication and participation of citizens on EU issues. The main objectives include improving civic education, which should not be a passive activity, but should also involve a participative dimension, i.e. teaching people about how to access public information and exert their political rights. Furthermore, it puts emphasis on connecting citizens with each other through the creation of new forums, not only virtual but also face-to-face, where the general public could meet and discuss European issues. The establishment of these forums will be the main responsibility of national, regional and local authorities, although the EU institutions are also invited to increase the number of online forums in their websites. The last point in this priority area is connecting citizens and public institutions at all levels. Besides the online forums mentioned earlier, the other (although minimal) initiatives are proposed such as a revision of the Commission's minimum standards for consultation and more inter-institutional debates with European citizens and visitors' programmes.

The third priority area focuses on the media and new technologies, suggesting that the EU, national, regional and local authorities should provide more and better-quality information about the EU. They should place the emphasis on "giving a human face" to the information they provide and exploiting the potential of new technologies. How to "encourage public bodies at European, national and regional level to supply the media with high-quality news and current affairs material" is the question here. The fourth area for action is understanding public opinion, especially in such a diverse and plural context as the EU. This would require an improvement in the resources and methods of the Eurobarometer; creation of a network of national experts in public opinion research and an independent Observatory for European Public Opinion. Finally,

8 The White Paper suggests two frameworks that could be used to collect these rights: either a European Charter (a non-binding document) or a Code of Conduct (a binding document for the parties on a voluntary basis).

in the fifth priority area, the paper emphasizes the importance of establishing a partnership and that all the stakeholders (Member States, EU institutions, regional and local levels, political parties and civil society organizations) should work together towards this aim. For example, the national parliaments would be a good place to discuss EU affairs (for example, the Commission's annual strategic priorities). Cross-national cooperation and cooperation in the field of external relations (European public diplomacy) are also welcomed. Other EU institutions such as the European Parliament, the Committee of Regions and the EESC would also have a crucial role in this regard. Political parties and civil society organizations are invited to develop a European dimension in their activities. In sum, many good intentions, some vague suggestions, but no concrete measures are envisaged in this last priority area.

Besides, it is obvious that national, regional and local authorities and other organizations have a crucial role in contributing to the success of this strategy. The question is whether or not these other players are really motivated to do so. For example, it is still very useful for national governments to use the EU as a scapegoat for national problems, benefiting from the lack of understanding among the general public on EU affairs. Thus, a strong commitment from all the actors is required if this Communication policy is to succeed. Furthermore, more resources are needed to undertake this enormous challenge, which involves not only communicating about Europe, but also building a more democratic, transparent and responsible EU.

Some think tanks have pointed to the need for some sort of impact assessment that would specify "how citizens' concerns have been taken into account when drafting the proposal and what the likely impact of the legislative initiative will be on citizens' lives" (EPIN, 2005).

Taking all the above into account, the latest Commission's document on Communicating Europe in Partnership aims at reinforcing its communication activities by engaging in debate and discussion with citizens in national, regional and local contexts. Moreover, the Commission emphasizes that communication on European issues is the responsibility of all those involved in the EU decision-making process. Therefore, it intends to work in close partnership with the other EU institutions, inviting Member States and all interested stakeholders around selected annual communication priorities to reach this objective. In order to allow better structuring of the EU communication process the Commission proposes an inter-institutional agreement (IIA), and intends to invite all stakeholders to engage themselves to work within the more coherent and flexible institutional framework.

Communicating Europe - Examples from the New Member States

Communicating Europe has become one of the main priorities of the EU institutions as a result of the 2004 enlargement and the “no” votes at the Constitutional referenda in France and Netherlands. According to the Commissioner for External Relations, Olli Rehn, the strategy to be followed in the future should be based on consolidation of the enlargement agenda, rigorous application of conditionality and better communication.⁹ According to him, policy-makers have forgotten to communicate the success story of the last enlargement to their populations. A bigger effort should be made to involve citizens in a true dialogue, and to combat prejudices and myths about the enlargement. This is especially needed in the case of the old Member States, where many politicians and public media had predicted a gloomy future for the EU as a result of the enlargement. Nevertheless, this communication effort is also required in the case of the new Member States and the candidate states. Public authorities have to provide average citizens with full and fair coverage on EU issues, they have to be informed about what are the benefits and sacrifices of enlargement, and they have to be able to have their say on these issues and to feel involved. Hence it is interesting to examine the strategies followed by the new Member States in communicating Europe. This section briefly presents examples of several of these strategies from three countries of the last enlargement rounds (Hungary, Poland, Romania)¹⁰.

The analysis of Hungary and Poland's communication strategies allows for an identification of some of the lessons learned during the process of accession to the EU. Firstly, information about the EU should be realistic and credible to avoid creating false expectations. It should provide reliable information about the EU and strengthen the support for the integration process (including high levels of participation at the expected referendum). For example, in Hungary, the message underlined the benefits of becoming a member of the EU and being part of the Single Market (the “bigger and wiser” approach). The experience from Poland and Hungary also pointed to the importance of tackling specific target groups: youth, rural populations and farmers. In the case of Poland, support from social research helps to determine the main trends and needs of the population and to design the communication strategy. Particular emphasis was placed on support by NGOs and on distribution of messages to target groups through the media (i.e. on multipliers). TV is still the most popular medium that can reach a broad range of the public, although here information cannot be so detailed, and usually programmes on European integration are not very

9 Speech by Mr. Olli Rehn, EU Enlargement under Stress – The Policy of Consolidation, Conditionality and Communication, Institute for European Policy, Berlin, 12 July 2005.

10 This section summarizes some of the main arguments presented at a workshop organized by the European Commission in the context of the EU Accession Communication Network, Brussels, 11-12 May 2006.

popular: Those groups of people actively seeking for information can access information through other media (Internet, publications). Those who do not actively seek for information should be provided with at least basic information. Finally, information about the EU should continue after the accession date to reinforce the process.

In the case of Romania the accent was placed on informing people about the EU, both benefits and costs, opportunities and obligations, to prevent negative perceptions amongst the Romanian population once accession took place. Again, several target groups have been identified, although in this case business people and civil servants have been also included among the target groups. The strategy was based on decentralization, making use of several agencies and organizations at the regional and local level. The information included messages about the EU institutions and symbols, Romania as an EU member, a European identity, and specific messages such as those for the administration, rural areas or opportunities for financing. The process was perceived by the local populations as an inclusive and participatory one. However, an important fact to be noted in the case of Romania is that increasing information about the EU has not led to higher support levels for European integration.

Croatia's Communication and Information Strategy

On 27 January 2006, the Croatian Parliament adopted Croatia's Communication Strategy for Informing the Croatian Public about the European Union and Preparations for EU Membership. This is a revised version of a document adopted by the Croatian Government in October 2002. This strategic document defines the scope, objectives and methods of informing the public about the integration process. Generally speaking, there are several main goals of the Government's communication about the EU: (i) to provide easily accessible and understandable information, (ii) to inform the public about the progress of negotiations and also inform it in a timely manner about all the implications for individuals, social groups and Croatia as a whole, (iii) to rebut unfounded and erroneous stereotypes about matters related to the integration process and the EU, and also to emphasize the responsibilities and obligations which accompany the benefits of membership of the EU and to diminish unrealistic expectations.

The new communication strategy focuses on three main target groups: public opinion multipliers/initiators; youth; groups with higher susceptibility to change. Compared with the previous communication strategy adopted in 2001, the new Strategy emphasizes three key aspects: more efficient and more intensive information activities aimed at the general public, in order to reach a larger number of citizens; new activities that need to be introduced according to the dynamics of Croatia's integration process to the EU; and a sector-specific ap-

proach to interest groups (target groups) according to their particular interests, especially about the dynamics of Croatia's progress towards the EU.

The new document also emphasizes the following new tools, activities and approaches: intensified communication with ministries via the EU information coordinators; more comprehensive public opinion polls designed for specific sectors and target groups; closer cooperation with national and local media: closer cooperation with civil society, closer cooperation with religious communities, sector-specific publications and closer cooperation networking with the local and regional government. Finally, the most important methods and means of informing put forward by the new Strategy are: press conferences, public opinion polls, publications and periodical publications, the Internet pages, Euro info points network; co-operation with the media; special projects (Europe week); conferences, presentations, lectures, seminars, workshops; the National Forum on Accession to the European Union; free info telephone/voice portal and information campaigns. Generally speaking, the Croatian strategy is rather conventional and quite similar to related strategic documents adopted by other countries of Central and Eastern Europe during the pre-accession period.

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Taking into account the main aspects of the EU-wide debates on the White Paper on European Communication Policy, one could formulate several remarks on the Communication and information strategy adopted by the Croatian government. The first remark is of a predominantly procedural nature. Unlike the extensive process of consultation to which the White paper was being subject, the Croatian strategy has not undergone a public consultation process before being sent to the Government and Parliament. This may have implications for the sense of ownership of this important document by the key stakeholders mentioned in the strategy as potential multipliers and partners in implementing strategic objectives. The second remark concerns the fundamental principles on which each communication process should be based. These basic democratic principles such as access to information, freedom of expression, the right to be heard by the authorities, etc. are well elaborated in the Commission White paper, as a starting point for an action plan on communicating Europe to citizens (European Commission, 2006b). In other words, the empowerment of citizens has been stressed as one of the most important objectives of the communication strategy. The failure of the Croatian strategic document to put emphasis on fundamental principles of the communication process is partly reflected in the very title of the document. Namely, it is not clear to what extent the focus of the document is put only on informing the public, rather than on the communication as a two way process.

A series of activities towards involving a wide range of various stakeholders into debates on Croatia's EU Accession process have been undertaken by the Ministry of Foreign Affairs and European Integration, particularly through the establishment of the National EU Accession Forum. Drawing on positive Irish experiences in the field, the overall aim of this initiative is to raise the Croatian

public's familiarity with Croatia's EU accession process and spark a public debate on the subject in all parts of the Croatian society. Partly due to its unclear structure, vague criteria for choosing its participants as well as very weak media coverage, the impact of the Forum has been rather limited so far.

The efforts of the Ministry are being complemented by the activities of other Government bodies, as well as by the work of the EU info centre of the Delegation of the European Commission in Croatia. In addition, from November 2007, Croatia has become eligible for participation in the Community Programme Europe for citizens (2007-2013) which opens a number of new opportunities for Croatian civil society organisations and representatives of local and regional self-government to develop stronger cooperation with their EU counterparts and get actively involved in the debates on the impact of the various EU policies, but also to strengthen their capacities for playing a more active role in the country's EU accession process.

In view of the recent EU trends in this area, Croatia's EU communication strategy is facing a necessity of a substantial shift from an approach based on informing citizens to a much more advanced approach which is rooted in communication as a new policy of its own.

WHY DOES CROATIA NEED ENHANCED COMMUNICATION ON THE EU IMPACT?

General Trends in the Public Attitude towards EU Integration in Croatia

As is evident from the previous analyses, public support for the idea of future EU membership is an important issue for a country in the pre-accession stage. Croatia could in this respect learn from the EU and Irish experience in communicating Europe to citizens, both on its achievements and its failures. Croatia is following a specific pattern, since support for EU accession seems to be lower than was the case with previous candidates. In the last few years a serious decrease in public support for joining the EU has been recorded in Croatia, and even distrust in EU integration.

The views of the Croatian citizens differ to a great extent from the common support reached within the political elites. The European integration process has created in Croatia for the first time a political set-up capable of supporting the joint idea supported by the parliamentary political parties. The consensus of all the parliamentary parties has been reached for integrating the country

into the EU¹¹. On the other hand, the citizens seem not yet to recognize the full potential benefit of this large endeavour:

After the period of strong public support for the process of Croatia's integration into the EU registered in 2000, when national public opinion surveys carried on a six-month basis showed that 77.6% of the population had a positive attitude towards integration (GfK, 2006), the support started to decline. In 2006, the support dropped to a level below 50% (and even further, to 45.7%), while the negative attitude towards integration rose gradually from 7.9% in 2000 to 44.6% in 2006. Among the potential effects of integration, the most significant number of citizens recognized progress in science and education. This was the case with 70% and 82% of citizens over a six-year period in surveys from 2000-2006 (GfK, 2006). Another important feature is the fact that around 50% of citizens were of the opinion during the six years of the research that there was not enough proper information available regarding EU integration on EU issues.

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The Eurobarometer surveys, which regularly measure public opinion on a wide variety of issues, ranging from the attitude towards EU in general to specific policy issues, follow the attitude in Croatia through national reports since 2004. These reports also recorded a certain decrease or stagnation in support which was even more underlined. A positive image of the European Union was perceived by 36% of citizens in 2004 (Eurobarometer 62, 2005), while in 2007 it fell to 30% of the population (Eurobarometer 67, 2007), but at the same time 35% of citizens were convinced of the wisdom of integration; the opinion that EU membership is a good thing for the country had the highest level of support expressed since 2004 (Eurobarometer 68, 2007).

Declines of public support for EU integration, noted in the Eurobarometer surveys, were mostly explained by a slowdown or by certain setbacks that appeared in the integration process at that time. However, in spite of the fact that Croatia obtained candidate country status and started accession negotiations, there was no significant, longer-term increase in public opinion support. One of the reasons for such an attitude is the fact that the costs and benefits as well as implications have not been explained and properly understood by all levels of society. Integration is a complex process that is constantly changing, but not sufficiently understood in terms of its impacts.

¹¹ In January 2005, the Croatian Parliament adopted the Declaration on the Key Principles of Negotiations, the Statement of the Croatian Parliament and Government on joint actions in the negotiation process with the EU was passed together with the Decision on establishing a National Committee for monitoring the negotiations. Furthermore, the Alliance for Europe was established through a consensus of all parliamentary parties to support EU membership as a strategic objective of the country.

Figure 1:
Positive attitude towards
EU integration in Croatia

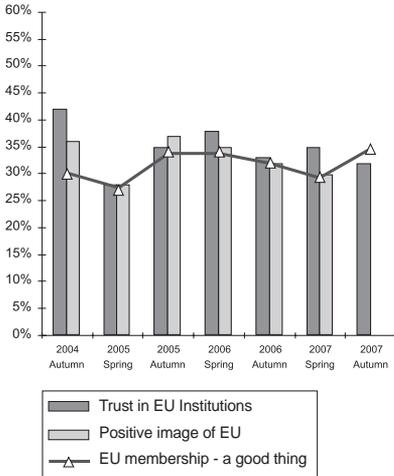
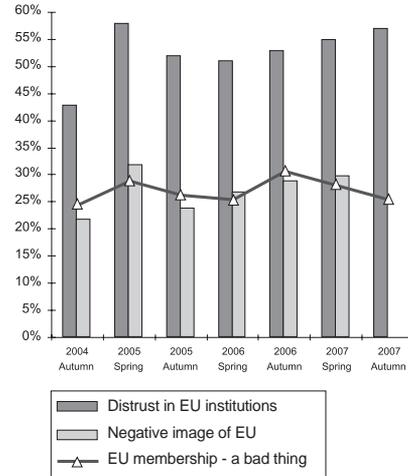


Figure 2:
Negative attitudes towards
the EU integration in Croatia



Source: Standard Eurobarometer Survey 62-68, Eurobarometer (2005-2007)¹²

The support reached the lowest level in spring 2007 (Eurobarometer 67, 2007), when the support for EU membership was 29% in Croatia, while in autumn the same year (Eurobarometer 68, 2007) it increased to 35%, which was to a certain extent better, but still below the experience of other candidates in the process of accession. Generally, the latest 2007 autumn survey showed certain improvements in the public attitude towards EU integration and started with positive trends. Perception of benefits from EU membership was slightly increasing (47% as opposed to 43% in the previous Commission report). At the same time, some 35% of citizens are of the opinion that membership in the EU would be a good thing for the country. The level of support is highest among more highly educated people and managers, and decreases with the age of citizens.

Although in most of the member states the EU is more trusted than distrusted, amongst candidates trust in the EU is generally low, and Croatia follows this pattern. In autumn 2007, only 32% of the Croatian population expressed trust in the EU, while 57% distrusted the EU political institutions. Significantly, although the trust in EU institutions was low in Croatia, it was still higher than the trust in national institutions (the government and national parliament are both trusted by a low

¹² Questions from the Eurobarometer: How much trust do you have in certain EU institutions? Do you think that your country's membership in the EU would be a good/bad thing? In general, does the EU conjure up for you a very positive or very negative image?

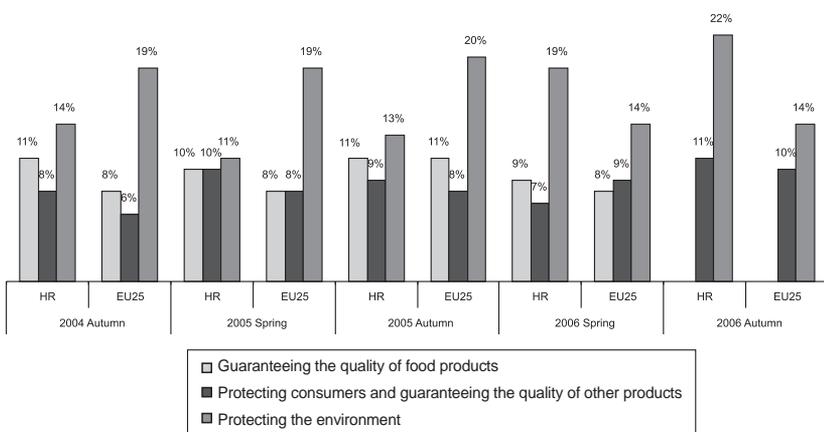
proportion of 20% of citizens). There are opinions that the lack of trust in the EU institutions is a reflection of distrust in national institutions (Štulhofer, 2006).

There are different answers to the question of what are the reasons for reduced support for the EU accession in Croatia. They range from hurt national pride (as a result of the requests from the Hague Tribunal being the precondition for EU membership), economic fears, the loss of trust in the whole EU project, perception that the process of integration is too slow, etc. However, the most important way to “soften” a negative attitude and increase support might be better transparency of the process, continued provision of in-depth information about the EU and better communicating the integration impacts to citizens.

The areas that are in the focus of interest of this book – consumer protection, food safety and preserving the environment - are generally understood by Croatian citizens to be of moderate or relatively low importance, seen in the context of EU priorities. The highest proportion of Croatian citizens (but still not more than 22%) agree that the environment is one of the areas that the European Union should follow as a priority, while guaranteeing the quality of food products and protecting consumers are more perceived as national priorities. However, in these areas the benefits of integration for the citizens are quite visible, even in the early stages of integration.

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Figure 3: Relevance of food safety, consumer protection and preserving environment as EU priorities – Croatian view



Source: Standard Eurobarometer Survey 62-68 (Eurobarometer, 2005-07)¹³

¹³ The original Eurobarometer question: "From the following list of actions, what should be the three actions that the European Union should follow in priority" (maximum 3 answers were possible).

Therefore, encouraging information exchange and inspiring dialogue, strengthening communication and networking in the area of European integration is very much needed. It should be grounded in communication as a two-sided phenomenon, and it is meant to pay great attention to the principle of interactivity (both in dealing with experts and with the general public), promoting the role of academia in the process through debates, dissemination of information, and creating new knowledge.

The most important parts of society in this respect are the representatives of the academic community, bearing in mind their status as an enlightened audience with a capacity for conceptual and strategic analysis, and for influence and orientation to the future, which means the positioning of Croatia within the widened and deepened Europe. A number of Croatian Universities have developed European Studies programmes which are focal points for dissemination of knowledge on EU integration issues¹⁴.

Due to the low level of public support for EU integration and lack of effective two-direction communication, there is a need for raising awareness and enhancing public debate in Croatia on the impacts of EU membership. The recently completed national study on Attitude of Citizens towards Croatia's Membership in the EU¹⁵ focused on the informedness, attitudes and beliefs of Croatian citizens related to the EU, Croatia's accession and EU membership seen primarily from the point of view of human rights protection and gender equality. Self-assessment on the informedness about the EU and Croatia's accession covers the reasons for establishment and the functioning of the EU, political developments and economic relations within the EU and the course of negotiations of Croatia's accession process.

The study showed that the majority of Croatian citizens are affectively indifferent or have a relatively positive attitude towards the EU. A relative majority estimates that so far the process of integration has brought as many benefits as costs to Croatia, and around one quarter of respondents stressed mainly positive or negative effects. However, regarding the projection of effects of (future) membership in the EU, almost 40% of respondents consider that the benefits will outweigh the costs. The current support for EU membership is 43% of the Croatian population while approximately one third of citizens are undecided towards the idea. It is important to note that the support for membership

14 It should be mentioned that the size of Croatian universities is significant (Zagreb 56,000 students, Split 24,000, Osijek 17,000, Rijeka 19,000).

15 The study was conducted for the purposes of the project Exploring Unknown Sites of the EU – Guided through Labyrinth of Regulations that Matter and Influence our Lives, carried out by B.a.B.e. – the Women's Human Right Group, Croatia, project was financed by the Delegation of the European Commission in Croatia from the PHARE programme and supported by the Office for Gender Equality of the Croatian Government. The survey was conducted through the method of face-to-face survey during the second half of May 2007 on a representative sample of some 1000 citizens.

increases proportionally with the level of education. The self-assessment of informedness about the EU in Croatia's accession showed that a relative majority of citizens, about 40% evaluated their informedness as moderate in all aspects, while at the same time more respondents assess it as poor than as good (Čulig et al., 2007: 178-184).

This confirms the thesis that there is a need to better communicate the core issues that EU membership brings to citizens. The analyses carried out in Croatia that focus costs and benefits of integration show that these issues are extremely important (Švaljek, 2007; Samardžija et al, 2000), but hardly comprehensible to the wider public. In this context the role of academia becomes even more important, playing a bridging role in transferring and developing new knowledge and explaining the basic facts of the integration concepts and their impacts, both positive and negative.

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The question is, could these attitudes be attributed to Euroscepticism, or to what extent is Euroscepticism present in Croatia? Euroscepticism, understood as a lack of trust in the European Union, or lack of trust and confidence in EU membership (Štulhofer, 2006), could be explained by various reasons whose roots differ to a great extent and are quite heterogeneous. Similarly to the current developments in Croatia, it also appeared in acceding or candidate countries as a lack of citizens' trust not only in the institutions, but also in the benefits of EU membership. This might be caused both by reasons lying in the internal Croatian setting (pressure of the reform problems and the need to undergo costly reforms which are often painful for the society in transition), by strong public and media reactions to some steps in the accession process which are estimated to put in danger some segment of the economy¹⁶, by changes in the EU environment or occasional slowdowns in negotiations or inadequately understood potential effects of integration. However, the slight increase that the public opinion polls showed most recently in support for the integration process (Eurobarometer 68, 2007) might be understood as sign of positive attitude, or even regained confidence towards the EU accession.

While the EU member states are facing the problem of *democratic deficit*, understood as the gap between the powers of European institutions and the ability of European citizens to influence their work and decisions (McCormick, 2005), it seems that Croatia is facing the *knowledge deficit*. The average Croatian citizen knows little about the EU's functioning in general, and even less about expected impacts of EU integration, particularly on those that will affect ordinary people. Those who seem to know most are younger people, with a higher educational

¹⁶ This was the case with the negotiations on the enlargement Protocol on SAA, when the concessions in agriculture agreed with the EU 15 had to be extended to the EU27. Some of the media presented it as a danger to Croatian agriculture, which was seen as the consequence of a strong inflow of agricultural products from the enlarged EU.

level, including managers, academics, university graduates and people who use the media and Internet regularly. A crucial precondition for developing the sense of belonging to the EU and narrowing the gap between Euro-optimistic political elites and Eurosceptic citizens would be to raise the level of knowledge and understanding of the process. Citizens recognize that the EU is built on values such as tolerance, stability, peace, and economic progress which, combined with values related to global responsibility, could be seen as goals of integration that might be acceptable for future generations. However, the question of uncertainty in achieving these goals creates the ground for raising Euroscepticism. Understanding these fears might help in adjusting the communication strategy to real needs and lead to reducing Euroscepticism in the coming years.

SELECTED SECTORAL ISSUES IN COMMUNICATING INTEGRATION IMPACT

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Raising the awareness of EU impacts is therefore very much needed during the accession stage, to alleviate fears and negative expectations that citizens link with membership. EU membership is in general expected to bring long-term benefits for Croatia, while the costs are mostly on a short-term basis; the accession gives the opportunity to a country to speed up internal reforms, while EU membership offers the possibility of using EU funds (Švaljek, 2007). It was estimated that much of the economic growth impact for Croatia will come not only from increased access to the EU and integration with markets, but from the improved investment climate that would result from aligning Croatian policies and institutions with EU best practice. This would facilitate the development of a low-cost, high-quality integrated infrastructure, harmonization of financial regulatory frameworks, modern social institutions, and more generally private sector development driven by the strengthening of competition from broad-based trade liberalization (World Bank, 2003).

These are some basic facts and findings of the deeper analyses about EU impacts that should be transferred and communicated to citizens in the appropriate way, through more concrete examples that are close to their daily problems and expectations. It is particularly important when dealing with the specific sectoral issues.

Some of those issues are selected in the following chapters of this book, with the focus on education, consumer protection and food safety, as well as environmental protection. Irish experiences and the solutions they found in communicating the impacts of membership might be helpful to Croatia during the next stages of the accession process.

Education, which is in the focus of interest of this publication, has been a key contributor to Ireland's economic progress since the early seventies. Ireland invested in human capital, through education and training, almost one third of the overall financial sources received from the EU cohesion and structural funds (1973 and 2004). Such an investment supported in particular the development of a higher technological education sector. The technologically oriented education provided by the institutes of technology, together with the in-put from universities, provided Ireland with the labour market skills necessary for the development of the scientific, technological and pharmaceutical sectors, which continue to play an important role in economic development (Boland, contribution in this book).

Participation in a knowledge-based society with an adequate human resources development approach imposes high demands for restructuring the education sector in Croatia, adopting European standards and reaching the Lisbon agenda values. Lifelong learning, mobility, informal and non-formal learning and strategic management are the key challenges for Croatia's education system that will bring clear benefits for the citizens. The negotiation process will help in the establishment of policies, make an impetus for the development of action plans and their implementation, and contribute to an organized approach to resource management; it will enhance administrative capacity building and modernization of Croatian education institutions through participation in the EU funding instruments (Lučin et al., contribution in this book).

However, there are areas where the positive impacts both for citizens and for society overall are not that visible in the initial period, while in the longer run substantive positive changes are expected. On the other hand, the reforms are demanding and bring huge costs. One example of this is the area of environmental protection. The Irish experience in this area has not always been easy, but has not hindered economic growth, while the principle of public access to information has been accepted. It was realized that a well-informed public fosters increased environmental awareness and thereby facilitates a broad partnership in promoting sustainable development with protection of the environment, for the benefit of future generations. If citizens understand their impact on the environment they can make better choices for a better environment in the way they live their life. Investment (both financial and human) in raising awareness of environmental issues among citizens is a key aspect of protecting the environment. Successful application of the key environmental principles can only be achieved when citizens understand the overall environmental goal (O'Leary, contribution to this book).

Harmonization with EU standards has contributed greatly to cleaning up the Central and Eastern European countries' heavily polluted environments, while the *acquis* served as a framework for action. The results are positive and very visible. Today in these countries emissions of almost all polluting substances register a sharp decrease, which has had an immediate positive impact on human

health. Citizens in the new member states have benefited from the democratic nature of the EU environmental law and legislation. Harmonization obliged the CEE countries to pursue the international conventions which granted citizens new rights, while for the public authorities it imposed obligations to enable access to information, public participation and access to justice (see Butković and Tišma, contribution to this book).

On the other hand, high administrative and institutional costs in formulating the environmental policies and implementing the investment-heavy *acquis* are already appearing in the environmental policy area. At the same time, there are clear benefits for the health of citizens, resources, and the ecosystem as well as the social and economic benefit that will be the final outcome of these transformations. This is a very demanding area of adjustment and the opening of the negotiation chapter on the environment is conditioned by reaching the opening benchmark. Croatia has to strengthen its administrative capacities, demonstrate implementation capabilities and provide financial resources for implementation. From the standpoint of the environmental management and policy, accession to the EU will be a long and resource-demanding process for Croatia. It will imply fundamental changes in legislation, the institutional framework and policy measures, and impose additional need for training and education in environmental management. The adjustment will require substantial investment, increased maintenance and operational costs, but it will create in the long run a rather different attitude towards the environment. The costs of living as well as the costs of production and other economic activities will rise but changes in the area of environmental management would, on the other hand, bring about numerous benefits to the population and the quality of life. Thus, in the long run, the accession requirements and the adjustment process will be beneficial to the whole of society (see Fredotović et al, contribution to this book).

Food safety and consumer protection is an area where the consumers should be in a win-win situation in the process of EU accession. The credibility of the safety of the food supply will be critical in the new Europe as well as among discerning consumers at home. The legislative framework has been put in place at the European level and Croatia will benefit from a less complex and a well tested regulatory framework at EU level. In Ireland the credibility of institutions has been achieved through their consumer and public health focus and their evidence-based approach. The changes that have been introduced represent the biggest step forward in the development of food safety policy since the State was founded almost ninety years ago. The success of the food safety reforms in Ireland has been in establishing an agency that has put public health rather than agricultural production in pride of place. However, regulation alone cannot guarantee compliance but the promotion of food safety among consumers and the industry will also help develop an appropriate culture of food safety (see Quigley, contribution to this book).

The Croatian food safety system in its development stages has the opportunity to put consumers and consumer health as its *raison d'être*. Consumers' protection and food safety have been recognized in Croatia as fields that require special attention. The responsibility about the safety of Croatian food is becoming a matter of interest for all the EU Member States authorities and EU institutions, as Croatian food is going to be labelled as "Produced in the EU". Building an active and trustful relationship with consumers, acting transparently, providing information to the public on food safety issues and considering consumers as important stakeholders are becoming key principles. Consequently, government institutions should act as a trustworthy source of information to the public. And what is most important is that consumer receives information on a regular, daily basis while uncertainties are communicated transparently (Antunović, contribution to this book).

Consumer protection is one of the areas which have been considerably improved since the start of harmonization with the *acquis*. With the accession to the EU the most important benefits for consumers will be gained through a harmonized method of regulated relations between suppliers and consumers, enhanced education of consumers on their rights and self-protection, more active participation of consumers in the preparation of legislation, better protection of their economic interests through more active supervision of the market by authorized institutions in line with EU good practice, and improved and more regular information of consumers in the task of more easily choosing the products/services they are buying (Brčić-Stipčević, contribution to this book).

CONCLUSION

As the negotiations between Croatia and the EU are approaching the most demanding chapters, the process needs necessarily to become more open and transparent, while a broad spectrum of integration issues needs to be better explained and communicated. The transparency of the process, which is essential for reaching consensus on future membership in the country, could be achieved through a more intensified communication strategy with dissemination of appropriate information and knowledge about the impacts of accession for Croatia, created through research and policy analyses, monitoring the accession and stimulating academic public debates. Croatia needs a higher support of citizens for EU accession which should be based on real understanding of the impacts of membership. This will be even more important in the coming period, bearing in mind the fact that Croatia will have to hold a referendum on joining the EU.

Better networking could have an impact on the capacities of the academic community to become an important actor in enhancing public debates on the European integration. It needs to become a real two-way process, enabling the actors that have the potential of understanding the process to act as multipliers in the process. There is a need for encouraging information exchange and inspiring dialogue, strengthening communication and networking in the area of European integration. It should be grounded in communication as a two-sided phenomenon, based on the principle of interactivity. Finally, there is also a need for strengthening the cooperation between the academic institutions in Croatia and the EU dealing with European studies through joint activities focussed on building institutional capacities for enhancing dialogue between academics, civil society and public administration.

LITERATURE

Blanuša, N. (2007) Breaking the fears of young population regarding the EU, interview based on the outcome of a wider research entitled "Public, elites, media and communication strategy for Croatia's accession into the EU" carried out by the Faculty of Political Sciences, University of Zagreb. *Europa Actualities, Supplement on EU integration*, no. 55, November 7.

Croatian National Bank (2008) *General information on Croatia: economic indicators* [online]. Available at: <http://www.hnb.hr/statistika/estatistika.htm>

Čulig, B., Kufirin, K., and Landripet, I. (2007) *EU +?: attitude of Croatian citizens towards the Croatia's membership in the EU*. Zagreb: FF press and B.a.B.e.

EPIN, European Policy Institutions Network (2005) *A citizens compact: reaching out to the citizens of Europe* [online]. *CEPS EPIN Working Papers*, no. 14, 1 September 2005. Available at: http://www.epin.org/pdf/WP14_EPIN.pdf

Eurobarometer (2005-2007) 62-68: Public opinion in the European Union. Luxembourg: EUR-OP (Standard Eurobarometer).

European Commission (2005a) *Action plan on communicating Europe*: SEC (2005) 985 final, 20 July 2005

European Commission (2005b) *Plan D for democracy, dialogue and debate*: COM (2005) 494 final, 13 October 2005

European Commission (2006a) *Questions and answers about the White Paper and about communication* [online]. Available at: http://ec.europa.eu/communication_white_paper/question_answer/index_en.htm

European Commission (2006b) *White Paper on a European Communication Policy*: COM(2006) 35 final, 1 February 2006. Brussels: European Commission.

European Commission (2007a) *Commission working document: Proposal for an inter-institutional agreement on Communicating Europe in Partnership*: COM(2007) 569 final. Brussels: European Commission.

European Commission (2007b) *Communicating about Europe via the Internet engaging the citizens*: SEC (2007) 1742. Brussels: European Commission.

European Commission (2007c) *Communicating Europe in Partnership: communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*: COM(2007) 568 final. Brussels: European Commission.

European Commission (2007d) *Croatia 2007 Progress Report*: SEC(2007) 1431. Brussels: European Commission.

European Parliament, Committee on Foreign Affairs (2008). *Draft Report on Croatia's 2007 Progress Report*. 2007/2267(INI), 24.1.2008

Eurostat (2008). *Statistics in focus. Economy and finance 3/2008. GDP per capita, consumption per capita and comparative price levels in Europe*. Brussels, 15.01.2008

Fondation EurActiv (2006) *Summary of working draft of "Yellow Paper on EU communication", 1 February 2006, Brussels* [online]. Available at: http://www.euractiv.com/29/images/YellowPaperFinalDraft1Feb2005_tcm29-152121.pdf

86

Friends of Europe (2004) *Can EU hear me? How to get the EU's message out* [online]. Available at: http://www.gallup-europe.be/canEUhear/CEHM_Report.pdf

GfK, Centar za istraživanje tržišta (2006) *Stavovi građana Hrvatske o Europskoj uniji* (The attitude of Croatian citizens on European Union) [online]. Omnibus, prosinac 2006. Available at: <http://www.gfk.hr/default.htm>

The Government of the Republic of Croatia (2008) *The Government of Croatia Programme for the mandate 2008-2011* [online]. Zagreb. 14.1.2008. Available at: http://www.vlada.hr/hr/preuzimanja/publikacije/program_vlade_republike_hrvatske_u_mandatnom_razdoblju_2008_2011

McCormick, John (2005) *Understanding the European Union: a concise introduction*. (The European Union Series). New York: Palgrave Macmillan.

Official Gazette (2001) *The Constitution of the Republic of Croatia. The consolidated text. Official Gazette, 41/01, together with its corrections published in Official Gazette, 55/01*

The Republic of Croatia Ministry of Foreign Affairs and European Integration (2006) *Communication strategy aimed at informing the Croatian public about the European Union and preparations for EU membership*. Zagreb: Ministry of Foreign Affairs and European Integration.

Samardžija, V., Staničić, M., and Nikić, G. (2000) *Croatia and the EU: costs and benefits of integration*. Zagreb: IMO.

Štulhofer, A. (2006) *Euro-scepticism in Croatia: on the far side of rationality?*, in: Ott, Katarina, ed. *Croatian accession to the European Union: the challenges of participation*. Zagreb: Institute for Public Finances.

Švaljek, S. (2007) *The accession to the European Union: expected economic impacts*. Zagreb: Institute of Economics Zagreb.

The World Bank (2003) *Croatia: country economic memorandum: a strategy for growth through European integration*. Washington, D.C.: The World Bank.

Chapter II

Education and Training

INVESTMENT IN
HUMAN CAPITAL
– KEY CONTRIBUTOR
TO IRISH PROGRESS

Tom Boland

ABSTRACT

By general consensus, membership in the European Union has done much to support the social and economic development of Ireland in the past three decades. While education in member states is not directly a concern for the EU and its structures, nevertheless in a number of direct and indirect ways the EU has influenced education policy development and implementation in Ireland. This transformation of Irish higher education was substantially aided through Ireland's membership of the European Union and through receipt of European Structural Funding. This paper examines the impact of EU membership on the development of Irish education to date. It also outlines the importance of education in the Irish context and identifies current and emerging challenges and opportunities. The impact of EU membership has been felt across the spectrum of educational policy and provision in Ireland. In this paper, the focus is on higher education. The paper concludes with reflections on some lessons for Croatia arising out of the Irish experience.

Key words:

higher education, reforms, EU membership, investment in education, human capital, Bologna process

INTRODUCTION

A key contributor to Ireland's economic progress in recent years has been the wealth of human capital available to the economy, to the creation of which the EU has contributed substantially. Of the 17 billion euro received from EU cohesion and structural funds between 1973 and 2004, Ireland invested almost one third in human capital, particularly education and training. This level of investment supported in particular the development of a higher technological education sector (the institutes of technology), in which almost 90% of students were in receipt of European Social Fund grants during the late 1980s. Students in the institute of technology sector accounted for 20% of all new entrants to third-level education in that period. Overall participation rates in higher education have grown from 20% in 1980 to 55% in 2004. The technologically oriented education provided by the institutes of technology, together with the input from universities, provided Ireland with the labour market skills necessary for the development of the scientific, technological and pharmaceutical sectors, which continue to play an important role in our economic development. The EU Framework Programme has been an important source of funding of research and development in Ireland.

The pursuit of the Bologna and Lisbon goals has resulted in enhanced recognition of the central role of education in national and European social and economic development and the need for cooperation and coordination of education activities in Europe. The Erasmus programme has been a very positive force for fostering mutual understanding and personal development. The EU has been very effective in articulating challenges to member states and their education systems and in coordinating a collective problem-solving approach among member states. The policy priority accorded to education by the EU has had a positive impact in member states like Ireland who have followed this lead. The accountability and transparency policies and practices implemented as part of EU funding have influenced similar policies and practices in public administration generally in Ireland, including in the higher education sector. Furthermore, participation in the EU has provided Ireland with a valuable framework within which to benchmark performance in key education indicators.

Irish higher education has undergone a remarkable transformation in the last thirty-five years. In that period –

- Educational provision in the traditional universities was complemented by the development of a more technologically and regionally focused institute of technology sector.
- There was a dramatic increase in participation in higher education which in turn played an important role in Ireland's economic development.
- The higher-education sector, in line with reform throughout the public service, has modernized in terms of its emphasis on accountability, reporting and quality assurance.

IRELAND AND THE EU

The Central Role of Higher Education in Ireland's Economic Development

Ireland joined the European Economic Community in 1973. The opening up of the Irish economy and society to the wider opportunities and influences of Europe has been a largely positive experience, not least in the area of education. Throughout most of our membership of the European Union (EU), Ireland has been a major recipient of EU regional and structural funding. Between 1973 and 2004, Ireland received 17 billion euro in structural and cohesion funds from the EU (NDP/CSF Information Office, 2007). In 1988, reform and reorganization resulted in substantially increased EU structural funding. At their height in the early 1990s, these funds averaged over 3% of Irish GNP, although they have accounted for significantly less since 1999 (Barry, Bradley *et al.* 2001). In order to strengthen our competitiveness, Ireland invested almost one third of this funding in human capital, particularly in education and training. By contrast, other accession countries prioritized investment in physical infrastructure (FitzGerald, 1998), which ultimately did not have the same impact on the productive capacity of the economy.

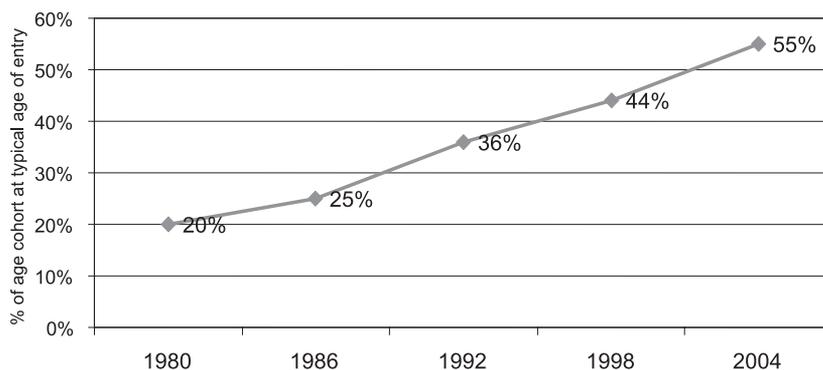
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"It is accepted that the quality of our educated young people has been at the heart of the economic success of the past 15 years ... the single biggest contributor to our economic success has been the exceptional wealth of intellectual capital available to both indigenous and overseas visitors. Ireland has become synonymous with the quality of our graduates" (Cowan, 2005).

This quote from the Budget Day speech of the Minister for Finance amply demonstrates the extent to which higher education is regarded in Ireland as having a central role in developing and sustaining an advanced economy and society. Participation in higher education not only supports personal development, but also supports national, social, cultural and economic development. Ireland's recent economic and social progress has been achieved through a mix of policies, incorporating social partnership, pro-enterprise taxation policies, the attraction of foreign direct investment and improved systems of public governance and administration. Success has also depended on the provision of high-quality education that has been responsive to the needs of individuals, society and the economy.

Increasing participation in higher education has been an aim of successive Irish governments and the success of this strategy has resulted in an increase in the national higher-education entry rate from 20% in 1980 to 55% in 2004 (see Figure 1).

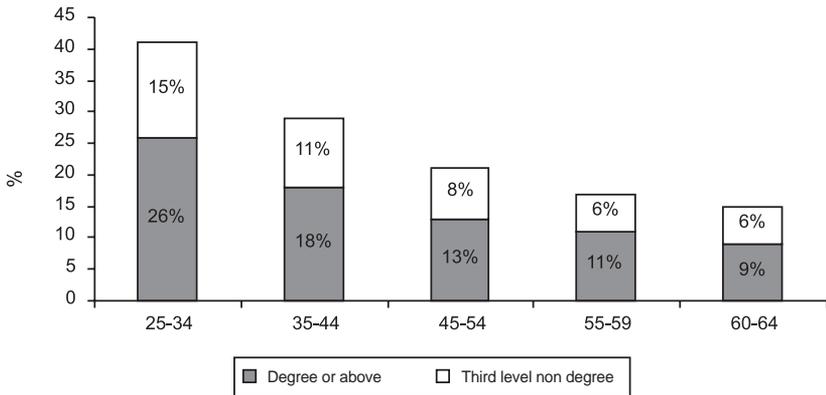
Figure 1. Growth in Irish higher education participation entry rates, 1980 - 2004



Sources: Clancy, P. (2001:33) *College entry in focus: a fourth national survey of access to higher education*; O'Connell et al., (2006:49) *Who went to college in 2004? A national survey of new entrants to higher education*

The steady expansion of opportunities for higher education is clearly reflected in the improving educational profile of our adult population over recent decades. Full-time enrolments have grown from under 29,000 in 1973 to almost 140,000 today. From a situation where we compared very poorly in international terms among older age cohorts, Ireland's 25 to 34 year age cohort have recently entered the top quartile of OECD countries in terms of higher-educational attainment. The expansion of enrolment in higher education is arguably the most significant development of recent times in Irish education.

Figure 2. Attainment of higher education within the Irish population, persons with higher-education qualifications by age group (2004)



Source: O'Connor, M. (2007:357) *Sé/Ís: gender in Irish education*

The following economic indicators demonstrate that over the period from the mid-1990s to the present day, Ireland has enjoyed considerable economic success. Ireland's annual growth rates averaged at 7.4 per cent between 1995 and 2000; since 2000 it has averaged above 5 per cent. The unemployment rate has decreased dramatically from 15.7 per cent in 1994 to approximately 4.4 per cent today; and Ireland now ranks fourth in the OECD in terms of GDP per capita (OECD, 2006).

Ireland's recent economic success arose primarily out of our effectiveness in attracting foreign direct investment. This attractiveness to foreign investors was based on a range of factors, which included our low corporation tax rate, the favourable demographic profile of the population, use of the English language, access to the European market and a stable industrial relations environment. In addition to these factors, there is consensus that the availability of a pool of highly-qualified graduates was a key factor in attracting foreign investment. FitzGerald notes that the improved educational attainment levels of the population raised productivity and thus contributed between one-half and three-quarters of a percentage point per annum to the economic growth rate in the 1990s (FitzGerald 1998: 679).

The Impact of EU Membership on Irish Education Policy

In discussing the impact of EU membership on national education policy, it is important to recognize that member states have been, and remain, entirely sovereign in relation to education and training policy. The EU does not adopt a

direct, interventionist approach in this area. The emergence and development of what we could regard as EU education policy has come about on the basis of the open method of coordination (European Commission, 2001).

The Open Method of Coordination is an innovative way for independent nation states to collectively pursue common educational goals. Ministers agree common educational objectives which are quantified so far as is possible. Member states agree to contribute, in their own ways, to the achievement of these objectives and, crucially, to share information on progress using agreed indicators and benchmarks. The pursuit of these common objectives is also supported by exchanges of good practice and peer review. In the words of the Commission:

“On the one hand, the Open Method of Coordination defines the common outcomes or objectives in a given policy area. On the other hand, the Open Method of Coordination is an instrument for identifying best policy practices, using the diversity of policy approaches in European countries as a grand reservoir of ideas for possible policy measures to achieve the agreed objectives or outcomes” (European Commission, 2004: 9).

In relation to education policy development, the EU provides the member states with a rich basis for exchange of best practice and collective problem solving. Building on this dialogue between member states, the European Commission has been very effective in articulating the emerging challenges for education systems. Their early identification of the importance of lifelong learning (from the mid-1990s) is a good example of this, as is their more recent highlighting of the growing importance of research and innovation. Building on the economic ambition of the Lisbon strategy, the Commission has succeeded in elevating the significance of education policy. This, in turn, has provided educationalists within member states with greater leverage in trying to secure and improve investment in education.

EU membership has also had an impact on the administration of education in Ireland. Reporting obligations associated with the receipt of European Structural Funds have had a modernizing impact on accountability and reporting procedures generally in Ireland, including in higher education. Enhancing transparency and accountability remain important objectives in the continuing development of the higher-education sector in Ireland. A word of caution is justified here, however! There is a balance to be struck between reasonable accountability/reporting requirements and excessive (and expensive) bureaucracy which the EU has not yet satisfactorily achieved.

Associated with the aims of greater transparency and accountability is the emphasis placed on strategic planning and improvement in the project implementation process. Over recent years, Ireland has extended the strategic planning process to higher-education institutions and agencies. Furthermore, our participation in the EU (and in the OECD) has provided us with a broader context

within which to benchmark our performance on key indicators. International benchmarking, both in regard to standards and overall approach, will continue to be a strong feature of the higher-education landscape.

In developments broadly related to the promotion of greater transparency and accountability, Ireland has been actively involved in European co-operative efforts to improve quality assurance in higher education. Irish higher-education agencies have been at the forefront of efforts to progress European collaboration in this area. For example, both the Higher Education Authority (HEA) and the Higher Education Training and Awards Council (HETAC) are full members of the European Association for Quality Assurance in Higher Education (ENQA). Other agencies are currently undergoing a review process in order to ensure compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area, a requirement for membership of ENQA. Irish universities and the Dublin Institute of Technology have been the subject of European University Association (EUA) reviews, commissioned by Irish, higher-education quality-assurance agencies.

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These are some of the key ways in which membership of the EU has impacted positively on the development of education policy in Ireland. However, there are some negative impacts too, like for instance the excessively onerous reporting requirements noted above. In addition, while employment law motivated by developments at EU level have been largely positive for Irish workers, it should also be noted that in areas such as part-time working, employment legislation has seriously hampered the flexibility of higher-education institutions in human resource management.

The higher-education sector in Ireland is continuing to reform in a manner consistent with its membership of the European Higher Education Area. Our participation in the Bologna process and plans for higher education in Ireland will ensure that we continue to take account of the international environment in which we operate. Turning from indirect to direct impact, the most significant impact of membership in the area of higher education arose in the context of the investment of EU funding in the Irish institutes of technology.

EU Funds and the Development of Irish Higher Education

It has been noted that the institutes of technology are *“a well recognised success story in modern Irish higher education”* (Coolahan, 2004: 76). Their development (at the initiative of the Irish Government without reference to EU funding, it should be noted) on a regional basis throughout the country greatly expanded the opportunities for educational attainment. This, in turn, not only broadened access to higher education but also provided a local and technologically-oriented alternative to the traditional universities. This was particularly important in providing Ireland with the labour-market skills necessary for the develop-

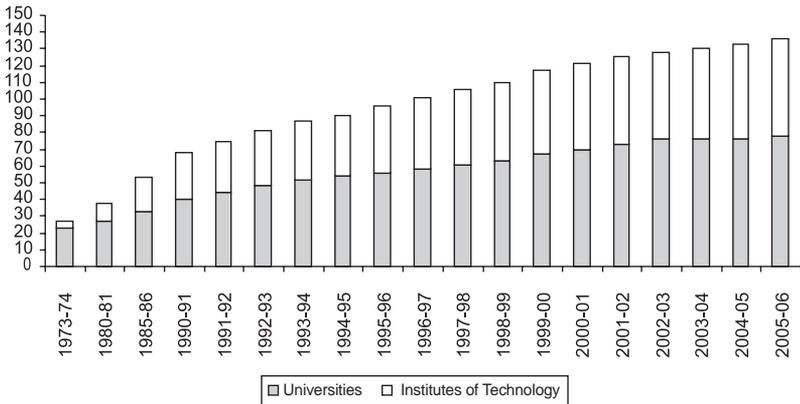
ment of the scientific, technological and pharmaceutical sectors. These sectors continue to play a significant role in the expansion of the Irish economy. The institutes explicitly aim to exploit knowledge in the interests of regional development. Their vocational and scientific orientation, as well as their mission to promote regional economic development, has contributed substantially to the economic success experienced in Ireland since the mid-1990s.

From 1975 until the late 1990s, Irish students in the institute of technology sector benefited from European Social Funding. The policy position was to direct financial resources towards the expansion of short-cycle, higher-education courses (Coolahan, 2004: 80). A special European Social Fund provision was made in 1975 in order to facilitate employment growth and the geographical and professional mobility of young people. The Irish Department of Education and Science made an application to this fund for investment to cover training in middle-level technician skills in the newly-established Regional Technical Colleges (RTCs - now known as institutes of technology). This funding came in the form of grants for students. The result was that by 1986 almost 90 percent of all new entrants to full-time courses at the RTCs were in receipt of European Social Fund grants (Barry, 2006: 9). These students accounted for approximately 20 percent of total new entrants to Irish third-level education at that time.

EU support for students in the institutes of technology has contributed significantly to the expansion of higher education in Ireland since the 1970s. The emphasis on sub-degree, higher-education programmes helped to improve the accessibility of higher education in Ireland and complemented the substantial expansion of the university sector, as demonstrated in Figure 3, below. This led to the increase in higher-education entry rates from 20% in 1980 to 55% in 2004 (see Figure 1).

While it is clear that EU funding contributed significantly to the expansion and regionalization of higher education in Ireland, it should be noted that since 2000, much of the (greatly reduced) EU investment in Irish human capital development has been directed at further rather than higher education in order to target those in the population with limited educational qualifications.

Figure 3. Overall participation in higher education in Ireland, full-time enrolment in Irish universities and institutes of technology, 1973 to 2005 (in thousands)



Sources: Department of Education and Science (1975) Annual statistical report 1973-74; O'Connor, (2007: 311) *Sé/ Sí: gender in Irish education*

Erasmus – Supporting Student and Staff Mobility

Irish higher education has also benefited in a very practical way from the opportunities for student and staff mobility provided by the EU. In 1987 the EU established a programme that has had a significant impact on higher education in Ireland as elsewhere in Europe. Erasmus – the student and staff mobility action is now in its 20th year and is a key part of the new EU Lifelong Learning Programme 2007-2012.

Since its inception, over 24,000 Irish students have participated in the Erasmus programme with approximately 50,000 incoming students spending study visits in this country. These are part of an overall total of 1.7 million completed mobilities for the programme as a whole since it started in 1987. Over 2,200 higher education institutions throughout the EU and other eligible states are now participating with some 200,000 students and 30,000 lecturers annually on the move (European Commission, 2008).

Participation in Erasmus offers a range of benefits. For the institutions, the introduction of the programme has led to the establishment of international activities or enhanced activities which were already in place. There has also been some impact on course design with higher-education institutions including study abroad periods as part of the curriculum. With the inclusion of work placements under the new Lifelong Learning Programme, students who wish to spend work periods abroad will now be eligible for support under Erasmus.

Almost without exception, students speak of the profoundly positive impact of their periods spent as Erasmus students. Descriptions like “life changing”; “confidence building”; “personal growth” figure prominently in their responses. One former Irish Erasmus student has commented “*The idea of Europe is so beautiful but so fragile and the opportunity to engage in mutual exchange through education is a necessity as much as a pleasure*” (Higher Education Authority, 2007:14). There is no doubt that the experience has been of immense benefit to students, greatly expanding their self-confidence and personal development but also improving language acquisition, subject knowledge and forging networks across the continent. The experience has also encouraged students to pursue further studies abroad, take up employment and set up businesses.

Erasmus has helped further the concept of Europe and has nurtured in no small way a much greater cultural understanding across member states. The arrival of over 3,500 Erasmus students each year in Ireland enriches the multicultural aspect our higher-education system (European Commission, 2008).

CURRENT AND EMERGING CHALLENGES AND OPPORTUNITIES

Lifelong Learning

Ireland, in common with its European neighbours, is faced with the challenges and opportunities presented by engaging with lifelong learning, research and the Bologna process. As already noted, the European Commission has been an important and consistent voice in articulating these issues from an early stage.

Continuing adult engagement with education is vital to the achievement of the social, as well as the economic, goals of the EU, and thus, our shared goals as members. Following on from the Lisbon objectives agreed by European Heads of State in 2000, European education ministers have adopted a range of key educational targets under the Education 2010 initiative. These targets include an EU-average level of participation in lifelong learning by the adult working age population (25-64 age group) of at least 15 percent by 2010, and no lower than 10 percent in any country (European Commission, 2002).

However, as Figure 4 below demonstrates, lifelong learning remains a significant challenge in Ireland, and indeed elsewhere in the EU. Historically, Ireland was later than most other countries in expanding second-level and higher education, with the result that the educational profile of our older adult population is poor by international standards. This scenario is compounded by our limit-

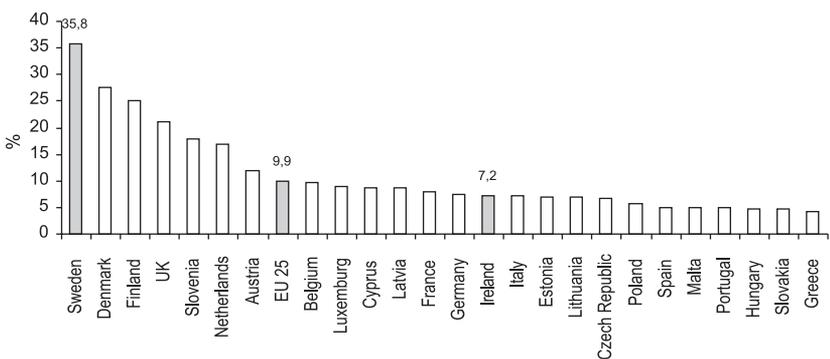
ed success to date in delivering on lifelong learning. As noted in the recently launched National Skills Strategy,

“Ireland’s relatively low participation rate in continuous learning is cause for concern – at 7 percent, it lags significantly behind the EU’s Lisbon target and the best performers in Europe” (Expert Group on Future Skills Needs, 2007: 6).

The skills strategy also highlights the fact that an additional 500,000 individuals within the Irish workforce will need to upskill by at least one education level before 2020 (Expert Group on Future Skills Needs, 2007).

Re-engaging adults with low levels of initial education in lifelong learning has proven enormously challenging in Ireland and in other countries. Both the culture and infrastructure of continuous adult engagement with education and training need to be developed and nurtured. The EU provides a forum and opportunities for Ireland and other member states to share best practice and learn from mistakes. Of particular interest in Ireland, is exploring how higher-education institutions can be supported and encouraged to do more to facilitate lifelong learning.

Figure 4. Participation in lifelong learning in the EU (2004)



Source: O’Connor (2007: 355) *Sé/ Sí: gender in Irish educatin*. Data: Eurostat

Research

Higher-education institutions are also at the heart of plans to increase and strengthen Ireland’s national research and development capacity. Thus far, in Ireland, we have mastered the manufacturing of other peoples’ inventions. However, in order to remain competitive and successful into the future, Ireland will

need to master the innovation process. Therefore, we are placing a greatly increased emphasis on research and development, both in higher education and outside it and strengthening links between R&D conducted in higher-education institutions and R&D conducted in enterprises. As an example, the 2000 – 2006 National Development Plan directed 2.5 billion euro, including European structural funding, towards the development of both a research infrastructure and the support for individual researchers through dedicated research councils,

In line with the Lisbon agenda to improve European competitiveness through education and research and the target, set at Barcelona, to achieve 3 per cent (of GDP) investment in R&D for Europe¹, Ireland's current, economic-development strategy places a high emphasis on R&D (Department of Enterprise, Trade and Employment, 2005: 1). The Government's Strategy for Science, Technology and Innovation (SSTI), launched in 2006, aims "... to build a sustainable system of world class research teams across all disciplines and to double our output of PhDs" (Government of Ireland, 2006). The SSTI represents a comprehensive plan to guide Ireland towards the goal of becoming a competitive and dynamic, knowledge-driven economy. Ireland's competitiveness into the future will be built around the skills and productivity of our workforce and our capacity for innovation. The SSTI will also help Ireland to participate more actively as a member of the European Research Area (ERA).

For many years, the EU Framework Programme has been important to the funding of R&D in Ireland, particularly R&D conducted in the higher-education sector. Not only have the Framework Programmes made an important financial contribution, but they offer Irish companies, research bodies and higher-education institutes a valuable opportunity to participate in collaborative, high-quality research with their European counterparts. The Programmes have made a significant contribution to the creation of a well-qualified, technologically aware workforce, necessary to attract innovative, technology-focused companies to Ireland (Department of Enterprise, Trade and Employment, 2005: 1). The Department of Enterprise, Trade and Employment has expressed the view that the Framework Programme "*has a key role in promoting the international competitiveness of European industry and increasing Europe's attractiveness as a location for the best researchers to live and work and for industry to do research*" (Department of Enterprise, Trade and Employment, 2005: 1).

¹ High level objectives were agreed by the European Council in Lisbon in 2000, the objective being to make Europe "*the world's most competitive economy*" by 2010. A specific target was agreed in Barcelona (2002) to bring Europe's investment in research and development to 3 per cent of GDP by 2010 (from approximately 1.8 per cent at the time).

Bologna Process

EU integration and enlargement is taking place against a backdrop of major global change and competition. This competition has emphasized the central importance of education, research and lifelong learning in securing Europe's future wellbeing. The Lisbon Agenda reflected the increasingly competitive, international environment and also indicated concerns that Europe would be left behind. It has presented member states with the challenge of establishing Europe as the "... most dynamic, competitive, knowledge-based economy in the world" (European Council, 2000). The ambition of Lisbon has changed the dynamic of education in Europe. It has led to a renewed recognition of the central importance of education for the achievement of the European goals of economic competitiveness, social cohesion and civic engagement.

The Bologna Process aims to address the challenge and opportunity of linking national education systems with broader European educational frameworks. In May 2005, the European Ministers for higher education adopted the Framework for Qualifications of the European Higher Education Area. This will provide a framework for the comparability and recognition of qualifications between member countries, which in turn will facilitate the international mobility of educators, learners and members of the workforce. Ireland welcomes these developments and we recognize the practical benefits of participation in Bologna and the European Research Area.

In Ireland, a National Framework of Qualifications (NFQ), compatible with Bologna has been developed and is currently being implemented across the further and higher-education systems. In fact, Ireland and Scotland are the leading countries in terms of the establishment and implementation of national qualifications frameworks. Further progress is required in relation to the identification and clarification of agreed learning outcomes at all levels of the NFQ and their incorporation into quality assessment within and across institutions.

LESSONS FOR CROATIA FROM THE IRISH EXPERIENCE

A key lesson from the Irish experience is how important it is, for the purposes of social and economic development, to invest in education, even where economic circumstances make it difficult to do so and/or do not appear to justify it. It is noteworthy that participation in higher education in Ireland grew throughout the 1980s, even though this was a period in Ireland of severe unemployment, emigration and national debt. The government continued to invest in higher education over this difficult period, despite the fact that the labour mar-

ket demand for graduates was not there at the time. This historical investment in education, and particularly higher education, contributed significantly to later, more recent economic successes. Indeed, the economic success of the 1990s received a further boost from the return of well-qualified Irish immigrants who had been educated in Ireland, but who initially emigrated in search of employment not available at home. Ireland was greatly assisted in our investment in education at a crucial period in our development through EU structural funds.

Croatia might consider this experience in planning for the allocation of national resources and the use of EU funding. The Irish experience indicates that investments in human capital, particularly in education and training, can have a very positive impact on the productive capacity of the economy. The benefits of a focus on education investment, especially for new members of the EU, are well summed up as follows,

“The Irish experience suggests that investment in human capital is vital to promote long-term convergence and that for the new entrants investment in human capital should be an important priority use of their future allocations of structural funds” (FitzGerald, 1998: 690).

Membership of the EU will also provide other direct benefits for Croatian citizens in the area of higher education, including greater opportunities to study abroad through the *Erasmus* programme, while the *Bologna* process will facilitate international mobility for further study and/or for employment by enhancing the mutual recognition of qualifications throughout Europe and beyond.

In addition to direct benefits of EU membership, the Irish experience suggests that there are other benefits, which are less direct, but which are also significant. As early as 1981, the very comprehensive impact of EU membership on Irish educational outlooks was commented upon:

“In indirect ways the frequent contact with EEC [EU] countries at ministerial, official and fraternal organisational level has influenced educational outlook and attitudes. The interchange of ideas has widened mental horizons on contemporary educational problems and trends” (Coolahan, 1981: 153).

In more recent times, this interchange of ideas has been placed on a more formal footing through the adoption of the *open method of coordination* in the area of education and training. The development of EU indicators and benchmarks allows for a more robust assessment of the strengths and weaknesses of our national education system in an international context. The exchange of best practice among EU member states provides a very good basis to build on our strengths and to address key weaknesses as we continue to develop higher education and research.

Ireland shares the concerns and the ambition of the European Union in relation to social and economic development. We share the EU emphasis on the role of education to advance social cohesion and civic engagement as well as

economic competitiveness. In a globalized world, there are distinct advantages to participating as part of a bigger political and economic bloc. We believe that our national challenges and aspirations can best be addressed and met through mutual co-operation with, and the support of, fellow member states. This, arguably, is as true for Croatia as it is for Ireland.

LITERATURE

Barry, F. (2006) *Learning lessons from Ireland's economic development* [online]. Available at: <http://www.ucd.ie/economic/staff/barry/papers/paper%20for%20Renee.pdf> (10.05.2007)

Barry, F., Bradley, J., and Hannan, A. (2001) The single market, the structural funds and Ireland's recent economic growth. *Journal of Common Market Studies*, 39 (3) September, 537-552.

Clancy, P. (2001) *College entry in focus: a fourth national survey of access to higher education*. Dublin: Higher Education Authority.

Coolahan, J. (2004) *Higher education in Ireland – Country background report* [prepared in advance of the OECD Review of Higher Education in Ireland] (unpublished)

Coolahan, J. (1981) *Irish education: history and structure*. Dublin: Institute of Public Administration.

Department of Education and Science (1975) *Annual statistical report 1973-74*. Dublin: Department of Education and Science.

Department of Enterprise, Trade and Employment (2005) *Irish position paper for the negotiations on the 7th. Framework Programme*. Dublin: Office of Science & Technology Department of Enterprise Trade and Employment [online]. Available at: <http://cordis.europa.eu/documents/documentlibrary/2472EN.doc> (05.02.2008)

Department of Finance (2005) *Budget statement of the Minister for Finance, Mr Brian Cowen, T.D., 7 December 2005* [online]. Available at: <http://www.budget.gov.ie/2006/FinancialStatement06.asp> (11.05.2007)

Department of Finance (2004) *Financial statement of the Minister for Finance Mr. Brian Cowen, T.D., 1 December 2004* [online]. Available at: <http://www.budget.gov.ie/downloads/Speech.doc> (05.02.2008)

European Commission (2004) *Commission staff working paper. Progress towards the common objectives in education and training: indicators and benchmarks* [online]. Brussels, 21.1.2004, SEC(2004) 73 Available at: http://ec.europa.eu/education/policies/2010/doc/progress_towards_common_objectives_en.pdf (11.05.2007)

European Commission (2002) *Communication on benchmark* [online]. Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/02/1710&format=HTML&aged=0&language=EN&guiLanguage=en> (11.05.2007)

European Commission (2008) *Erasmus 1987-2007: education and training 2010* [online]. Available at: <http://ec.europa.eu/education>

European Commission (2001) *Involving experts in the process of national policy convergence (Report by Working Group 4a)* [online]. Available at: http://ec.europa.eu/governance/areas/group8/report_en.pdf (05.02.2008)

European Council (2000) *Lisbon European Council, 23 And 24 March 2000: Presidency conclusions* [online]. Available at: http://www.europarl.europa.eu/summits/lis1_en.htm?textMode=on#b (11.05.2007)

Expert Group on Future Skills Needs (2007) *Tomorrow's skills: towards a national skills strategy*. Dublin. Available at: <http://www.skillsstrategy.ie/> (05.02.2008)

FitzGerald, J.D. (1998) An Irish perspective on the Structural Funds. *European Planning Studies*. 6 (6), 677-694.

The Government of Ireland and Department of Enterprise, Trade and Employment (2006) *Strategy for science, technology and innovation, 2006 – 2013*. Dublin: The Government of Ireland.

Higher Education Authority (2007) *Erasmus: a life changing experience – Lá Dár Saol É*. Dublin: HEA.

NDP/CSF Information Office (2007) *Ireland and the E.U. Structural Funds* [online]. Available at: http://www.ndp.ie/viewdoc.asp?fn=/documents/eu_structural_funds/overview/structural_funds.htm&mn=eusj&nID=3 (10.05.2007)

OECD (2006) *OECD estimates of labour productivity for 2005* (September 2006) [online]. Available at: <http://www.oecd.org/dataoecd/30/40/29867116.xls> (15.02.2008.)

O'Connell, P., Clancy, D., and McCoy, S. (2006) *Who went to college in 2004? A national survey of new entrants to higher education*. Dublin: Higher Education Authority.

O'Connor, M. (2007) *Sé/Sí: gender in Irish education* [online]. Dublin: Department of Education and Science. Available at: <http://www.education.ie/home/home.jsp?pcategory=17216&ecategory=17325&language=EN> (10.05.2007)

EU INTEGRATION
AS CATALYST
FOR REFORMING
CROATIAN
EDUCATION

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ABSTRACT

The Republic of Croatia has begun to harmonise its educational policies with changes in the developed countries. During the past six years, the Croatian educational system has moved towards modernization, decentralization, restructuring of institutional governance, introduction of the state supervision model, increased access to tertiary education and an increase in the number of educational institutions which have almost doubled, followed by extensive investments in university campuses. In the next period, the national higher education policies will be highly influenced by changes in society deriving from the accession processes. Croatian educational policies will be harmonized with the revised Lisbon goals, according to the Education and Training 2010 programme and development of the European Qualification Framework (EQF). Participation in Lifelong Learning Programme (LLP) will open primary and secondary educational institutions towards Europe and will increase student and teacher mobility in tertiary education. The arrival of European students in Croatia will highly influence the development of Croatian higher education institutions. Moreover, further steps in implementation of the Bologna Process are expected, especially the development of the third cycle programmes (doctoral training) and development of a European accreditation system.

Key words:

education reform, tertiary education, EU accessions, Bologna process, European Qualification Framework, lifelong learning, human resources

INTRODUCTION

The development of society and economy in the 21st century is characterized by the redefinition of strategic resources and values. People and knowledge become the most important resources, and education and training the most important activities. Learning paths and learning strategies are being changed and new generations of students, who have developed their structure of learning process under the influence of communication, the information flow and the accelerated development of technology, have entered the education system and demand new training and teaching approaches (Veen & Vrakking, 2006).

From the year 2000, various political, consulting and academic bodies as well as expert organizations, specialized NGOs and unions have considered numerous questions related to the future of the education system in Croatia. These considerations resulted in a series of documents that have been extensively discussed in various circles of share- and stakeholders. In general, these documents stressed the need for development of medium and long-term measures which should ensure development of the education system according to the needs of the competitive knowledge-based society and economy.

In the document *Croatia in the 21st Century: White Paper on Croatian Education*, adopted by the Government of the Republic of Croatia in 2002, the principle of lifelong learning and the concept of a "learning society" was proclaimed as a basis for the national development of Croatia in the upcoming decades, during which Croatia should consolidate its economic, social and cultural transition and complete its European integration. At the same time the Government (2002) published *Proposal of Changes in the Area of Scientific Research and Tertiary Education in Croatia* which became a basic document for tertiary education reform, an introduction to the Bologna Process and the basis for a new cycle of investment in physical capacities and human resources, including public budgeting.

Out of 55 Policy Recommendations for Raising Croatia's Competitiveness of the National Competitiveness Council (2004), harmonized with the Lisbon strategy, eleven pertain to the area of education. These recommendations are for the most part integrated in the developing legislation. By adopting the *Strategy for Adult Learning and Action Plan* (2004), the Government took responsibility and adopted measures to encourage education for all, based on lifelong learning, and to create a framework for the development of learning organizations and communities, in partnership with all the interested stakeholders. The *Education Sector Development Plan 2005-2010* (MSES, 2005b) was the basic document for the development of the system of education in the period 2004-2007. The priorities of the Development Plan were fully aligned with the Lisbon Strategy (European Commission, 2005a) along with goals and objectives of the EU programme Education and Training 2010 (Council of the European Communities, 2002).

These documents made the solid ground for the Accession Negotiations between the EU and Croatia opened in Luxembourg on October 3, 2005. Screening of the Education and Culture Chapter was held in October and November 2005, and the chapter was opened and provisionally closed in December 2006 at the Intergovernmental Accession Conference between Croatia and the EU in Brussels. The European Commission and European states judged that, at the present, Croatian educational policies and potential are good and adequate for successful participation in EU programmes.

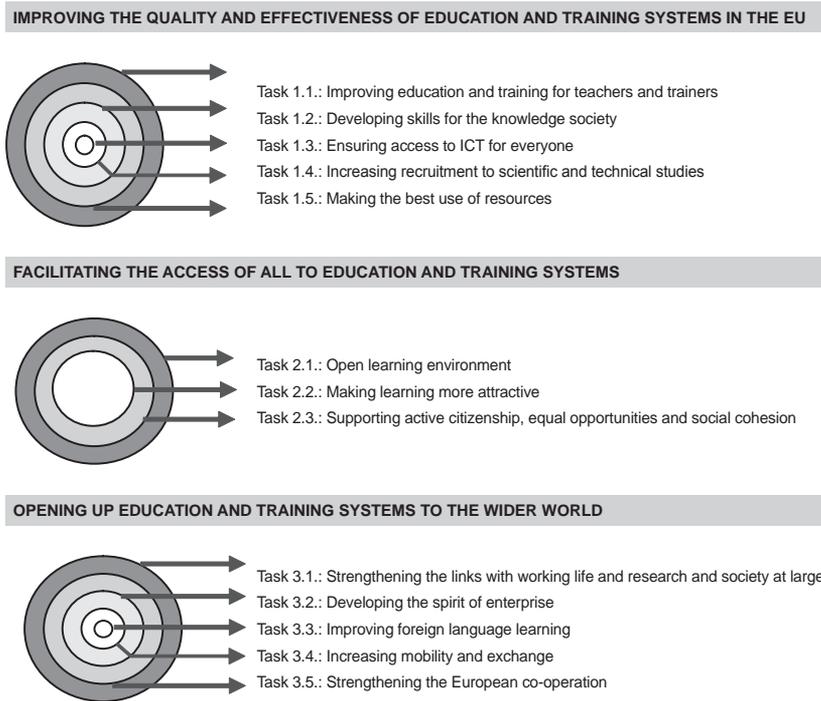
Within alignment with the EU process, it is important to emphasize the documents and projects that have influenced relevant policies at all educational levels. Some steps have been taken, but still there is both a need and an obligation to bring about further and quite challenging alignments. Overviews of the current state, steps already taken and some further recommendations are presented in the following section.

ALIGNMENT WITH EU POLICIES

Education and Training 2010

Major policy issues for development of education systems in European countries have been defined in E&T 2010 programme as making operational the Lisbon Strategy. This programme had been developed by the Open Method of Coordination (OMC) that offered a new cooperation framework in which all European countries decided to keep the diversity of national education system but also identified shared goals and objectives. Thus, the E&T 2010 programme articulated three strategic goals. These goals include improvement of the quality and effectiveness of education and training systems, facilitating access to these systems and opening up of these systems to the wider world. These goals are described in 13 associated objectives and specific targets and indicators (Figure 1). European countries committed themselves to aligning their national policies with the goals and objectives of E&T 2010, and established a biannual reporting scheme of their achievements. In the EU budget, this programme was supported by a number of programmes in the period of 2001-2007, and all financial instruments converge into the large Lifelong Learning Programme (LLP) for the period 2007-2013, with a total budget of 8,5 billion euro (European Parliament, 2006).

Figure 1. E&T 2010 strategic goals and associated objectives



Source: Official Journal of the European Communities, 2002/C 142/01

In Croatia, a large part of the alignment with the E&T 2010 programme has been initiated before the beginning of the negotiation process. One of the crucial steps was the signing of the Bologna declaration in 2001 at the Prague conference and starting the alignment of its tertiary education sector. Also, Croatia has developed several strategic and policy documents regarding development of the education system that were to the great extent aligned with the E&T 2010 strategy of the EU. The most important one for setting up the objectives and strategy of the Croatian education system was the Education Sector Development Plan 2005-2010 (MSES, 2005b).

Primary and Secondary Education

After entry into the negotiation process and alignment of educational policy goals with the goals and objectives of the E&T 2010, Croatia submitted a first report in 2005 (MSES, 2006). The report provided comprehensive analysis, establishment of a system of indicators and comparison with the EU25 countries

that identified strengths and weaknesses of the Croatian education system¹. Net enrolment in primary education and completion rate were assessed as good. However, there are problems regarding enrolment in secondary schools (79.2% enrolment rate) as well as in pre-primary programmes (43% enrolment rate). Also completion rates in secondary programmes (69.5%) are below the EU25 average. Moreover, the number of pupils in grammar school programmes is currently 29% of the total number of pupils enrolled in secondary school programmes, indicating a structural hang-over. Part of the reason for the low completion rate of secondary programmes is that they are not innovative and do not allow flexibility.

These results showed a clear need for restructuring the primary and secondary education system. However, a major organizational obstacle to restructuring is the multiple shift arrangement in schools. Two thirds of primary and secondary schools operate in double shifts while 6.21% of primary schools still operate in triple shifts. There are, however, several programmes and documents that refer these problems (Primorac et al., 2007).

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In the last three years, significant efforts in modernizing primary school curricula have been put into the programme Croatian National Educational Standard, CNES (MSES, 2005a). Its purpose is to change redundant educational programmes and to introduce modern teaching methods based on research-based classes and individual and group work and applicable knowledge and skills. In 2005, some elements of the Programme were experimentally introduced in 5% of elementary schools and in 2006 all elementary schools were expected to start its implementation (Primorac et al., 2007). The assessment of its implementation will be conducted by the national exams at the end of the eighth grade of primary school (before entering secondary education). In 2006 primary school teacher training programmes were initiated to enable them to apply the CNES. Training of pre-primary and primary school teachers has been carried out by the Education and Teacher Training Agency (ETTA).

In 2006, the development of the National Curriculum Strategy was initiated, and a major strategic document for modernization of pre-tertiary education curricula was released (Vican et al., 2007). This project is led by the Council for Educational Standard and the National Curriculum Council. The results of programmes will be made public after the external assessment of pre-school and primary education that will probably be carried by the National Examination and Assessment Centre (a government agency established in 2004), through national exams and the national graduation examination (Cro: *matura*). The first national exams for secondary schools were held in 2006 and for primary education in 2007. In addition, the evaluation of pre-school education has been

¹ All reports are available at: http://ec.europa.eu/education/policies/2010/nationalreport_en.html.

carried out by quality monitoring via self-evaluation and the evaluation conducted by the ETTA (Primorac et al., 2007).

In 2006 Croatia for the first time participated in the OECD/PISA project. The ETTA assessed 5600 pupils aged 15 on their reading, mathematics and science competences and also their ability to analyse, draw conclusions, successfully communicate, and gain sustainable learning skills. The PISA project results are indicative of the chances that students as adults have in the labour market and the probability that students will upgrade their skills. Comparison of Croatia with other participating countries provided relevant information on possibilities that students have in their learning environments in Croatia.

The new National Curriculum (guidelines) for secondary schools will define the duration and content of secondary school education in line with labour market needs higher education and lifelong learning requirements. It is planned to be completed by 2010, and to follow the principles and methodology of the Croatian National Education Standard for primary schools (MSES, 2005b).

In 2007, the National Programme of Measures for the Introduction of Compulsory Secondary School Education was prepared. In autumn 2007, a number of stimulating measures were introduced, such as free textbooks for first-grade students in secondary schools, free transport, and free accommodation in student dormitories. The programme will be submitted to Parliament in 2008.

Legislative initiatives are lagging behind the policy measures. The new act on pre-schools and primary education and the new act on vocational education are expected to be adopted in 2008.

Vocational Training

The Agency for Vocational Education, established in 2005, deals with all Vocational Education and Training (VET) initiatives. It established thirteen Sector Councils (for 13 VET sectors) composed of representatives of all relevant stakeholders, half of them representatives of the economic sector (Primorac et al., 2007). These Councils define the needs of the labour market, provide analysis and data, evaluate and approve occupational standards, and propose new learning programmes in accordance with labour market needs. Currently, the Agency is developing profiles and programmes to fit the labour market, social and economic needs, modernizing the content and methods of vocational education and training and providing opportunities to continue with education after completion of a vocational school.

Modernization of vocational secondary school curricula started in 2005 with the adoption of 57 new programmes for crafts occupations according to the unified programme for crafts occupations. All activities in modernization of the VET system in Croatia have been done on the principle of tripartite partner-

ships (e.g. developing the White VET Paper; developing the content for the VET legislation, developing the methodology for new VET qualifications and curricula, Sector Councils, developing a Concept Paper for Teacher Training).

The Bologna Process and Tertiary Education Reforms

Tertiary education reform includes structural change of higher education, student and labour market oriented curriculum changes, development of a quality assurance system, a change of the qualification system, mobility and lifelong learning. The main goal is to develop a flexible education system that enables horizontal and vertical mobility. Above all, that relates to the possibility of academic promotion and development of own qualification by collecting credits within different institutions and educational programmes. The education system by itself needs to be far more efficient and flexible and it should enable the adjustment of academic profiles to labour market demands through either formal learning or lifelong learning and training.

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According to official statistics, only 33% of students complete their university studies and only 8% of the students graduate within the expected time (Bečić, 2006). Only 4.08% of the population has completed two-year college programmes, and 7.82 % of the population holds Bachelor/Master/PhD degrees (2001 census, Central Bureau of Statistics).

Tertiary education reform was initiated in 2001, when Croatia signed the Bologna declaration (reviewed by Dujjić & Lučin, 2006a). In 2003, the Act on Scientific Activities and Higher Education was adopted which was a basis for the legislative framework for implementation of the first phase of the Bologna Process in the Croatian tertiary education sector. The Act has been amended in 2004 and in 2007. Its adoption was followed by development of the legal framework within tertiary education institutions and initiation of structural changes of tertiary education programmes. In the first phase, old long-cycle programmes were restructured into the two cycles, bachelor and master, and a system of credits fully compatible with ECTS and based on student's workload was introduced. These changes were made in 2005 and a new generation of Bologna students enrolled in the academic year 2005/06. Next, the development of a quality assurance and accreditation system was initiated. However, in the first phase, the structure of teaching and student's examinations was not sufficiently changed and it is going to be a major focus of the second phase planned to be addressed in 2007 and 2008.

For the implementation of the Bologna reform in the period 2004-2007, a number of structural changes regarding governance over the tertiary education system have also been introduced on the basis of the Act (reviewed by Dujjić & Lučin, 2006a). The Agency for Science and Higher Education (ASHE) was established in 2004 with the primary aim of developing the system of pro-

gramme and institution accreditation, recognition of foreign qualifications and development of the national quality assurance network. The ASHE became really operational in 2006. The major national body responsible for development of tertiary education is the National Council for Higher Education (NCHE), established also in 2004. Moreover, in 2001 Parliament established the National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia (NFS). Its role was significant in supporting basic reforms of tertiary education through its funding instruments.

In addition to structural reforms of the tertiary education programmes, tertiary education institutions initiated development of the institutional quality assurance system. These efforts were supported within funding instruments of the NFS. On the basis of this funding, some universities established the full legislative framework and organizational structure of the internal quality assurance system (Lučin, 2007). In 2007, the NCHE developed a multi-annual programme for external evaluation of tertiary education institutions (Primorac et al., 2007), and in December 2007 the ASHE became a member of the European Network of Quality Assurance Agencies (ENQA).

By the adoption of the new Act on Higher Education, doctoral studies became the third cycle of higher education. At the same time, the NFS announced funding instruments that supported development of the third cycle programmes. The number of early stage researchers has been constantly increasing since 2000, and in 2007 reached almost 3000 (Primorac et al., 2007). However, research careers are still not aligned with the EU policies and with the Code of Conduct and the European Charter on Research Careers (European Commission, 2005b). The National Plan to Increase Investment in Research and Development (Action Plan 3%), which was submitted to the Government in 2007, envisages a number of policy measures to facilitate this alignment and to increase investment in research. The Young Researchers' Programme administered by the MSES supports the earliest phases of research training, but institutional policies for their professional development are still poorly developed. The need for development of the financial instruments that support development of the post-doctoral phase of research careers is recognized and several related programmes have been designed by the NFS and by the MSES (Unity through Knowledge Fund, UKF).

Recognition of foreign qualifications and periods of study was aligned to EU policies and the Lisbon declaration by the adoption of the Act on Recognition of Foreign Qualifications in 2003 and its amendments in 2006². However, the Diploma Supplement and the Transcript of Records, despite the developed legal basis, are still not fully operative in the tertiary education system.

2 See: OG , 03, I 58/03; OG, 03, I 98/03; and OG , 06, I 38/06

Internal and external mobility of students and academic staff is one of the weakest links in the Croatian Bologna process. It is insufficient despite the established legal basis, primarily due to the underdeveloped financial instruments, an over-fragmented institutional structure, and study programmes insufficiently flexible in their structure and in their organization. In 2007, the National Mobility Centre was established within the Agency for Adult Education and in 2008 it will be established as a separate Agency for European Mobility, representing an administrative capacity for entry into the EU Lifelong Learning Programme. It is expected that Croatia will join this programme in 2009, which will facilitate student exchange (Primorac et al., 2007). Similar obstacles can also be identified within the development of joint studies, although the NFS created a financial instrument for these activities. Entry into the Erasmus scheme will facilitate development of joint studies and mobility of teachers.

From this brief overview of the Bologna Process in Croatia it is clear that accession to the EU facilitated a number of reforms in the tertiary education sector. It is also clear to the Croatian academic community that the process is not a short-term campaign, but a long-term process which has received very strong political support. A majority of 10 action lines of the Bologna process are also action lines of the Croatian higher education policy, each being an enormous project in itself. However, the entire process is more complex in the Croatian higher education landscape because it is accompanied with modernization of Croatian higher education institutions. Croatian universities are still enormously fragmented institutions with faculties as legal entities and without an institutional structure for governance, with underdeveloped financial instruments, and with a lack of institutional strategic management and corporate identity (Duke et al., 2007). Thus, overall tertiary education reforms in Croatia could be subdivided into 15 interconnected and interdependent reform packages that include the Bologna and Copenhagen action lines and are as demanding as curricular reform. For example, the introduction of lump sum funding that started in 2007 includes introduction of performance indicators, strategic planning, staff management, reallocation of resources etc. These changes, particularly reforms adapted to meet the needs of students and of the labour market, are a prerequisite for development of institutional autonomy as well as for the expansion of tertiary education. Higher education needs to be more effective and flexible, and must allow adjustments of academic profiles according to labour market requirements, whether through formal learning or through lifelong learning and training.

In the next period, key political decisions regarding the university integration process may be expected, as well as further development of the state supervision model (Taylor & Miroiu, 2002) and redefining of the binary system. In the context of the Bologna Process and the qualification framework based on learning outcomes, the division into university and professional studies loses its importance. Therefore, the differentiation of higher education institutions be-

comes inevitable, especially on the basis of research capacities and results. The critical backbone of this differentiation will probably be the doctoral studies and research profiles of the institution.

New Qualification Framework

Reform of the qualification system is imperative for efficient advance in the Bologna Process, as well as for the reform of primary and secondary education. The qualification system must promote and not impair the development of education. In most European countries national qualification systems are still based on the paradigms of the industry-based society, mass industrial production and education for the employer's needs. Therefore, the project titled European Qualification Framework for Lifelong Learning (EQF) has been started on the European level to establish a modern qualification system that, above all, respects the need for the lifelong learning of each individual, and where formal levels of education represent only one stage in the professional development of an individual (European Commission, 2005b). The project has received strong political support since the end of 2007 when it was adopted by the European Parliament.

The European Qualification Framework (EQF) is based on measurable learning outcomes that imply imperative change of the educational paradigm, and focus on competences necessary for active citizenship and adjustment to the labour market as well as curriculum reform (European Commission, 2005b). In doing so, it is not enough to define and measure knowledge and skills but to emphasize personal and professional competences that should be developed in a programmed way throughout education. Therefore, the development of new educational programmes presupposes the definition of competences, knowledge and skills. That applies to all educational levels. Therefore, it is important to create learning outcomes for all professions before the development of its teaching programmes. In doing so, it is very important to enable an upgrade or change in profession that is simple and independent of a person's age, but not one that is possible only within formal education. It is very clear that the educational experts cannot do it without equal participation of craftsmen, entrepreneurs and experts from industry, the public sector etc.

In 2006, the outline of the Croatian National Qualification Framework (MSES, 2007) was made in such a way that its structure permits integration into the EQF. However, the decision on its integration includes the reform of all educational programmes in order to define learning outcomes and to develop the programmes based on these outcomes. Moreover, the acceptance of EQF includes the development of a lifelong learning system through *formal, informal*

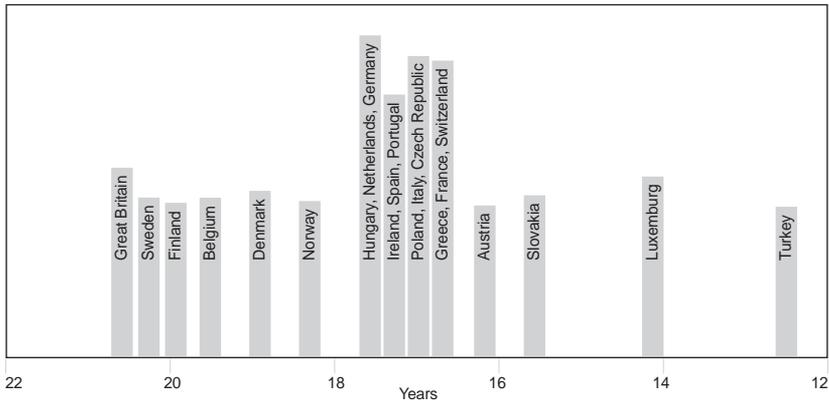
and *non-formal learning*³. Unfortunately, a legislative framework that would enable the development of lifelong learning has not yet been developed. The Adult Education Act adopted at the beginning of 2007 emphasizes the need for organized adult education (Primorac et al., 2007). However, this Act cannot be the base for the systematic legal regulation of lifelong learning, so it is expected that the initiatives for broadening of the legislative framework and systematic regulation of LLL, especially flexible learning, will be launched soon.

Lifelong Learning

In a rapidly changing society learning and knowledge are becoming values that require new validation methods of recognition instruments. In addition to formal learning, non-formal and informal learning are becoming more important. Therefore, expectations from the education system, particularly from higher education, are growing, especially an adequate response to the needs of society and adaptation to the needs of each individual. Recent OECD research indicate that each 5-year-old can expect at least 20 years of education during their lifetime (Figure 2), according to the current trends of enrolment, educational offer and structure of education system (OECD, 2006). However, it can be estimated that a 5-year-old Croatian citizen can expect between 14 and 15 years of education. Evidently, the Croatian education system requires modernization, intensified development and more investment to reduce the lagging of Croatia's competitiveness behind the developed countries. Thus, there is an enormous responsibility before Croatian educational institutions to offer much wider and more flexible educational opportunities to its citizens. Certainly, this responsibility lies also before the state, local governments and the political world. They need to organize a coherent legal framework that will enable and stimulate learning throughout the life of each citizen, and develop coherent policies and a culture of learning in society. Therefore, development of lifelong learning strategies is one of the most important policy issues for development of society and the economy.

3 *Formal learning*: Learning typically provided by an education or training institution, structured (in terms of learning objectives, learning time or learning support) and leading to certification. Formal learning is intentional from the learner's perspective. *Non-formal learning*: Learning that is not provided by an education or training institution and typically does not lead to certification. It is, however, structured (in terms of learning objectives, learning time or learning support). Non-formal learning is intentional from the learner's perspective. *Informal learning*: learning resulting from daily life activities related to work, family or leisure. It is not structured (in terms of learning objectives, learning time or learning support) and typically does not lead to certification. Informal learning may be intentional but in most cases it is non-intentional or "incidental"/random (Glossary on the Bologna process, 2006).

Figure 2. Expected length of education in OECD countries (EU countries and Turkey)



Source: *Education at a glance: OECD indicators 2006*

Note: Average number of years a 5-year-old can expect to be formally enrolled in education during his or her lifetime. Croatia was not included in the study. The asterisk indicates the expected position of Croatia.

This is also recognized by the EU policies in the renewed Lisbon strategy, E&T 2010 benchmark and in the Financial Perspective (European Commission, 2007a). The entire funding of the E&T 2010 goals and objectives has been put into the LLP (European Parliament, 2006). One out of five EU benchmarks focuses on the outputs of the lifelong learning training. It was expected that by the year 2010 the EU average in lifelong learning should be at least 12.5% of the working active population involved in lifelong learning programmes each month. Many EU countries developed intensive lifelong learning policies and already reached the EU 12.5% benchmark. In 2005 the rate was 9% in the EU15 countries and 7.5% in the EU25 countries (European Commission 2005b).

Unfortunately, Croatia is quite far from the 12.5% EU benchmark. Data from the Central Bureau of Statistics indicate that approximately 2% (varying from 1.8 to 2.5%) of active people are included in training each month (European Commission, 2007a). Therefore, it will be a real challenge for the Croatian Government and policy makers to reach the EU 12.5% benchmark. Although the problem has been recognised at the highest political levels, no significant shifts could be observed in recent years. The Government adopted the Strategy for Adult Education in 2004 and formed the Agency for Adult Education in 2006, the Parliament adopted the Act on Adult education in 2007 and some adult education programmes were initiated (Primorac et al., 2007). However, it appears that additional policy measures, particularly investment, will be re-

quired to stimulate development of LLL programmes and to increase enrolment rate. Evidently, Croatia needs more comprehensive legislation in which all sectors of education, including the lifelong learning sector, will be connected into a coherent education system that is flexible and allows accumulation of educational credits throughout life, including qualifications.

The most critical is vocational training. Many people who acquired their qualification through VET programmes need to update the original qualification or even to change the qualification using the wide range of different programmes. The development of technology, and particularly the knowledge-intensive economy, require several cycles of training or qualification shift during professional life. A similar situation is also found in Croatia. The qualification structure of Croatian society is unfavourable for intensive economic development and it is difficult to provide employment for many people. Thus, the unemployment rate is quite high.

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Therefore, besides more comprehensive legislation and new programmes, Croatia needs to speed up the implementation process and carefully plan all further steps needed to meet European standards in the context of lifelong learning.

CHALLENGES FOR CROATIAN EDUCATION

Funding

Although the public expenditure on education in Croatia (4.6% GDP in 2007) is close to the EU25 average (4.9% GDP in 2004), overall investment in education is insufficient for planned comprehensive changes in the education sector (Primorac et al., 2007).

In the overall State Budget the budget of the Ministry of Science, Education and Sport (MSES) represents approx. 10% (about 10.5 billions of Kn). Almost 75% of the MSES budget is allocated to the salaries of those employed in education and science. The five year agreement with trade unions about salaries in the education and science sectors implies an annual increase of salaries of more than 8% annually (Primorac et al., 2007). This agreement aims at correcting the lagging of teachers' salaries behind the average salary in the public sector. This means that the budgetary allocation for salaries will exceed 11.5 billions of Kn by the year 2012. Thus, it can easily be calculated that the annual increase in expenditure for education should be at least in the range of 10% in the next five years to guarantee minimal educational standards.

Although partial decentralization of the educational sector was introduced in 2002, the autonomy of schools, their accountability and the responsibility of local authorities have not been developed during the last five years. National educational standards have not been developed, resulting in a wide range of standards in different regions of Croatia. In some regions a majority of schools operate in a single shift, whereas in others a majority of schools operate in double or even in triple shifts. Local governments have not recognised their responsibility for development of education and thereby decentralized investment in education is insufficient. Evidently, an increase of decentralized investment and funding will be a significant challenge in the coming period.

A major expansion in education delivery during the last decade has occurred in the tertiary education. Although the public tertiary education expenditure has almost doubled in the last seven years, public expenditure on tertiary education (0.86% GDP) is well behind the EU25 average (1.15 % GDP), and also the new member states (1.3% GDP). In addition, almost 2 billion Kn is under investment in new facilities and university campuses throughout Croatia (Primorac et al., 2007). However, these investments will not meet demands and there it is estimated that approximately three additional billions of Kn will be required to build up a sufficient network of tertiary education institutions. In addition, local governments will have to invest in pre-school education and significant effort from the State will have to be made on the development of single-shift education in elementary and secondary schools.

Private investment is too low and there is no policy to facilitate investments from the private sector and business. Establishment of lifelong learning programmes will increase private investment in education; however, in the initial phase additional public investment in increasing capacities will be required.

Capacities - Increased Access to Tertiary Education

In the first phase of the Bologna Process it became clear that there is a deficit in the capacities of the tertiary education system. Thus, the introduction of the reform was accompanied by huge investments in a range of 2 billion Kn in developing university campuses in Split, Osijek and Rijeka, followed by investments in the University of Zagreb and the newly established universities of Dubrovnik, Zadar and Pula (Primorac et al., 2007). Also, investment in non-university institutions was scaled up. However, in many tertiary institutions, particularly faculties that are part of a university, the existing capacities are insufficiently used. A major reason for that is the current fragmentation of Croatian universities.

The Bologna Process in Croatia overlapped with increased demand for higher education and with increased enrolment. Croatia already has almost 150,000 enrolled students and it can be expected that this number will increase in the coming years (Primorac et al., 2007). The deficit of capacities at Croatian uni-

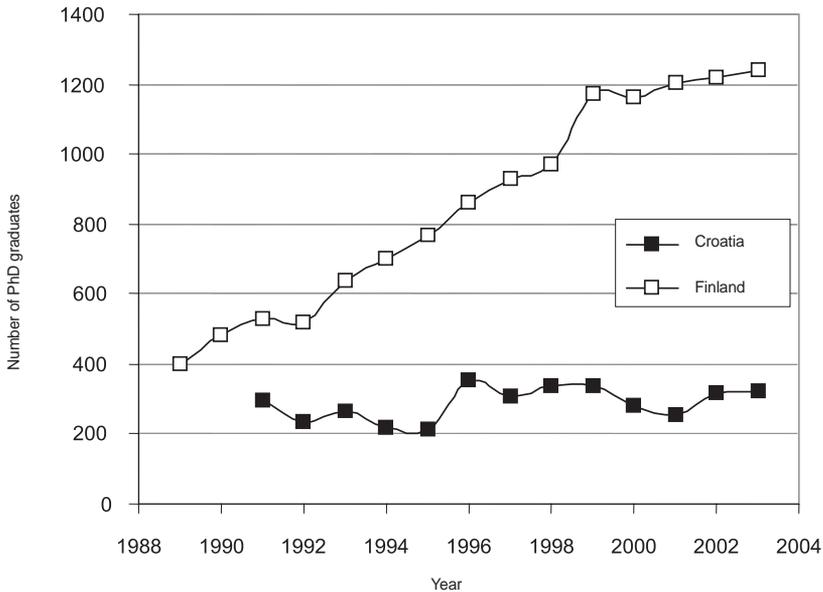
versities will become emphasized in coming years with enrolment of students in second cycle programmes and with expansion of doctoral training. Introduction of lifelong learning programmes will mostly affect tertiary institutions and further increase demands for extension of their capacities. (Lučin et al., 2006). Thus, the tertiary education sector will require additional investment in capacities, development of new funding models and reorganization of their operations, including complete reorganization of teaching activities.

In addition, the increased number of students will produce additional pressure on the State budget in the part related to students' rights and subsidies. Thus, Croatia will have to look for funding models for students that are more connected to performance and effectiveness. This will also require introduction of performance-based funding of tertiary institutions and their focus on effectiveness. The system with a drop-out rate above 60% and only 8% of students who finish their studies on time is inefficient and unsustainable in the long run (OECD, 2006).

Within the current structure of study programmes, TE teaching staff overload will be a major threat for profiling of universities as research institutions. This is going to be evident once the more market-oriented lifelong learning programmes have been expanded. Croatian TE institutions will have to accommodate at least 200,000 people in the lifelong learning programmes in addition to 200,000 students in formal programmes. Thus, complete restructuring of the first and second cycle programmes will be required in order to leave a substantial part of the capacity for the third cycle programmes.

The development of the tertiary education sector is closely linked to the development of research activities in Croatia. The current number of trained people with research competence is a major constraint for development of the knowledge-based economy. In addition, the current production of doctorates is not even sufficient for reproduction of teaching staff at Croatian tertiary education institutions (Figure 3).

Figure 3. Comparison of numbers of PhD degrees awarded in Croatia and Finland in the period 1999-2003



Source: Data for Croatia are from *OECD Thematic Review of Tertiary Education – Country Background Report for Croatia (2006)*, and for Finland from the *Academy of Finland (2003)*.

Previous challenges will be very difficult to address without systematic restructuring of the overall educational sector. This restructuring should be based on flexibility of content, learning models and organization of learning, particularly at tertiary level. Flexibility of higher education should connect formal and non-formal programmes into a coherent network of learning based on learning outcomes, with high level of mobility between formal and non-formal programmes and transferability of gained credits.

Capacities – Organization of Institutions and Strategic Management

Resource management (space, equipment and funds) is one of the greatest challenges for Central European countries which endeavour to protect education and research as a public good and at the same time to promote their own accountability. Moreover, resource management in the integrated university includes the establishment of principles and the financial discipline of all university units. Universities, therefore, have to develop their strategies for integrated operation, clearly define its policies, and make action plans and develop

a system of indicators to show their accountability (Duke et al., 2007). Teaching and learning quality, as well as research quality, can be improved only if the universities distribute their resources and make development plans based on quality indicators set and used in the European Higher Education Area. Quality assurance cycles need to be developed on all levels and to be based on the self-evaluation and internal evaluation of all activities.

It is especially important to establish relevant capacities that would enable the organization of multidisciplinary programmes in order to allow the development of competences necessary for existence in a rapidly changing society and in a labour market based on the technology development and globalisation processes. These multidisciplinary study programmes are the key mechanisms that allow higher education institutions to meet the needs of sustainable development and social reforms, especially for the needs of the social cohesion development process. Therefore, these multidisciplinary programmes need to be among Croatia's strategic priorities and should include significant funds from national funding instruments. Besides, the multidisciplinary approach in education will be a catalyst for the multidisciplinary approach in research, especially in social sciences and humanities. Interdisciplinary teams and research and teaching contents are the prerequisite for the generation of added value in academic operation as well as for the development of generic competences of both students and teachers. Next to flexible paths of studying and multidisciplinary study programmes, the contribution to the new added value will be internal mobility of students as well as of teachers. Therefore, the obstacles to internal mobility need to be removed by the development of a proactive policy of internal mobility, development of funding instruments, recognition of gained credits and by the encouragement of a promotion policy and earning of additional rights. Although great resistance can be expected during the process of disintegration of the barriers between disciplines, the building of university campuses will greatly improve the interdisciplinary mobility of students and teachers.

The entire education sector in Croatia was subjected to state control over the last several decades. The whole structure depended on the central government with a strong administrative role of the Ministry (Duke et al., 2007). Although in the last 6 years there has been a shift towards decentralization and allocation of more autonomy to the institutions (Primorac et al., 2007), this process has not yet been completed.

However, many projects have been launched with the aim of modernizing all levels of the education sector; and on some levels (i.e. tertiary education) reforms have been initiated which have not been paralleled with the adaptation of a structure of institutional governance and management. The distinction between governance on the one hand and leadership and management on the other is not well understood in Croatian institutions, and it is very often confused (Duke et al., 2007). This results in reduced effectiveness and diminished capacity to successfully deal with changing circumstances. In many cases, this also results in increased

tension and conflicts, both internally within the system and within institutions, and externally with stakeholders. The most common, and damaging, manifestations of confusion arise where the governance function becomes involved in the micro-management of implementation issues (Duke et al., 2007).

Strategic management within the entire system is underdeveloped and many institutional leaders are not trained for strategic planning. In addition, severe fragmentation of universities very often results in mixing governance functions and effective management (Duke et al., 2007). Thus, institutions with a strategic plan developed on the basis of strategic planning methodology are rare. Often, a strategic plan is identified with the election programme of a dean or rector. On the other hand, primary and secondary education institutions are under strong pressure of the local politics that dominate governing bodies, as a consequence of political decentralization, and therefore without substantial influence of the teaching staff in strategic planning.

Since the four major Croatian universities are fragmented into separate faculties, strategic planning at the university level is extremely difficult (Duke et al., 2007). Empowering the position of Rector by the Ministry and initiation of lump-sum funding has led to a certain degree of integration at the university level, although this process is far from being completed. Still, universities are not entrepreneurial in their behaviour and structure; they have difficulties with proper reallocation of resources and strategic development. Thus, they have difficulties in responding appropriately to changes in general, and particularly the introduction of new services and processes.

It is very clear that the existing material resources are insufficient for the quality performance of all tasks and expectations laid before the universities, as well as for their international competitiveness. Therefore, in the next period the universities need to increase their incomes from extra-budgetary funds, especially by expanding their educational services, by increased investment in research for the needs of the economy and by the significant use of international funds opened for Croatia.

New processes that are already under way, such as the establishment of a robust quality assurance system, have difficulties in implementation simply because institutions are unable to reallocate resources and there is strong pressure on additional funding, as a consequence of fragmentation. A similar situation can be envisaged also for new processes that are in the initial phase: establishment of research and intellectual property management, development of lifelong learning programmes, participation in mobility programmes etc.

New processes will also be a serious problem at the level of the entire tertiary education system, particularly the processes that are essential for the autonomous and accountable function of tertiary education institutions. There will be insufficient intellectual, administrative and financial capacities within all institutions to develop all processes related to quality assurance. One possible solu-

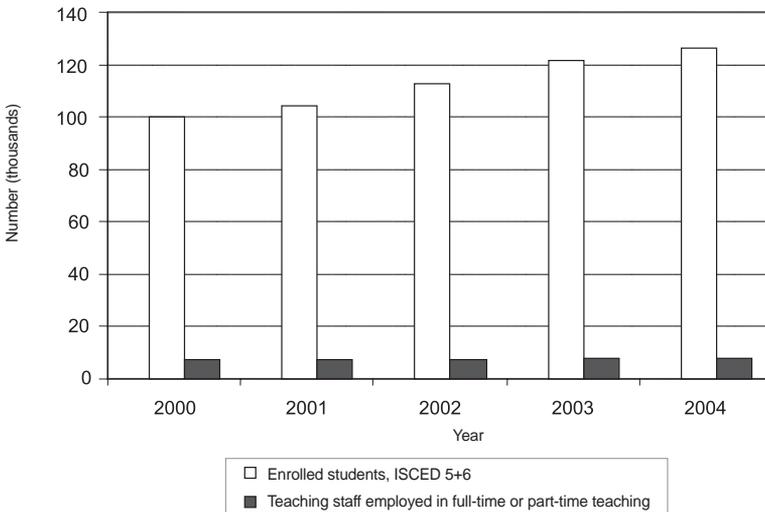
tion lies in the formation of tertiary education institution clusters around larger universities. This may spare resources on one side, and promote development of mutual trust between academic and professional education on the other side. As a consequence, this may result in increase of horizontal and vertical mobility of students between these two tracks of tertiary education and minimize the conflicts that arise.

Capacities – Human Resources

According to the E&T 2010 indicators (European Commission, 2007a), Croatia has a sufficient number of teachers in the primary and secondary education sector. With 13 pupils per teacher in secondary education and 12 pupils per teacher in primary education (Primorac et al., 2007), the Croatian education system fits the EU25 average. However, there is a significant regional imbalance and a deficit of qualified teachers for vocational training. In addition, there is a dramatic deficit of professional services within schools, primarily pedagogical and psychological support. For example, only 20% of primary school and 15% of secondary schools employ a school psychologist (Primorac et al., 2007).

The most obvious deficit of teaching staff is within the tertiary education sector. The number of students has doubled in the last 10 years whereas the number of teaching staff has increased by only 20% (Figure 4).

Figure 4. Enrolled students compared with teaching staff employed in full-time or part-time teaching



Source: OECD Thematic Review of Tertiary Education – Country Background Report for Croatia (2006).

The new demands and possibilities laid before the modern university, as well as the whole higher education system, aggregation of new knowledge in all disciplines, networking, processes that are more demanding, and dramatic technology development create the need for continuous education and training of all community members. By quality merging and integration of skills and knowledge, added value can be produced and strategic goals and tasks can be achieved even with the existing resources. Therefore, higher education institutions, especially universities, need to start the process of systematic and organized development of competences of all employees and students through training for changes and for the development of a personal portfolio of each individual. In other words, substantial funds need to be invested in the development of human resources.

National policy as well as university policies must decidedly start the development of quality doctoral studies and schools as well as the funding instruments to support the development of research careers (Lučin, 2006b). The university based on research must take into account systematic care of research careers on all levels. In doing so, the focus needs to be on the funding instruments for doctoral students and installation grants for young researchers and the period of doctoral training, and the process of their independence needs to be shortened. These people are the key for the further development of a Croatia based on knowledge and for the development of the capacities necessary for educational reforms. It is clear that the question will arise whether or not the Croatian system includes enough profiles and capacities to create quality doctoral degrees in all disciplines. It is not difficult to deduce the answer since Croatia has 5 mil. inhabitants and 0.23% PhDs. It is one of the major tasks of a knowledge-based country to ensure the highest level of education for all citizens, regardless of labour market demands. Therefore, the system of support (grants and student loans) that would enable the obtaining of doctoral degrees to all willing individuals anywhere in the world needs to be developed.

One of the greatest weaknesses of the Croatian higher education system is the generation of workforce with almost no practical skills, especially without generic and professional competences. Therefore, after the termination of their studies, many of them have to be additionally educated and trained in order to meet the requirements of their workplace. Mainly this is due to the fact that there was no cooperation between the universities and people from industry and the public sector and vice versa. Now, the possibilities of expanding their capacities need to be seen by the higher education institutions in partnership with enterprise and public institutions. These partnerships will enable the involvement of a great number of people with practical experience in study programmes, especially when the programme needs to ensure employment and to significantly expand the educational workplace. Through these partnerships, students can gain required competences, make their study more interesting and efficient, and above all improve the dialogue between higher education institu-

tions and their environment. It is clear that these partnerships are extremely important in the context of the development of public institutions and state administration.

It should be remembered that higher education is not only a public function that spends taxpayers' money but that it is also an important branch of the economy that generates a great number of services including education. Therefore, in the next ten-year-period further growth of the need and offer of education is to be expected, which means a huge challenge for all higher education policies. How to conciliate the concept of common good and the expanded educational market? In the EU accession period and especially after Croatian accession it will be important to systematically educate and train a great number of Croatian citizens in order to make them competitive to live and work in the EU. It is expected that a great number of structural funds will be focused on education and training via lifelong learning programmes for state administration or services and all other social and economic sectors, from agriculture to the innovation system. Therefore, higher education institutions should develop planned educational programmes and establish educational centres that will educate Croatian citizens to live and work in the EU.

New Generations of Learners

The design of the education system, students' learning approaches and the learning content in Croatia, like in many European countries, does not fit the needs of new generations of students. New generations of students have attitudes, expectations, and constraints that are different from those of students even of 10 years ago. The learning environment often reflects the people and learning approaches of past times, so environments designed in 1956 are not likely to perfectly fit students in 2007 (Oblinger, 2006).

It is expected that the majority of current students in Croatia follow generation patterns like in many technologically advanced societies. Although the characteristics of these new generations are not well defined, even in societies that put significant effort into demographic research, members of post-Y generations are already approaching primary schools. It has been well established that the members of generation Y, or "net generation", have different, adaptive and individualized learning environments and instruction. Due to the extensive use of technology and communication, they are multi-taskers used to non-linear learning (Veen & Vrakking, 2006). They develop skills and competences that are quite different from those of traditional learners, who passively followed well-established the linear access to information presented by the teacher (Oblinger & Oblinger, 2005). Their primary learning medium is a screen instead of a book; they have developed iconic skills, have a capacity to work in teams; they expect results immediately and they are using technology to access any information.

The characteristics of these generations are described in many books (Oblinger & Oblinger, 2005; Oblinger, 2006; Veen & Vrakking, 2006) and represent a challenge for many educational systems. However, the current education system is not designed for the needs of these generations since non-linear interaction stimulates different cognitive styles from traditional learning programmes, and requires a different instructional approach. Even more, it can easily be envisaged that the current education system will create conflicts and tensions when faced with the abilities and needs of post-Y generations.

Flexibilization

It is clear from the above that the existing organisation of learning on all levels as well the existing qualification frameworks do not correspond to the needs of the modern society and economy. Flexibilization will be a keyword for all changes in the educational sector during the next decades (Oblinger & Oblinger, 2005). New generations of learners, the exponential growth of technological knowledge and rapidly changing demands on the labour market will require more flexible obtaining of qualifications. Each citizen will require individual learning paths not only after formal education through non-formal learning and recognition of informally acquired competences, but also within formal education. Thus, flexibilization will be required almost in all instances of the education system: from access to the education and curriculum up to the flexible governance models. A new qualification framework will be required to embed all these changes.

Flexibilization of access to education should increase learning opportunities for all students. Each first cycle study programme should offer several learning paths with different profiles, primarily with competences for employment. Diversification of tertiary education should be pronounced in the second cycle studies, with a large degree of flexibility and modularity in creating second cycle level qualification. A major degree of diversification and flexibility in access and upgrading qualification should be obtained through lifelong learning programmes. Similar principles of diversification and flexibility should be applied also to the professional education and training institutions and programmes, rooting from the secondary vocational programmes and creating bidirectional channels with academic programmes at the tertiary level.

In addition, it can be expected that within the next decade a substantial flexibilization of the learning environment will be in place (Oblinger & Oblinger, 2005). Many people will acquire knowledge, skills and competences through informal learning (i.e. internet training, informal e-learning programmes, learning at the workplace etc.). Therefore, one can expect that recognition of prior learning will become an issue in the Croatian qualification system within the next five to ten years.

Thus, it is apparent that all types of organized education and training should be constructed according the same principles and by using the same building blocks that can lead to the sufficient combination of knowledge, skills and personal and professional competences that define qualification level and individual qualification. The national qualification framework should encompass basic units for construction of qualification, all possible paths in acquisition of competences, formal aspects of accreditation of institutions and programmes and recognition of prior learning. The building of this framework will require close cooperation with the EU member states in order to harmonize it with the European Qualification Framework and with all stakeholders within the country. The platform for such a demanding operation does not exist and needs to be built in the coming years, including legislative changes.

The concept of learning outcomes is fundamental for a flexible qualification framework. This concept is not well understood and acquired within the Croatian teacher community at all levels of education. Still the concept of teaching goals and objectives is dominant and represents the basis for development of educational curricula. Therefore, Croatia will require at least three to four years of intensive training of teaching staff to switch towards learner-oriented education and tuning of educational programmes on the basis of learning outcomes that are defined in accordance with the needs of society and employers. In 2007 the NFS created the programme Learning Outcomes-Based Higher Education to support individuals and institutions willing to develop an institutional learning outcomes strategy by adapting regulations and developing an institutional guide for defining measurable learning outcomes, as well as by training administrative and teaching staff, reforming study programmes and disseminating experiences and good educational practices.

One of the most important questions imposed by flexibilization is the question of study costs. All students ought to cover their own study costs, the type of which depends on the Contract signed between the student and the higher education institution. The tuition fees should not be too high and the State should ensure that all successful students have the possibility to study for free and to use student loans. So, tuition fees should be in line with a fellowship and loan system which should be organised in at least three categories according to the contract types, of which one category includes socially disadvantaged students.

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GENERAL POLICY RECOMMENDATIONS

Research activities and researchers will be major forces for development of new processes and products and for the creation of a competitive economic environment. Several short-term policy recommendations that can be made,

related to education in Croatia and the opportunities of the accession to the European Union, are as follows:

- Significant increase of investment in education is required for the sustainable development of Croatian society. These investments should come from public funds and by increasing private and business sector investments in education. The education system should be treated as infrastructure and education expenditure as investment supported by public funds. In addition, it is recommended that at least 2-3% of income from privatization should be reinvested in the future, primarily education and science.
- Education should be more flexible and should enable individual learning paths for each citizen. Flexible formal education should be interconnected with the lifelong learning and adult education system. Flexibility, in addition to flexible access and learning paths, should also be focused on a flexible curriculum based on learning outcomes.
- Flexible education requires an appropriate qualification framework. The National Qualification Framework (NQF) should enable the development of qualifications not only through formal education but also by accumulation of competences through non-formal and informal learning paths. For the development of NQF it is essential to create a platform which will encompass all stakeholders, particularly employers, and use best practices and experiences of EU countries through contribution in the development of the European Qualification Framework (EQF).
- Flexibilization of the education and qualification system requires a shift in the governance model over the education system. From the state-governance model, it is essential to shift to a state-supervision model. This means more autonomy of educational institutions and teachers, but also more accountability.
- Autonomy and accountability of education institutions implies the development of a robust quality assurance system, both at the national and the institutional level, and a quality culture within the whole of education.
- Flexible education and autonomous institutions require decentralization of funding and governance. Thus, it is essential to develop minimal educational standards that should be balanced by the central policy.
- To have a successful, flexible and efficient education system that is continuously improving, it is essential to invest in people. Teachers should be the best-paid profession in the public sector, and teachers should be engaged in continuous education on a monthly basis. Therefore, it is essential to invest public money in the training and education of all those who participate in education.
- The penetration of new trends in the education system as well as of the best practices from other education systems could be enhanced by successful participation of Croatian institutions, teachers and students in the Lifelong Learning Programme, a major funding instrument of the European

Union in the field of education. Thus, it is important to invest in the increase of administrative and absorption capacities within the Croatian education system. Significant support could be achieved through the better use of the EU pre-accession funds.

- Structural reforms can be facilitated by faster penetration of best practice and by the use of expertise that is available throughout EU countries and EU institutions, particularly European Joint Research Centres, European Training Foundation and CEDEFOP. The competitiveness of the tertiary education sector can be enhanced by successful participation in the EU 7th Framework Programme for research. Thus, it is essential to invest in an increase of absorption capacities, primarily in administrative capacity and people in the tertiary sector:
- Development of a flexible lifelong learning network, reshaping of the Croatian qualification structure and structural modernization of the public sector could be significantly enhanced by successful use of the EU structural funds. Thus, it is essential to invest in administrative capacities and train people for better use of structural funds that will be available upon accession to the EU. The experience of Ireland could be a guide to doing this successfully.

CONCLUSION

From the above, it can be seen that Croatia faces a huge challenge within the education sector as well as within the sector of science and research. Moreover, successful participation in the knowledge-based society includes the restructuring of education and science sectors which is a key policy issue for all European countries and represents the basis for the Lisbon strategy. Preparation of human resources for life and work in a rapidly changing society is the key to successful positioning in the 21 century. Hence, each country tries to develop a comprehensive strategy for human resource development, not only for economic competition but also for living in a changing society. Availability of information imposes engagement on all citizens and involves the reorganization of political structures and new approaches to political processes. Thereby, all citizens are willing to participate in the development of society and in decision-making. In order to achieve this, lifelong learning, and also mobility, informal and non-formal learning and strategic management should be considered as key terms. On the other hand, uneven development, job uncertainty, an inadequate response of the education system, the inability of public institutions to respond appropriately to the needs of citizens, the expansion of post-genomic achievements in the health sector; climate change and fuel shortage are expected to create social tensions and challenge social cohesion. Therefore, social cohesion

and social capital will be as important an issue as physical capital for the sustainability of society and economic competitiveness in the 21st century. Education will be a major instrument for response to the needs of citizens and for development of a sustainable society.

Since 2000 Croatia has undertaken important steps within its education system. Some of these steps, like the signing of the Bologna Declaration in 2001, establishment of agencies and foundations, development of key documents CNES and corresponding Acts that supported this alignment, had been made even before the negotiation process began. The negotiation process helps, and will continue to help, in the establishment of policies, action plans and an organized approach to resource management. In addition, it will strongly enhance the development of administrative capacities and the modernization of Croatian education institutions. Evidently, Croatia will benefit from the know-how that lies behind EU policy initiatives and from participation in EU funding instruments that are going to be a significant driving force for modernization of governing processes and leadership development within institutions. However, current initiatives, especially those regarding new generations of students entering our education system, still have no visible results and additional resources will be needed to support them. Although some important changes have already been implemented, current results show that Croatia still has to develop more favourable legislation and action plans that would support the process, especially those regarding lifelong learning and mobility.

LITERATURE

Academy of Finland (2003) *PhDs in Finland: employment, placement and demand* [online]. Helsinki: Academy of Finland. Available at: <http://193.167.96.163/Tiedostot/Tiedostot/Julkaisut/TohtoritarveENG.pdf>. (14.01.2008)

Bečić, E. (2006) Achieving equality in and through tertiary education, in: Dujčić, Ž. and Lučin, P., eds. *Thematic review of tertiary education: country background report for Croatia*. Zagreb: MSES, 70-83.

Council of the European Communities (2002) Detailed work programme on the follow-up of the objectives of education and training systems in Europe [online]. *Official Journal of the European Communities* C 142 pp.1-22. Available at: http://eur-lex.europa.eu/pri/en/oj/dat/2002/c_142/c_14220020614en00010022.pdf. (14.01.2008)

Dujčić, Ž., Lučin, P. (2006a) Overall description of the tertiary education system, in: Dujčić, Ž., Lučin, P., eds. *Thematic review of tertiary education: country background report for Croatia*. Zagreb: MSES, 22-37.

Dujčić, Ž., Lučin, P. (2006b) The regional role of tertiary education, in: Dujčić, Ž. and Lučin, P., eds. *Thematic review of tertiary education: country background report for Croatia*. Zagreb: MSES, 44-52.

Duke C., et al. (2007) *OECD Thematic review of tertiary education: country note for Croatia* [online]. Paris: OECD. Available at: <http://www.oecd.org/dataoecd/42/17/38814548.pdf>. (14.01.2008)

European Commission (2005a) *Progress towards the Lisbon objectives in education and training: 2005 report* [online]. SEC (2005) 419. Brussels, 22 March 2005. Available at: <http://ec.europa.eu/education/policies/2010/doc/progressreport05.pdf>. (14.01.2008)

European Commission (2005b) *Towards a European qualifications framework for lifelong learning* [online]. SEC (2005) 957. Brussels, 8 July 2005. Available at: http://ec.europa.eu/education/policies/2010/doc/consultation_eqf_en.pdf. (14.01.2008)

European Commission (2005c) *Working together for growth and jobs: a new start for the Lisbon Strategy* [online]. COM (2005) 24, Brussels, 2 February 2005. Available at: http://ec.europa.eu/growthandjobs/pdf/COM2005_024_en.pdf. (14.01.2008)

European Commission (2007a) *Progress towards the Lisbon objectives in education and training: indicators and benchmarks 2007* [online]. Available at: http://ec.europa.eu/education/policies/2010/doc/progress06/report_en.pdf. (14.01.2008)

European Commission (2007b) *Keeping up the pace of change: strategic report on the renewed Lisbon strategy for growth and jobs (2008-2010)* [online]. COM (2007) 803 final – PART I. Brussels, 11 December 2007. Available at: http://ec.europa.eu/growthandjobs/pdf/european-dimension-200712-annual-progress-report/200712-annual-report_en.pdf. (14.01.2008)

European Parliament (2006). Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning. *Official Journal of the European Union* L 327 pp. 45-68. Brussels: European Parliament. Available at: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/L_327/L_32720061124en00450068.pdf. (14.01.2008)

European Parliament (2007) *Qualifications framework for lifelong learning*. Brussels: European Parliament. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0463+0+DOC+XML+V0//EN>. (14.01.2008)

European University Association (2005) *Higher education reform in Croatia: results of EUA Advisory Mission 4 – 7*, May 2005 [online]. Available at: <http://public.mzos.hr/Default.aspx?art=6216&sec=2275&dm=2> (14.01.2008)

Glossary on the Bologna Process (2006) [online]. Available at: <http://bologna.owwz.de/home.html> (25.02.2008)

The Government of the Republic of Croatia (2002) *Strategy for the development of the Republic of Croatia "Croatia in the 21st century" - Education: White Paper on Croatian education* (in Croatian). Zagreb: The Government of the Republic of Croatia.

The Government of the Republic of Croatia (2003) *Strategy for the development of the Republic of Croatia "Croatia in the 21st century" – Science* (in Croatian) [online]. *Official Gazette*, 108/03. Zagreb: The Government of the Republic of Croatia. Available at: <http://www.nn.hr/clanci/sluzbeno/2003/1429.htm> (14.01.2008)

The Government of the Republic of Croatia (2004). *Strategy and action plan on adult education* (in Croatian) [online]. Zagreb: The Government of the Republic of Croatia. Available at: <http://www.hzpou.hr/stranice/3/17-100.pdf>. (14.01.2008)

Lučin, P. (2006a) Doktorski studiji u europskom i hrvatskom visokoobrazovnom prostoru (Doctoral studies within European and Croatian higher education area), in: Lučin, P., ed. *Doktorski studiji* (Doctoral Studies). Rijeka: Nacionalna zaklada za znanost, 5-44.

Lučin, P. (2006b) Assuring and improving the quality of tertiary education [online], in: Dujčić, Ž. and Lučin, P. eds. *Thematic review of tertiary education: country background report for Croatia*. Zagreb: MSES, 110-122. Available at: http://www.nzz.hr/images/stories/nzz/_documents/pub/mzos-report-web.pdf. (14.01.2008)

Lučin P., Milovanović S., and Bađari J. (2006) Mobility of teachers and capacity of the Croatian higher education system, in: Slapničar I. ed. *Bolonjski proces u Hrvatskoj 2005* (Bologna Process in Croatia 2005). Zagreb: University of Zagreb, 143-152.

Lučin, P., ed. (2007) *Kvaliteta u visokom obrazovanju*. Zagreb: Nacionalna zaklada za znanost.

MSES, Ministry of Science, Education and Sports (2005a) *Guide to the Croatian National Educational Standard (CNES) for Primary Schools* [online]. Zagreb: MSES. Available at: <http://public.mzos.hr/Default.aspx?sec=2503>. (14.01.2008)

MSES, Ministry of Science, Education and Sports (2005b). *Education sector development plan 2005-2010* [online]. Zagreb: MSES. Available at: http://public.mzos.hr/DOWNLOAD/2006/02/13/Education_Sector_Development_Plan_.pdf. (14.01.2008)

MSES, Ministry of Science, Education and Sports (2006) *Implementing the 'Education And Training 2010' work programme: 2005 progress report Croatia* [online]. Zagreb: MSES. Available at: http://ec.europa.eu/education/policies/2010/natreport/croatia_en.pdf. (15.01.2008)

MSES, Ministry of Science, Education and Sports (2007) *Polazne osnove Hrvatskoga kvalifikacijskog okvira* (Croatian qualification framework starting points) [online]. Zagreb: MSES. Available at: www.vlada.hr/hr/content/download/22392/287176/file/24. (14.01.2008)

National Competitiveness Council (2004). *55 Policy recommendations for raising Croatia's competitiveness* [online]. Zagreb: National Competitiveness Council. Available at: http://nvk.multilink.hr/english/publications/105___NVK%2055Recommendations.pdf. (14.01.2008)

Oblinger, D.G., Oblinger, J.L., eds. (2005) *Educating the Net generation* [online]. EDUCAUSE. Available at: <http://www.educause.edu/educatingthenetgen>. (14.01.2008)

Oblinger, D.G., ed. (2006) *Learning spaces*. EDUCAUSE [online]. Available at: www.educause.edu/learningspaces. (14.01.2008)

OECD (2006) *Education at a glance: OECD indicators 2006* [online]. Paris: OECD. Available at: <http://www.oecd.org/dataoecd/44/35/37376068.pdf>. (14.01.2008)

Primorac, D., et al., eds. (2007) *Overview of achievements 2004 – 2007* [online]. Second, supplemented edition. Zagreb: MSES. Available at: <http://public.mzos.hr>. (14.01.2008)

Taylor J., Miroiu A. (2002) *Policy making, strategic planning, and management of higher education* [online]. Bucharest: UNESCO. Available at: <http://www.cepes.ro/publications/pdf/policy.pdf>. (14.01.2008)

Veen, W., Vrakking, B. (2006) *Homo Zappiens, growing up in a digital Age*. London: Network Continuum Education.

Vican D., Rakić V., and Milanović Litre I., eds. (2007) *Strategy for the construction and development of the National Curriculum for Preschool Education, General Compulsory and Secondary School Education* [online]. Zagreb: MSES. Available at: <http://public.mzos.hr/default.aspx?sec=2428>. (14.01.2008)

Chapter III

Environment Protection

IMPACTS OF EU
MEMBERSHIP ON
ENVIRONMENTAL
PROTECTION SYSTEM
IN IRELAND

Gerard O' Leary

ABSTRACT

This paper analyses key environmental challenges, environmental management, enforcement of environmental protection legislation and impacts of EU integration in Ireland. It examines the methodology used to assess the environment, the impact of EU legislation on the environment and the structural changes necessary to transpose and implement various EU directives relating to the environment. Since 1993 environmental protection in Ireland is managed through activities of the Environmental Protection Agency. In addition, a decade later the Environmental Enforcement Network of all enforcement agencies was set up to achieve more consistent and effective enforcement of environmental legislation. The most prominent impacts of Ireland's membership in the EU in the area of environment were both the increased pressure on the environment (due to accelerated development), and increased means to combat these pressures through an increasing range of laws and policies relating to the environment.

Key words:

environmental protection, air emissions, water quality, waste management, environmental management, environmental legislation, EU membership

INTRODUCTION

At international level, concern for the environment and an understanding of our dependencies on its wellbeing is a relatively recent phenomenon. It has been approximately 35 years since the first United Nations (UN) conference on the environment was convened in Stockholm in 1972. This conference helped to focus international attention on the growing threat to the environment being caused by economic growth and associated social developments.

Similarly, at European level, through the coordinated efforts of the UN Economic Commission for Europe (UN ECE) and in particular, those of the then European Economic Community (EEC) specific attention to environmental matters came to the fore during the early 1970's. This culminated in the adoption of environmental Directives during the mid 1970's and onward which represented a unique development in international terms by creating binding rules on environmental quality and its protection, with legal sanctions applicable to a group of independent states, in default of these rules.

Although most other European countries had commenced addressing environmental concerns prior to the 1970's, Ireland lagged behind with systematic monitoring and assessment dating only from the 70's onwards. It was Ireland's entry into the EEC in 1973 which provided the motivation to commence environmental protection activities within the country, with the various Directives and other instruments adopted by the Council having formed the basis of much of the national legislation since that time.

Up to the mid 1960's Ireland's environment was relatively free of significant environment degradation in comparison with many of the other industrialised countries of the world at that time. However, this situation has subsequently changed in Ireland due to unprecedented economic growth over the last 10 to 15 years which has seen gross domestic product (GDP) per person increase, in little more than a decade, from well below the EU average to the second highest in Europe (after Luxembourg). Industry and services now account for the bulk of GDP. This period has also been marked by strong population growth, with an 8.1% increase between 2002 and 2006 and with the population figure of 4.23 million in 2006 at its highest since 1861 (CSO, 2006), especially in Dublin and surrounding counties. Although this has brought increased potential for environmental damage, it has also provided the means to attain improved environmental infrastructure and services.

ASSESSMENT OF THE ENVIRONMENT IN IRELAND

The general methodology for assessing the state of the environment in Ireland is through the collection, analysis and reporting on comprehensive information relating to not only to various environmental media but also to the potential contributors to environmental pressures. These reports are produced in response to both national requirements (e.g. State of the Environment Reports and Indicator Reports) and reporting obligations of various EU Directives (e.g., Air Framework Directive, Water Framework Directive, Packaging Waste Directive etc.).

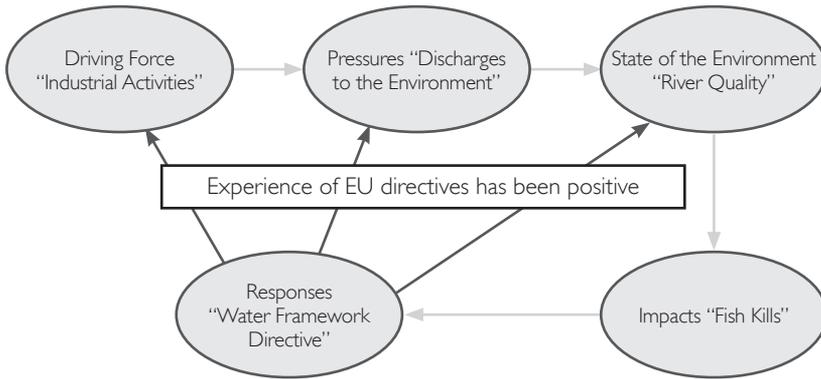
The main environmental assessment flagship report in Ireland is the State of the Environment Report. This report is produced every four years and it provides a means of highlighting national environmental problems, the causes of such problems and the effectiveness of the measures taken for their elimination or reduction. They also attempt to anticipate future developments in the economy and in society in general and analyse the potential impacts of such developments on the environment. Thus this report is not only aimed at the general public but also at policy-makers and those responsible for the management of the environment. Similar reports are also produced by most Member States and they are also produced at a pan-European level (EEA, 2005).

Similarly, the Agency's Indicator Reports which are produced on a periodic basis, provides an assessment and synopsis on the Environment in Ireland through the use of key environmental indicators. These indicator reports set out the current state of play, the trends over time, a commentary on the underlying causes of environmental damage or degradation and the potential consequences for the environment and human health. These key indicators provide valuable information for policy makers both in the development of new policies and in the evaluation of existing ones.

The structure of these environmental assessment reports follows the DPSIR framework (Figure 1). This framework has been widely adopted by the European Environment Agency and provides an integrated approach for organising information and reporting on the state of the environment. The framework presents a structure within which to present the indicators needed to enable feedback to policy-makers on environmental quality and the resulting impact of the political choices made, or to be made in the future. The framework assumes cause-effect relationships between interacting components of social, economic and environmental systems as follows:

- Driving forces of environmental change (e.g., industrial activities);
- Pressures on the environment (e.g., discharges to the environment);
- State of the environment (e.g., river quality);
- Impacts on the population, economy and ecosystems (e.g., fish kills);
- Responses of society (e.g., Water Framework Directive).

Figure 1. DPSIR framework



Source: O'Leary, G. (2007) *Practice management in water supply*

The Environmental Protection Agency's (EPA) most recent State of the Environment and Indicator Reports (EPA, 2004; 2006a) identified Ireland's overall environmental priorities and challenges, as meeting international commitments on air emissions (greenhouse gases and acidifying gases); water quality; improved waste management including waste prevention; better integration of environmental and natural resource considerations into policies, plans and action of economic sectors; and improving enforcement of environmental legislation. While Ireland's environment is under increasing pressure, its overall quality remains generally of a good quality.

Various different measures and instruments have been adopted in relation to the management and control of the five key environmental priorities and challenges listed above, as identified by the EPA. These measures and instruments have resulted from a combination of both national and international responses. They are analysed in the following section.

KEY ENVIRONMENTAL CHALLENGES

Meeting International Commitments on Air Emissions

Greenhouse Gases

The objective of the UN Framework Convention on Climate Change is to stabilise atmospheric greenhouse gases at a level that would prevent dangerous interference with the climate system. The Kyoto Protocol is one of the steps to achieving this objective by establishing emissions reduction targets for developing countries. Ireland's emission target for the six greenhouse gases (GHSs) is to limit their combined emissions during the five-year period 2008-2012 to 13 percent above 1990 levels.

Meeting this requirement is one of the key environmental challenges facing Ireland. In the most recent estimates, Ireland's GHSs emissions were 25.4 per cent higher than in 1990. The most significant and sustained increase in emissions has been in the transport sector, where emissions are well over double what they were in 1990. Emissions from energy industries are almost 35 per cent above 1990 figures (EPA, 2006a).

In response to the challenges that Ireland's Kyoto target has posed, the Irish Government has responded by preparing a programme for actions to meet these challenges called The National Climate Change Strategy. The first strategy was published in 2000, reviewed in 2002, with a new Strategy published in April of this year (DEHLG, 2007). This strategy details the measures by which Ireland will meet its 2008-2012 commitments, as well as highlighting how these measures position Ireland for the post-2012 period. It also identifies the areas in which further measures are being researched and developed to enable Ireland to meet its 2020 commitment. As specified in the EPA's Environmental Indicator Report for 2006, and endorsed by the revised strategy, the challenge for Ireland is the identification and delivery on opportunities for reduction on a sector-by-sector basis.

Air Quality – Black Smoke

Black smoke consists of fine solid particles suspended in air, which mainly arise from the incomplete burning of fossil fuels such as coal, oil and peat, in the domestic, industrial and transport sectors. Open fires in dwelling houses are a major source of the particulate material emitted to the air as smoke. During the 1980s and early 1990 airborne particulate matter was one of the major components of the winter smog that was common in Dublin during that period. At that time, Particulate matter (PM) assessment was based on the measurement of black smoke, for which standards were set by Directive 80/779/EEC (CEC, 1980) and on a number of occasions the 98-Percentile limit was exceeded. Due to the potential harmful effects of this pollutant on human health, particu-

larly the respiratory system, smoke control regulations were introduced in the Greater Dublin area in 1990, which banned the marketing, sale and distribution of bituminous coals. This ban has since been extended to other areas of Ireland. As a direct result of the introduction of this ban, smoke levels across all the country have reduced significantly since the 1990s and have stabilised well below the 98-Percentile level and are typically now at one-fifth of the limit value of 250 ug/m^3 (EPA, 2006a).

Nitrogen Oxides

Nitrogen oxides (NO_x) are produced by high temperature combustion which occurs in power generation plants and motor vehicles. Reduced lung function and airway responsiveness and increased reactivity to natural allergens are associated with short-term exposure to this pollutant. Long-term exposure can result in increased risk of respiratory infections particularly in children.

Directive 99/30/EC establishes limits in respect of NO_x. Measurements of NO_x levels in urban areas, particularly Dublin, are close to the 2010 air quality standards, thus making the attainment of the 2010 target a major challenge. While although NO_x emissions from individual vehicles are continuing to fall as a direct result of technological advances and cleaner fuel, improvements to date have been largely offset by the significant increase in vehicle numbers on the roads. Thus the achievement of the standards in urban areas will therefore depend largely on the effectiveness of traffic monitoring measures and on the degree to which further growth in road traffic can be curtailed in built-up areas.

The Air Quality Framework Directive 96/62/EC brought about a huge change in air quality monitoring, assessment and management in Ireland. The objectives of this Directive include avoiding, preventing and reducing the impact of harmful air emissions on human health and the environment. The Directive was followed by four daughter directives which detailed the limit values for specific pollutants, including the assessment and management of NO_x. The Air Quality Standards Regulations 2002 (DEHLG, 2002) transposed the Framework Directive and the associated daughter Directives into Irish law and established new air quality standards for SO₂, NO₂ and NO_x, lead, PM₁₀, CO and benzene. The Regulations also specify the dates by which the limit values must be achieved and also the reference methods for sampling, analysis and measures. They also specify the manner in which air quality management plans should be implemented. Specific requirements are also set out in relation to providing the public with information on ambient air quality. Up-to-date information on air quality must be made available on a widespread basis through appropriate media including internet and teletext, with the more sensitive population groups provided with more specific information. Measures adopted in some urban areas to improve air quality include improved traffic flow and management, ensuring that best practice is followed in urban development and enforcement of environmental legislation.

Water Quality

The attainment of Good Water Status by 2015 as required by the Water Framework Directive (WFD) is the primary challenge that Ireland faces over the next decade with regard to water resource management. The WFD requires that Member States implement the necessary measures to prevent deterioration of the status of all bodies of the State and shall protect, enhance and restore all bodies of surface water with the aim of achieving good status in degraded aquatic ecosystems by 2015. Not all waters in Ireland currently meet this objective. Progress has been made in reducing emissions to the water environment.

The decline in the percentage of unpolluted river length appears to have been halted in Ireland, and in recent years there has been a slight improvement. However, major efforts in river basin management are required to ensure that the objectives of the WFD are achieved. River Basin Management Plans are currently being developed for this purpose. Municipal sewage and diffuse agricultural sources continue to be the main threat to water quality.

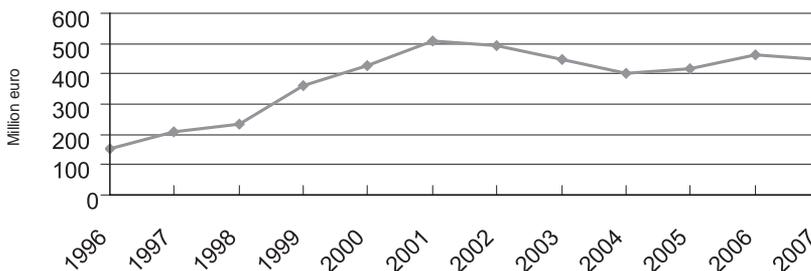
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Reducing Emissions from Point Source Pollution

The absence of urban waste water treatment plants or the poor operation of such plants has been identified as the primary cause of serious point source pollution to waters within Ireland. However, recent investments in increasing the percentage of urban waste water treatment plant discharges subject to secondary treatment or better are having a significant impact on reducing pollutants being discharged into the waterways. The further installation and upgrading of sewage and industrial waste treatment plants and continued improvement in their operation and maintenance are required to ensure that good status is achieved for all waters by 2015.

The introduction of the Urban Waste Water Treatment Regulations in 2001, (Statutory Instruments, 2001, 254/01) and amended in 2004, in direct response to the UWWT Directive 1991/271/EEC (CEC, 1991) has resulted the proportion of waste water subject to secondary treatment having increased significantly. This was achieved by significant investment from government in the period from 1996 to date (see Figure 2).

Figure 2. Annual investment into water and wastewater treatment facilities, total Water Services Exchequer



Source: Galvin, G. (2007) *Water services investment programme: a measure under the WFD*

Reducing Nutrient Loss from Diffuse Pollution

Diffuse loss of phosphorus and nitrates from soil to water is a major cause of degraded surface water and groundwater quality in Ireland. Agriculture, and in particular poor agricultural practice, is the main diffuse source of both nutrients to the water environment. Improved farm management and the use of best agricultural practices are required to ensure better management of this diffuse pollution source. The River Basin Management Plans currently being prepared plan to extend management measures such as the Rural Environmental Protection Scheme, nutrient management planning and control of farmyard run-off to control diffuse emissions of nutrients to water.

Improving Waste Management Including Waste Prevention

The radical reform of waste legislation in Ireland over the last ten to fifteen years has led to the significant changes in the way in which waste is managed in Ireland. Much of this legislative framework is based on EU, and sometimes international legislation. This change was initiated by the introduction of the Waste Management Act in 1996. The principal objective of the Act is to provide for a legal framework that will ensure that the holding, transportation, recovery and disposal of waste does not cause environmental pollution. Achieving this objective requires that each step in the waste chain, from the point at which waste is produced to the point at which it is either recovered or disposed of, be regulated and controlled. This Act was followed by a number of progressive policy statements published by the Irish Government including the National Sustainable Development Strategy in 1997 and Waste Management - Changing Our Ways, in 1998 (Department of Environment, 1997; DEHLG, 1998). Changing Our Ways set down a series of ambitious targets towards improved

management of waste and increased diversion from landfill. Developing that theme further, in accordance with EU policy, Preventing and Recycling Waste – Delivering Change was published which proposed ambitious programmes not only for increased recycling of waste and diversion from landfill, but also towards reducing the gross quantities of waste generated i.e. waste prevention. Waste Management - Taking Stock and Moving Forward (DEHLG, 2004) was published in 2004 and provided a comprehensive, up to date policy framework for the modernisation of Irish waste management infrastructure and services. The “Key Points” identified in this document provided a solid basis for ensuring speedier and more effective realisation of the Government’s underlying policy objectives.

In common with other European countries, waste prevention has been identified as an important strategic activity for Ireland to engage with in order to ensure sustainable, competitive growth into the future. Thus in response, the Minister for the Environment, Heritage and Local Government announced initial funding of 2 million euro from the Environment Fund to start a broad waste prevention initiative in April 2004. The EPA was nominated to develop and lead this National Waste Prevention Programme (NWPP).

Commitment to such a Programme was first made in the Government policy document Preventing and Recycling Waste - Delivering Change. The objective was to establish an ambitious and well-resourced programme to deliver substantive results on waste prevention and minimisation across all waste streams. Numerous activities have been undertaken to date, including a national Local Authority Prevention Demonstration grant scheme which was launched to enable prevention programmes to be implemented locally. The EPA has also worked closely with REPACK, the national packaging waste compliance scheme, to develop an outline Packaging Waste Prevention Programme. In addition, considerable progress has been made on a number of Producer Responsibility Initiatives including enforcement of the Waste Electrical and Electronic Equipment (WEEE) and Restriction of Hazardous Substances (RoHS) Regulations. Resource efficiency/Waste Audits schemes have commenced through engagement with the EU/Life HAZRED and Race Against Waste projects. At a conference to showcase achievements since 2004 in waste prevention, Kelly (2008) called for a renewed focus on prevention and the need to decouple economic growth from waste generation.

Likewise, in parallel with the modernisation of waste management policies in Ireland, a comprehensive suite of legislation has been put in place to provide a sound legal basis for waste management planning and to comprehensively regulate activities in the waste sector. The Waste Management Act 1996 and amendments made through the Waste Management (Amendment) Act 2001 and the Protection of the Environment Act 2003, along with a wide range of supporting regulations, have brought the law in relation to waste in Ireland into line with best European practice. It is evident that the introduction of both EU

and national waste legislation over the past ten years has moved Ireland in a much needed positive direction in terms of both increased recycling rates and improved waste infrastructure.

The latest statistics produced (EPA, 2006c) indicate that the recycling of packaging waste continues to increase, with 60% being recycled in 2005, thus achieving and exceeding the Packaging Directive target of 50% recycling by 2005. 34.6% of municipal waste is recycled, thus just falling short of the 35% recycling target expected for 2013. The diversion of household waste from landfill is also increasing and currently stands at 23%, but however considerable progress remains to be made to divert household waste from landfill by 2013. As such, the management of biodegradable municipal waste remains a challenge. Implementation of the National Strategy on Biodegradable Waste, published in 2006, is expected to divert increasing quantities of biodegradable waste from landfill. Construction and demolition waste remains a huge waste stream, reflecting the level of economic activity in the construction sector: Indicative recycling rates for construction and demolition waste are 87%, though the recycling of waste other than soil and stones is 43%.

Substantial progress has also been made in redressing the waste infrastructure deficit. The number of bring banks and civic amenity sites continues to increase, with 1,937 and 81 facilities respectively in 2005. The quantity of waste deposited at these facilities is continually increasing. In addition, the kerbside collection of mixed dry recyclables from households increased by 46% in 2005. The large number of unlined and unregulated landfills have now been replaced with 34 modern municipal waste facilities.

Figure 3. Progress of waste infrastructure in Ireland

Infrastructure	1998	2005
Landfill	76	34
MRF / Transfer stations / biological / composting facilities	6	46
Bring sites	850	1,937
Kerbside recycling	70,000 Houses	564,000 Houses (2004 figure)
Civic amenity sites	30	81
Thermal Treatment	0	2 (Haven't commenced operations yet)

Source: EPA (2006a) *Environment in focus 2000*

ENVIRONMENTAL MANAGEMENT

Structural Changes in the Management of the Environment

Since joining the EU in the 1970's, Ireland has implemented a raft of directives and regulations. As can be seen from the foregoing this has helped protect and in some cases enhanced the environment. Up to the early 90's local authorities, which number 33, were the main enforcement authorities in Ireland. As directives became more complex and in particular with the imminent introduction of integrated pollution control licensing the Irish government decided to establish one environmental protection agency. Local authorities retained their pollution control activities, but, the more complex activities were now dealt with by a central agency.

Since 1993 the Environmental Protection Agency (EPA) has been at the front line of environmental protection and policing in Ireland. They ensure that Ireland's environment is protected, and they monitor changes in environmental trends to detect early warning signs of neglect or deterioration. Protecting the environment is a huge responsibility in Ireland as well as elsewhere, and as such the EPA works with a number of organisations that carry out specific environmental functions. The EPA is an independent public body established under the Environmental Protection Agency Act, 1992. The other main instruments from which it derives its mandate are the Waste Management Act, 1996, and the Protection of the Environment Act, 2003.

The EPA has a wide range of functions to protect the environment, and the primary responsibilities include: environmental licensing, enforcement of environmental law environmental planning, education and guidance, monitoring, analysing and reporting on the environment, regulating Ireland's greenhouse gas emissions, environmental research development, strategic environmental assessment and waste management.

The Office of Environmental Enforcement (OEE) was established in October 2003, as a dedicated and distinct office within the EPA. The establishment of the Office, which followed 10 years of licensing activity by the Environmental Protection Agency, coincided with the completion of a strategic review of the work by the EPA. The Strategic review identified a need to ensure better enforcement of environmental legislation against a background of concern about illegal dumping of waste in the greater Dublin area and the discovery of waste from the Republic of Ireland in illegal sites in Northern Ireland.

The OEE implements and enforces environmental legislation. It also deals with members of the public who have exhausted all other avenues of complaint. Its main functions are to enforce the Integrated Pollution Control (IPC), Integrated Pollution Prevention and Control (IPPC) and waste licences; prosecute or assist in the prosecution of significant breaches of environmental protection legisla-

tion; and monitor and report on how local authorities perform in their environmental protection functions, and help them to improve their performance. The priorities of the OEE include unauthorised waste activities, compliance with licences granted by the EPA to industrial and waste activities, local authority environmental protection performance, enforcement of environmental protection legislation, complaints of environmental pollution and prosecution of environmental offences. In 2005 the OEE published the first factually based account of the nature and extent of unauthorised waste activity in Ireland. It set out an action plan that is now being implemented by the relevant agencies through the Environmental Enforcement Network (discussed later).

Compliance with Licences Granted by EPA to Industrial and Waste Activities

An Integrated pollution prevention control licence is the vehicle through which many of the European directives are implemented in Ireland. European law requires enforcement of these directives. The licences granted by EPA provide for the enforcement of multiple pieces of legislation across all environmental media in one document. The enforcement work of the OEE is targeted at facilities that have continually shown significant non-compliance with relevant legislation or that present a potential risk to the environment. The number of current activities licensed by the EPA stands at 715 (EPA, 2006a).

While 81 landfill facilities are licensed by the EPA, only 34 are active. EPA Licensed facilities in Ireland are being operated to a much higher standard than previously, with improved management, design, monitoring and resources. The introduction of the licensing regime in 1996 has led to the installation of gas collection infrastructure at landfill facilities. As a result there has been a 33% reduction in the volume of landfill gas emitted to the atmosphere (EPA, 2007b).

The EPA exercises a supervisory role in respect of the environmental protection activities of local authorities. The OEE audits and reports on local authority performance in the areas of Drinking water; Waste Water Treatment and Water Quality. The quality of drinking water supplied by local authorities was satisfactory in 2005 - the overall rate of compliance with drinking water standards was 96.4 per cent.

In relation to wastewater treatment, almost all of Ireland's urban waste water, irrespective of the level of treatment, is discharged to estuaries and freshwaters. The last report by the OEE concluded that 18% of waste water arisings received no treatment, 13% received preliminary treatment, 2% received primary treatment, 58% received secondary treatment, and 9% received nutrient reduction in addition to secondary treatment (EPA, 2007a).

ENFORCEMENT OF ENVIRONMENTAL PROTECTION LEGISLATION

To effectively enforce the wide range of environmental legislation the EPA's Office of Environmental Enforcement established the Environmental Enforcement Network (EEN) to harness the collective resources, expertise and investigative capacity of all public sector agencies and government departments that can contribute to enforcing environmental law and stamping out illegal waste activity in Ireland. Over 900 staff from about 50 agencies are involved. The modus operandi is that a working group of experienced practitioners from relevant agencies is established to deal with a specific issue, such as illegal dumping of waste. The working group analyses the problem and agrees the best way to tackle it. Depending on the problem, this may result in direct enforcement action, such as co-ordinated roadside and facility inspections involving several agencies, or the building of capacity in enforcement agencies through the preparation of guidance or the delivery of training. The success of this approach is exemplified by the dramatic turnaround in compliance with waste export regulations at port inspections, with a shift from 100% non-compliance in 2004 to 100% compliance in 2005 (EPA, 2007c).

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Complaints from the public are an important indicator of the environmental performance of licensed facilities. The EPA received 1,077 complaints regarding licensed facilities in 2004 and 1,123 complaints in 2005. The number of complaints received by the EPA with regard to IPPC facilities decreased from 711 in 2004 to 466 in 2005. However complaints about waste facilities increased from 366 in 2004 to 657 in 2005. The most common cause of complaint is odour (EPA, 2007c).

In 2005, 20 cases were brought against licensees before the District Courts (lower courts). Convictions were handed down in 16 of these cases, three were referred to higher courts and one was dismissed on a court technicality. Legal action by the EPA led to investment by licensees of approximately 19 million euro in improvements to site infrastructure and management in 2005 (EPA, 2006b).

The Environmental Enforcement Network (EEN) mentioned above was created in 2004 to provide a vehicle for public bodies involved in environmental protection and regulation to work together to achieve more consistent and effective enforcement of environmental legislation. The main bodies in the network are the EPA's Office of Environmental Enforcement (OEE), Local Authorities, Government Departments and the Police force. The network's core objective is to foster co-operation between the various bodies involved in the enforcement of environmental legislation so that a higher and more consistent standard of enforcement is achieved throughout the country.

The functions of the network are to ensure more effective coordination in the implementation of environmental enforcement activities; provide a framework

for a coordinated approach to special investigations/actions; develop a consistent approach to the enforcement of environmental legislation; promote the exchange of information and experience in the implementation, application and enforcement of environmental legislation; provide assistance to local authorities and other relevant agencies in the development of best practice; and provide a mechanism for feedback to policy makers and legislators on the practical implementation of policies and regulations.

The establishment of the Environmental Enforcement Network by the Office of Environmental Enforcement marked a new departure in the way in which the enforcement of environmental law was to be conducted in Ireland in the future. The formation of the Network was the result of a clear need for enforcement bodies to collectively tackle illegal waste movement, unauthorised disposal of waste and other critical enforcement issues.

To facilitate the functions of the enforcement network, an extranet site was developed to provide a central secure location for members of the network to share information, procedures and guidance on enforcement activities for environmental protection. The extranet is restricted to regulators.¹ The site also hosts a calendar of events, which shows details of all planned meetings and conferences for the year. Contact details for all members of the network are also available on the site and are updated regularly. The extranet has contact details for over 1000 members and the number of active users is increasing steadily. Agendas, minutes and presentations from all enforcement network events are posted on the extranet.

COMMUNICATING IMPACTS FOR CITIZENS IN AREA OF ENVIRONMENTAL PROTECTION

The protection of the environment in Ireland is now generally accepted as a matter to be considered in socio-economic planning and development. As such, both the current national development plan² 2007-2013 and as well as the previous plan (2000-2006) include environmental controls as an integral part of our economic planning. To comply with the requirements of the urban waste water directive and drinking water directive, Ireland plan to spend 4.7 billion euro between 2007-2013 which represents an increase of 27% on the 3.7 billion euro spent in the previous six years. There is political consensus in Ireland that we need to implement in full EU directives relating to the environmental in

1 For further information see: <http://www.enforcementnetwork.ie>

2 See: <http://www.ndp.ie>

parallel with our economic growth. This consensus has been fostered by good awareness of environmental issues among Irish citizens.

Since Ireland's entry into the EU, it has undergone accelerated development as it benefited from its membership of the European Union. While this is a very welcome development, it brings with it a greatly increased potential for environmental damage, for example through increased use of fossil fuels, intensification of agriculture and the production of waste. However, membership of the Union has also meant that the Ireland is required to adhere to the standards and the strictures set out in the various directives on the environment. While there have been and continue to be problems for Ireland complying fully with these rules, there is little doubt that they have been very influential in establishing comprehensive controls to mitigate environmental damage arising from economic growth (EPA, 2004). Thus, on the one hand, Ireland is experiencing increasing pressures or potential pressures on the environment while, on the other, it has in place a growing corpus of regulation and other legal instruments that provide the basis for the mitigation or elimination of these pressures.

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In Ireland, the principle of public access to information has been accepted for some time past (DEHLG, 2007). The approach taken is that a well-informed public fosters increased environmental awareness and thereby facilitates a broad partnership in efforts to promote sustainable development including protection of the environment for the benefit of future generations. If citizens understand their impact on the environment they can make better choices for a better environment by living their life, using their car and enjoying nature in ways that do the least possible environmental harm.

To foster this engagement with environmental matters, a large body of information about the environment and activities is available in leaflets, publications and reports from sources such as ENFO³ and the Environmental Protection Agency⁴. ENFO is Ireland's public information service on the environmental matters. The service was established in September 1990, and provides public access to wide-ranging and authoritative information. Under the Environmental Protection Agency Acts, 1992 and 2003, information is available to the public, including information on Integrated Pollution Prevention and Control applications and enforcement, environmental monitoring, state of the environment reporting and reports on various sectors including drinking water, urban waste water and landfills. For example, information is available on public file and open to inspection on documents received from applicants and EPA correspondence with them, information about third-party submissions and objections and written reports which the EPA prepares for making decisions on licences. In addition copies of draft and final decisions are available.

3 See: <http://www.enfo.ie>

4 See: <http://www.epa.ie>

CONCLUSION

The rapid growth Ireland has experienced, and is likely to experience out to 2010, has put serious pressures on both infrastructure and the environment. Already Ireland exceeds its target for emissions of greenhouse gases and dealing with this problem over the coming decade will prove difficult. However, the Irish people are becoming more aware of and concerned with environmental issues and willing to act in more environmentally friendly ways. Examples include the success of the plastic bag levy and the increased rates of recycling municipal waste in recent years.

While the potential pressures on the environment are growing with the growth of the economy, the means to combat them are keeping pace through an increasing range of laws and policies as well as structures such as the establishment of the EPA's Office of Environmental Enforcement and Environmental Enforcement Network for their implementation.

Finally, there has been considerable investment promised by the Irish government towards the much needed environmental infrastructure out to 2013. In recent years there has been publication of many national policies to protect the environment. A continuation of the positive attitude of Irish citizens, increased co-operation of enforcement agencies through the EEN and investment in infrastructure are imperative to protect and enhance the Irish environment.

The journey in Ireland since the 1970s in introducing a raft of environmental directives has not always been easy but has not hindered Ireland's economic growth. The lessons learnt in Ireland could be useful for Croatia as it commences the same journey. These include:

- The need for a central environmental protection agency to implement the various EC directives many of which are complex, should be explored. This will ensure EPA consistency of approach across the country and allow the employment of much needed specialists.
- Proven methodologies now exist for protecting and reporting on the environment. As such, many of these tools and methodologies such as the DPSIR can be readily applied in Croatia.
- The establishment of a dedicated organisation (REPAK in the case in Ireland) should be explored to deliver the demanding targets as set out in the packaging waste directive.
- Co-operative approaches among different enforcement agencies should be explored in Croatia to improve the compliance with environmental directives. The establishment of a Network of Environmental Regulators is one such approach.
- Investment of resources (both financial and human) in raising awareness of environmental issues among citizens is a key aspect of protecting the environment. Successful application of the "polluter pays" principle, e.g. the

plastic bag levy in Ireland can only be achieved when citizens understand the environmental goal.

- Large capital investment programmes will be required to implement some directives including the Urban Waste Water Directive. It is important that such programmes are accompanied by cost benefit analysis to ensure value for money.

LITERATURE

CSO, Central Statistics Office Ireland (2006) *Population and migration estimates, April 2006*. 12th September 2006 [online]. Available at: http://www.cso.ie/releasespublications/documents/population/2006/popmig_2006.pdf (04.08.08)

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CEC, Council of the European Communities (1980) Council Directive of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates (80/779/EEC). *Official Journal* L 229, 30 August.

CEC, Council of the European Communities (1991) Council Directive of 21 May 1991 concerning urban waste water treatment (91/271/EEC). *Official Journal* L 281/47.

CEC, Council of the European Communities (1996) Council Directive of 27 September 1996 on ambient air quality assessment and management (96/62/EC). *Official Journal* L 296, 21 November.

CEC, Council of the European Communities (1999). Council Directive of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (99/30/EC). *Official Journal* L163, 29 June 1999.

Department of the Environment (1997) *Sustainable development - a strategy for Ireland*. Dublin: The Stationery Office.

DEHLG, Department of the Environment, Heritage and Local Government (1998) *Changing our ways*. Dublin: The Stationery Office.

DEHLG, Department of the Environment, Heritage and Local Government (2002) *Air quality standards regulations 2002*. Dublin: Government Supplies Agency.

DEHLG, Department of the Environment, Heritage and Local Government (2004) *Waste management - taking stock and moving forward*. Dublin: The Stationary Office.

DEHLG, Department of the Environment, Heritage and Local Government (2007) *Ireland national climate change strategy 2007-2012*. Dublin: Department of the Environment, Heritage and Local Government.

EEA, European Environment Agency (2005) *The European environment: state and outlook 2005*. Copenhagen: EEA.

EPA, Environmental Protection Agency (2004) *Ireland's environment 2004: the state of the environment*. Co. Wexford: EPA.

EPA, Environmental Protection Agency (2006a) *Environment in focus 2000*. Co. Wexford: EPA.

EPA, Environmental Protection Agency (2006b) *Focus on Environmental Enforcement*. Co. Wexford: EPA.

EPA, Environmental Protection Agency (2006c) *National waste report 2005: data update*. Co. Wexford: EPA.

EPA, Environmental Protection Agency (2007a) *Urban waste water discharges in Ireland: a report for the years 2004 and 2005* [online]. Available at: http://www.epa.ie/downloads/pubs/water/wastewater/uwwt_report_2004_2005.pdf (04.02.2008)

EPA, Environmental Protection Agency (2007b) *Environmental Protection Agency annual report and accounts 2006*. Co. Wexford: EPA.

EPA, Environmental Protection Agency (2007c) *Focus on waste enforcement*. Co. Wexford: EPA.

Galvin, G. Water services investment programme: a measure under the WFD, in: *Proceeding from the EPA Water Conference, June 2007, Galway, Ireland* [online]. Available at: <http://www.epa.ie/downloads/pubs/other/corporate/oeef/waterconference/> (04.02.2008)

Kelly, M. *Proceeding from the Local Authority Prevention Demonstration (LAPD) Programme, Feb 2008, Ireland* [online]. Available at: <http://www.epa.ie/news/pr/2008/> (04.02.2008)

O'Leary, G. Practice management in water supply, in: *Proceeding from the National Water Summit, Oct 2007, Croke Park, Dublin, Ireland* [online]. Available at: <http://www.thepost.ie/events> (04.02.2008)

Statutory Instruments (2001) Urban waste water treatment regulations 2001. *Statutory Instruments*, 254/01

HOW ACCESSION PROCESS EFFECTS ENVIRONMENTAL PROTECTION IN CROATIA

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ABSTRACT

*On its way to the European Union, the Republic of Croatia needs to adopt a large body of legislation (the *acquis communautaire*). This process implies change not only of legislation but also of the institutional framework and development strategies, and consequently policy instruments and measures in all domains. The paper examines some of the requirements occurring in the field of environmental protection, especially those regarding air, water and waste. The implications of adjustments, in terms of activities, costs and benefits, are discussed. Finally, some policy recommendations are presented, aiming to pinpoint the main risks and "hot spots" that might occur in the environmental management system and consequently cause adverse effects to both population and economy.*

Key words:

environmental protection, EU accession, air pollution, waste management,
water management, costs and benefits

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INTRODUCTION

In regard to environmental protection and policy in the European Union (EU), there is a section of the principal body of legislation entitled the *environmental acquis communautaire*. It contains about 300 different directives, regulations and amendments divided into the following groups: horizontal legislation (integration of environmental protection into the economic sectors' policies, strategic environmental assessment, access to environmental information, reports on the implementation of environmental directives), quality of air and climate change, waste management, water quality, nature protection, industrial pollution control and risk assessment, chemicals and genetically modified organisms (GMO), noise and forestry.

The accession countries can and must set up long-term national strategies in order to adjust to the *acquis*. Priorities and goals, as well as the dynamics of adjustment (complete adjustment to the *acquis*) before and after accession to the EU have to be identified and accepted by the European Commission.

The process of adjustment, i.e. adoption of the *acquis* in the field of the environment and environment protection, in the case of Croatia would imply not only changes in legislation but also substantial changes in the institutional set up, environmental policy, public participation and access to environmental information. In general, it may be stated that the EU accession process would have a positive impact in the field of environmental policy and protection since it demands more intensive and more efficient actions to improve the environmental management system. This is especially true regarding the integration of the environmental policy into other sectoral development policies through horizontal legislation. Moreover, it would imply a larger implementation of economic instruments for environmental purposes so as to ensure the financial means for the implementation of new legislation and policies.

The aim of this paper is to point out the most pressing issues and problems in the most important and most demanding fields, such as air pollution and climate change, water management and waste management.

The considerations presented in the chapters below are based on certain assumptions: that Croatia is to become an EU member in the coming medium-term period; that priorities will be given to strengthening of institutional capacities; that Croatia will try to postpone the full implementation of some demanding directives especially in the fields of energy production and industry; that it will have to encourage investment in new, environmentally sound technologies, and the Best Available Technologies (BATs) will become priorities for enterprises; that it will have to introduce new market-based instruments to cope with the new regulations and constraints (especially regarding air pollution); and, finally, that it will have to find means to finance all the activities required during the adjustment process, including its own funds (such as the Environmental Protection and Energy Efficiency Fund) and an improved financial market in the field of environmental protection (tradable permits etc.).

AIR POLLUTION AND CLIMATE CHANGE

There are a large number of EU directives related to air pollution and air quality.¹ Currently, two directives are the most challenging for Croatia: IPPC Directive (Integrated Pollution Prevention and Control, Council Directive 96/61/EC) and SEVESO II Directive (Council Directive 82/501/EEC on the major-accident hazards of certain industrial activities, which defines the obligations with which highly polluting industrial and agricultural activities must comply). Amending laws are Directive 03/35/EC and Directive 03/87/EC. Moreover, there are also obligations in reduction of air pollution arising from the ratification of the Kyoto Protocol in April 2007. The main objective of these directives is to decrease emissions of greenhouse gases and also to improve the safety of the operations of large industrial and nuclear plants as well as waste treatment plants.

According to the Environment Report 1997-2005 (Environmental Protection Agency, 2006), the condition of the air (air quality) in the Republic of Croatia is fairly satisfactory. The emissions of SO₂, NO_x and heavy metals (Pb, Hg and Cd) have been decreasing since the 1990s for a number of reasons: introduction of unleaded fuel, increased air pollution control in industry and energy production, organized urban heating systems, and also a general decrease of economic activities. However, some sources of air pollution, such as NH₃, are somewhat above international standards, mainly due to the agriculture sector. Moreover, air pollution in some cities, e.g. Sisak, Rijeka and Kutina, is almost critical due to the chemical industry plants located in the areas. Finally, acid rain indicators are also high in some parts (especially coastal areas) but are due to imported, cross-border pollution.

As regards environmental management related to air pollution and air quality in Croatia, the main piece of legislation is the Air Protection Act (Official Gazette, 2004, 178/04). The National Environment Action Plan - NEAP (OG, 2006, 46/02), established the main objectives in air pollution control and abatement, and consequently the target values of air pollution emissions were defined up to 2010. In addition, some sectoral studies have been made in relation to the improvement of facilities especially in the chemical industry (oil refineries), energy production (wind, solar energy), the cadastre of air pollutants has been

1 The most important directives are: the Framework Council Directive 96/62/EC on ambient air quality assessment and management (establishes the basic principles of a common strategy to define and set objectives for ambient air quality in order to avoid, prevent or reduce harmful effects on human health and the environment); Directive 01/81/EC (on national emission ceilings for certain atmospheric pollutants); Council Directive 99/30/EC (relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air); Directive 97/68/EC (relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery); Directive 00/25/EC (for the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors); Directive 01/80/EC (on the limitation of emissions of certain pollutants into the air from large combustion plants, with the amending Directive 06/105/EC).

improved as well as urban air pollution monitoring etc. However, despite all the efforts made, there are still tremendous tasks to be fulfilled in order to adjust to the EU requirements.

The most important consideration regarding the implementation of these directives regards the economy. In fact, the majority of industrial plants, especially in the chemical industry and those involved in waste processing, will have to pay large amounts of money for tradable permits for air pollution (due to obsolete technologies), and some of them would have to close down due to the complete implementation of SEVESO II directive. Moreover, substantial investments need to be made in new technologies (BAT principle of the IPPC Directive).

NEAP envisaged that the investments needed in the improvement of air quality would amount to 800 million euro and those for the prevention and control of industrial pollution (IPPC Directive) to an additional 800 million euro. According to some estimates, institutional and administrative costs of the adjustment could amount to 130 million euro per year in the period up to 2015 (Švaljek, 2007).

The above-mentioned investments should be transferred through: EU funds (especially regarding the activities related to institutional building and capacities), the state budget, the Environmental Protection and Energy Efficiency Fund, and also, to a large extent, public-private partnerships.

WASTE MANAGEMENT

The European waste management strategy is based on five principles: waste management hierarchy, self-sufficient waste processing plants; Best Available Technologies (BAT), proximity of waste disposal sites, and producer responsibility. Moreover, it introduces the "four Rs" concept: reduction, reuse, recycling and recovery of waste.

The Sixth EU Action Plan: Environment 2010 defines the priorities and goals of common waste management for the period up to 2010: reduction of waste production; waste deposited should not be dangerous in any way; increase of waste recycling and composting (reuse); waste should be treated as near to the place of production as possible (European Commission, 2001). It is also stressed that waste management and waste treatment need to be integrated in economic policies (horizontal integration) as well as the need to introduce more efficient economic instruments (taxes and charges); efforts should be made to increase the awareness and responsibility of "waste producers"; waste

flows and transportation should be more controlled and research in new technologies should be encouraged.²

Problems related to waste management are fairly pressing in Croatia. The slow and inefficient process of solving these problems has resulted in a critical situation in a number of local communities. At present, about 20% of the population is not included in the waste collection system (OG, 2005, 130/05). Almost no existing landfill meets the European standards. There is also no adequate system for hazardous waste management.

The annual waste production in Croatia has been estimated at 13.2 million tons, or 2.97 t/capita. In the period from 1995 to 2000, the quantity of deposited communal waste rose by about 50%. There is about 30,000 tons of hazardous waste produced in Croatia each year. Its "export", i.e. transport abroad, is quite expensive (0.35 to 0.50 euro/kg), so that it is illegally disposed of along with communal waste or in illegal dumping sites (OG, 2005, 130/05).

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The existing waste management system is not efficient for a number of reasons: lack of legislation and its full implementation, lack of public awareness as well as awareness of economic agents about the need to deal with their own waste, lack of education and training, lack of information on waste management (threats and opportunities), incomplete and/or inadequate physical plans (locations for waste collection stations, waste treatment plants etc.), lack of implementation of economic instruments (based on the polluter-pays principle) in waste management etc.

Furthermore, waste collection is not based on the selection-on-site principle, the waste collection charge is low and does not encourage waste selection and recycling; incentives for recycling and reuse of waste do not exist or are rather weak. Illegal dumping sites can be found everywhere, there are more than 3,000 of them (OG, 2005, 130/05). In short, waste represents a serious threat not only to the natural environment (land, water, sea, biodiversity) but also to human health.

2 The main EU directives regarding waste management are the following: Waste Framework Directive 75/442/EEC (laying down definitions and principles regarding prevention and reduction of waste generation as well as encouraging waste recovery through recycling and other methods); Directive 91/689/EEC on hazardous waste (for the management, recovery and correct disposal of waste considered to be hazardous, with the amending law Directive 94/31/EEC); Directive 99/31/EC on the landfill of waste (to prevent and reduce as far as possible the negative effects on the environment from landfilling); and Directive 94/62/EC on packaging and packaging waste (amending laws are Directive 04/12/EC and Directive 05/20/EC); Directive 06/12/EC on waste (coordinating waste management in order to limit the generation of waste and to optimize the organization of waste treatment and disposal); Directive 86/278/EEC on the protection of the environment (in particular of the soil, when sewage sludge is used in agriculture, with the amending law Directive 91/692/EEC); Directive 00/76/EC on the incineration of waste (to prevent or reduce air, water and soil pollution caused by the incineration or co-incineration of waste).

The backbone of the waste management legislation in Croatia is the Waste Act (OG, 2004, 178/04; Official Gazette, 2006, 111/06), while the basic operational document is the Waste Management Strategy (OG, 2005, 130/05). The Strategy defined the following priorities: adjustment to EU legislation; training and education; decrease of waste production; more efficient implementation of waste charges; encouragement of waste selection systems; improvement of hazardous waste management; closing down of landfills; introduction of waste treatment plants. Strategic goals also include implementation of the "four Rs" concept, development of an infrastructure for waste management, waste risk abatement, and increase of employment in the sector.

The Strategy also defined some operational quantitative goals, such as an increase of the population involved in waste collection up to 99% in 2025, recycling of 25% of total waste and deposition of only 35% of bio-degradable waste. The Strategy also adopted quotas of reuse (60% of packaging waste, 85% of abandoned vehicles, 70-80% of e-waste) and recycling (55-60% of packaging waste, 80% of vehicles and 50-80% of e-waste) of waste, as defined in the EU regulations. In addition, the Strategy envisaged a new waste collection and processing system, based on regional (county) centres for waste management and local waste collection stations. It also encourages new technologies in waste processing, recycling and reuse.

Pursuant to the Waste Act, the Croatian Government adopted the Waste Management Plan for 2007-2015 (OG, 2007, 85/07). It defined the types, quantities and origin of the waste to be managed; conditions for hazardous waste management; the network of constructions and facilities for reuse and disposal of waste and a time plan and general conditions in this regard; and finally, it estimated the financial means necessary for the attainment of the waste management goals.

Bearing in mind that not all the physical plans at county and local levels have been adopted by 2007, the Plan envisaged two different strategies for waste management: one based on the county and the other based on the regional principle related to the construction of the Waste Management Centres. Thus, investments in the construction of the Waste Management Centres have been estimated from 350 million euro (regional principle) to 397 million euro on the county principle (OG, 2007, 85/07). The estimates regarding the investments in the remediation of "hot spots" (left over from industrial activities in the past) as well as all the existing landfills, have not been completed. So far, 22 million euro have been dedicated to this purpose from the Environmental Protection and Energy Efficiency Fund, but more funds would have to be provided through loans (Kalambura, 2006). However, according to the EU Strategy, the quantities of deposited bio-degradable waste should be decreased by an additional 25%. Thus, some additional investments could be envisaged in the period from 2010-2013. According to some estimates, total investments needed for the implementation of the Strategy, up to 2025, could amount to 3,300 billion euro (Kalambura, 2006).

The Waste Management Strategy envisaged public and private sources financing the activities in the waste management area. These would encompass the budgets of the state, counties and local communities; the Environmental Protection and Energy Efficiency Fund; leasing and shares, concessions and other forms of public-private partnerships, donations, EU funds (e.g. according to the Environmental Operation Programme 2007-2009, related to the use of IPA III component, the amount of 27.5 million euro was envisaged for implementation of the Waste Management Strategy), international monetary institutions (Republic of Croatia, 2007). Public sources (state budget, the Fund, county and local budgets) would contribute with 1,626 billion euro. Private investments are envisaged to be dedicated to the waste processing facilities (Kalambura, 2006).

WATER MANAGEMENT

In the EU, Water management encompasses water supply systems, waste water management systems and also flood prevention and control. In the area of water management the main directives regulating EU policy are: Water Framework Directive 00/60/EC (setting out a long-term perspective for the management and protection of bodies of water such as rivers, lakes, coastal waters and groundwater); Nitrates Directive 91/676/EEC (striving to reduce and prevent water pollution caused by nitrates from agricultural sources); Urban Waste Water Directive 91/271/EEC (stipulates provision of collection facilities and urban waste water treatment plants for all municipalities with a population above 2,000); and Drinking Water Directive 98/83/EC (aiming to protect the health of consumers in the EU and to make sure the water is wholesome and clean).³

The Water Framework Directive introduces the objective of "good status" for all bodies of water by 2015. It introduces water management based on river basin districts rather than administrative boundaries. Under the directive, member states are obliged to prepare river basin management plans by 2009 as a way of providing a flexible and cost-effective instrument to address water-related issues. The directive includes a number of other important elements, such as the assessment and monitoring of waters, the use of economic instruments such as the introduction of water pricing policies and the polluter-pays principle, and the consultation and involvement of the public in drawing up water policy.

3 Other relevant directives regulating this area are: Directive 78/659/EEC on fishing waters; Directive 80/68/EEC on groundwater; Directive 76/464/EEC on dangerous substances; and Directive 76/160/EEC on management of bathing water quality.

The Nitrates Directive obliges member states to monitor the nitrate concentration and trophic status of bodies of water. Member states must designate vulnerable zones that include polluted waters. They must carry out measures to reduce nitrate pollution in these zones. Member states also need to draw up codes of good agricultural practice that can be taken up by farmers on a voluntary basis. The Urban Waste Water Directive prescribes that Member states must designate sensitive areas. Certain measures, such as treating water to remove nitrogen and phosphorus nutrients, must be implemented in these areas so as to protect them from the adverse effects of waste water discharges and eutrophication. Sensitive areas must be reviewed every four years. To make sure drinking water everywhere in the EU is indeed healthy, clean and palatable, the Drinking Water Directive sets standards for the most common substances (so-called parameters) that can be found in drinking water.

In Croatia currently, about 75% of the total population is included in the public water supply system (Hrvatske vode, 2006). However, there are significant differences between urban and rural areas. In addition, the quantity and quality of the water available for water supply systems vary throughout the year; thus, especially in coastal areas, shortages could appear during the summer period. The other problem concerning water supply relates to a partially obsolete system in terms of leakages, and sometimes partially incomplete facilities.

As far as waste water management is concerned, the current situation is far from satisfactory. In fact, only about 43% of the population is connected to the waste water collection systems. In the case of towns with more than 10,000 inhabitants, this percentage reaches 70-75%; however, there are more than 5,000 settlements with less than 500 inhabitants (800,000 inhabitants all together) that are not connected to waste water collection systems at all. This is due to technical and financial reasons. In addition, there is a problem with waste water treatment⁴. Waste waters are in general disposed of into water flows and the sea without any previous treatment. For example, in 1997 only 21% of total waste waters were treated before final disposal; about 81% of these waters underwent primary treatment, 6% secondary treatment, while 13% related to the pre-treatment of industrial waste waters (Official Gazette, 2007, 110/07).

The basic piece of legislation in water management in Croatia is the Waters Act (OG, 1995, 107/95; OG, 2005, 150/05) and the subsequent 2006 Water Management Strategy (draft). The Strategy incorporates the main priorities, goals and objectives defined in the European legislation. It would therefore be the foundation for additional adjustments in legislation (expected during 2008) but, above

4 There are three different types of waste water treatment. Primary treatment implies physical and/or chemical procedures abating effluent concentration by about 50%; secondary treatment refers to biological purification decreasing concentration of suspended matter by 70-90%, while tertiary treatment encompasses all procedures that decrease concentration of effluents by 80%.

all, reform of the water management system as a whole. To this end, the principles and standards established in the Strategy will have to be obeyed in physical plans at all level as well as in sectoral development strategies (horizontal integration).

The Strategy envisages that 85-90% of the total population would be included in the water supply systems by 2020 (complying with EU standards). Moreover, strategic objectives are also to speed up the process of identification and protection of water sources and springs, to improve the treatment and conditions of drinking water and to decrease leakages in the water supply systems. To this end, the reform of the water supply management system is envisaged in terms of establishment of large distribution centres (currently, local public utility companies are in charge of water supply).

In the area of waste water management, the Strategy envisages the completion of waste water collection and urban waste treatment by 2020, as follows:

- 70% of all waste water systems providing services to 2,000 to 10,000 inhabitants each;
- 77% of all waste water systems providing services to 10,000 to 15,000 inhabitants each;
- 100% of all waste water systems providing services to more than 15,000 inhabitants each.

This would mean that more than 60% of the total population would benefit from services of waste water collection and treatment. As for waste water treatment, most of the systems will use secondary treatment, except for the less sensitive coastal areas where primary treatment is planned.

The Strategy also defined specially protected areas: springs and sources of drinking water; areas dedicated to the breeding of commercial aquatic species; recreational areas including bathing areas; "vulnerable" and "sensitive" areas; areas dedicated to the protection of species and habitats (NATURA 2000)⁵; strategic reserves of underground waters. These areas cover about 28% of the Croatian territory.

Total costs of the Strategy's implementation during the first investment cycle up to 2023 are estimated at 3,300 billion euro, out of which 1,350 billion euro

5 Natura 2000 is the centrepiece of the EU nature and biodiversity policy. It is an EU-wide network of nature protection areas established under the 1992 Habitats Directive. The aim of the network is to assure the long-term survival of Europe's most valuable and threatened species and habitats. It comprises Special Areas of Conservation (SAC) designated by Member States under the Habitats Directive, and also incorporates Special Protection Areas (SPAs) which they designate under the 1979 Birds Directive. Natura 2000 is not a system of strict nature reserves where all human activities are excluded. While the network will certainly include nature reserves, most of the land is likely to continue to be privately owned and the emphasis will be on ensuring that future management is sustainable, both ecologically and economically. The establishment of this network of protected areas also fulfils a Community obligation under the UN Convention on Biological Diversity. More information available at http://ec.europa.eu/environment/nature/natura2000/index_en.htm.

is dedicated to water supply management, 1,554 billion euro to waste water management and 392 million euro to flood protection and other protection measures. Additional maintenance and similar costs are estimated at 124 million euro at the annual level.

The other investments related to fulfilment of the requirements of the Drinking Water Directive and Urban Waste Waters Directive are estimated at 1,554 billion euro, and will be carried out during the second investment cycle, after 2023. The same applies to the investments of 784 million euro needed for the further improvement of the flood protection system.

The Strategy envisages multiple financial sources and models. Besides EU funds, the financial sources imply state budget, public facilities funds and charges. Therefore, it can be concluded that the "price" of water, i.e. total charges paid by public services users as well as by polluters, would rise substantially. It would be of the utmost importance to ensure their social affordability and economic sustainability.

EXPECTED BENEFITS

In the previous chapters the estimated costs of accession, i.e. adoption of the EU regulations in the fields of air protection and management of waste and waste waters have been discussed. However, the impacts of accession in these regards will undoubtedly also have numerous favourable effects. Since it is quite difficult, almost impossible, to estimate these in monetary terms at the moment, in this chapter the authors will try to summarize them in a qualitative manner.

The first benefit of the improved environmental status implies, first of all, improved conditions for human health. Improved air quality and proper waste and waste waters management are the main prerequisites for the abatement of risks of various diseases caused by pollution. They also contribute to a large extent to an improved quality of living.

The second important point refers to health, or the condition of natural resources and ecosystems. In this regard, improved air protection would mean the reduction of damage to buildings, as well as the better condition of fields and forests (and thus, consequently, of the related habitats and species). Proper and integral waste management would cause a decrease in the use of primary natural materials (e.g. wood) on the one hand, and on the other hand, reduction in the emissions of greenhouse gasses. Better water management should result not only in clean ground and underground waters but also in a saved landscape and biodiversity. Furthermore, all these factors should have additional benefits for the recovery and condition of the natural resources that are commercially exploited (e.g. wood, fish stocks).

The third kind of benefits addresses society. Apart from better access to protected natural resources, social benefits can be found in improved recreational areas, a saved architectural heritage and also in the raised awareness of environmental responsibility and of the human impact on the environment. It would also include the development of civil society institutions and networks and, consequently, encourage public participation in environmental management.

Finally, substantial benefits can be expected for the economy from a number of aspects. For example, resource (air, water, waste) protection would undoubtedly increase investment in new, environmentally sound technologies. These would also have effects on production diversification, increase in employment, import replacement and increase of exports. Improved environmental conditions should give rise to tourism, agriculture, fisheries and some new processing industries (recycling of waste, for example). These benefits should be of the utmost importance for sustainable local and regional development.

POLICY RECOMMENDATIONS

An environmental policy has to be created and considered as an integral part of overall economic and development policy. Thus, the environmental management system has to be incorporated into the overall administrative structure on the one hand, and, on the other hand, environmental policy instruments need to be in line with other economic and development policy instruments.

As far as the environmental management system is concerned, this implies legislation, institutional framework and policy. During the accession period, according to the National Action Plan, the legislation would be adjusted to the European legislation (*environmental acquis communautaire*).

As seen in previous chapters, some basic laws have already been enacted, and the consequent legislation is expected to be completed during 2008 and 2009. However, when it comes to legislation and institutional framework, one has to be extremely careful to ensure clear (and not overlapping) jurisdictions and competences for each institution involved in environmental management. This would be of the utmost importance for the elaboration and efficient implementation of the environmental policy.⁶

6 Currently, one of the most pressing problems in the implementation of environmental management and policy is the overlapping jurisdictions and unclear competences of the institutions involved (from state to local level), resulting in non-transparent and slow procedures, inefficient control and barely accessible information on the environment and projects regarding and affecting the environment.

Another important issue regarding the environmental management system is the accessibility and transparency of environmental information. At present, this is scarce, often hard to access, and not transparent. This results in poor interest in the environment on the part of the general public, and rather poor public participation in the management process. Accessibility, content and transparency of environmental information are required by the other legislation within the *environmental acquis communautaire*. In this regard, despite the fact that some relevant legislation (for example, the Aarhus Convention) has been incorporated into the new Environmental Protection Act the recommendation would be not to postpone the actual implementation of the relevant directives.

As regards environmental policy *per se*, a few recommendations should be pointed out. First of all, the strategies discussed above, as well as others not mentioned in the paper, envisage more intensive use of economic instruments, especially market-based instruments in regard to the environment, its protection and improvement. Bearing in mind the rather high investment and other costs needed to fulfil the obligations of the *acquis*, this would generally mean an increased fiscal burden and resources costs imposed both on the population and on the economy. Therefore, one needs to be particularly careful when defining particular policy measures, so as to keep in mind not only the objective and needs related to each particular measure, but also the overall burden in terms of costs. This implies that the overall burden imposed still has to be socially affordable (population, households) and also economically sustainable (costs of production and economic operation in general). Within this framework, environmental policy has to be considered as a part of general economic and development policy.

Furthermore, the objectives of the economic instruments for environmental purposes, their structure and means of implementation will have to be reconsidered (compared with the present policy). That is to say, charges on public services (water, waste etc.) will undoubtedly rise, increasing the costs of production and costs of living. This will be necessary to meet the needs for investment as discussed before. However, the state will have to introduce new and modify existing instruments, especially those regarding taxes and subsidies, so as to move towards the sustainable development concept. For example, subsidies for synthetic fertilizers, pesticides etc. in agriculture would have to decrease or disappear; instead, new subsidies should be given to organic fertilizers and production/use of natural insecticides. Moreover, there will be a need to put additional taxes on synthetic compounds (e.g. in order to reach the objectives of water directives). Similar changes will have to be introduced in the sector of energy production, industry, tourism etc.

Within the new environmental management framework, large responsibilities will be put onto the local communities and local authorities. This means that they would be actually responsible for the real implementation of a large part of environmental management. However, currently, they are not in position to

perform their task in this regard, primarily for lack of financial means. Consequently, in order to implement the defined environmental strategy, the Act on Financing Local and Regional Self Management Units (towns, municipalities and counties) will have to change, allowing them to introduce and implement specially tailored measures for environmental purposes at the local level (implying new income and new spending of local budgets for the environment).

Another pressing problem, especially at the local level, is institutional capacity in terms of the quantity and training of the available working force. Local authorities are in general lacking trained personnel. This imposes a need for urgent and systematic training in the environmental management and policy at local and regional level. The training process should not await the actual accession to the EU, but should start as soon as possible. It should be created and organized through the existing institutional framework, in cooperation with the educational institutions and the civil sector.

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Finally, there is a consideration regarding public participation in environmental management. It is crucial to involve the general public, local communities and enterprises in environmental management to achieve the efficient and successful implementation of environmental policy. Taking into account the current degree of environmental awareness of the population as well as business, there is much work to do in this regard. The role of civil society institutions (non-governmental organisations) seems to be of the utmost importance to this end. It is necessary to raise environmental awareness, and also to teach the population and economic agents that getting involved in environmental protection and improvement can be not only an obligation (paying taxes) but also a profitable undertaking (e.g. gains from recycling, rational use of resources, use of alternative energy sources etc.).

CONCLUSION

Accession to the EU, from the standpoint of environmental management and policy, will be a long and resource-demanding process for Croatia. It will imply fundamental changes in legislation, institutional framework and policy measures. These will, in the long run, create a quite different attitude towards the environment in the general public, and also completely different conditions in the economy.

The process of adjusting legislation and institutions is under way. However, training and education in environmental management at all levels are still wanted. The authors strongly believe that this could be, in the medium term, a serious bottle-neck in the implementation of environmental policy.

The adjustment process will demand substantial investment and increased maintenance and operational costs afterwards. Furthermore, the costs of living as well as the costs of production and other economic activities will rise. This is the price that we will all have to pay on the way to the EU and in it. However, the envisaged and required changes in the area of environmental management would, on the other hand, bring numerous benefits to the population and to the quality of life. They will also encourage economic agents to move towards more sustainable development. Thus, in the long run, the accession requirements and the adjustment process will be beneficial to all.

LITERATURE

Environmental Protection Agency (2006) *Croatian environmental report 1997-2005*. Zagreb: Environmental Protection Agency.

European Commission (2001) *Environment 2010: our future, our choice* [online]. European 6th EU Environment Action Programme. Available at: http://ec.europa.eu/environment/air/pdf/6eapbooklet_en.pdf (05.02.2008)

European Environmental Agency (2006) *The European environment - State and outlook 2005* [online]. Available at: http://reports.eea.europa.eu/state_of_environment_report_2005_1/en (05.02.2008)

Hrvatske vode (2006) *Strategija upravljanja vodama – nacrt* (Water management strategy, the Republic of Croatia – draft) [online]. Zagreb: Hrvatske vode. Available at: <http://www.voda.hr/Default.aspx?sec=43> (05.02.2008)

Kalambura, S. (2006) *Strategija gospodarenja otpadom i uloga Fonda za zaštitu okoliša i energetske učinkovitost (2006)* (Waste Management Strategy and the Role of the Environmental Protection and Energy Efficiency Fund) [online]. Zagreb: Institute for Medical Research and Occupational Health. Available at: <http://en.scientificcommons.org/21261980> (06.02.2008)

Ministry of Environmental Protection, Physical Planning and Construction (2005) *National ISPA Environmental Strategy* [online]. Available at: <http://www.mzopu.hr/default.aspx?id=6507> (06.02.2008)

OG, Official Gazette (1995) *Zakon o vodama* (Waters act). *Official Gazette*, 107/95

OG, Official Gazette (2002) *Nacionalna strategija zaštite okoliša* (National environmental strategy). *Official Gazette*, 46/02

OG, Official Gazette (2003) *Nacionalni program Republike Hrvatske za pridruživanje Europskoj uniji – 2003. godina* (National programme of the Republic of Croatia for the EU accession – 2003). *Official Gazette*, 30/03

OG, Official Gazette (2004) *Zakon o otpadu* (Waste act). *Official Gazette*, 178/04

OG, Official Gazette (2004) *Zakon o zaštiti zraka* (Air protection act). *Official Gazette*, 178/04

OG, Official Gazette (2005) Strategija gospodarenja otpadom Republike Hrvatske (Waste management strategy). *Official Gazette*, 130/05

OG, Official Gazette (2005) Zakon o izmjenama i dopunama Zakona o vodama (Act on amendments to the waters act). *Official Gazette*, 150/05

OG, Official Gazette (2006) Nacionalni plan djelovanja na okoliš (*National environmental action plan*). *Official Gazette*, 46/02

OG, Official Gazette (2006) Zakon o izmjenama i dopunama Zakona o otpadu (Act on amendments to the waste act). *Official Gazette*, 111/2006

OG, Official Gazette (2007) Plan gospodarenja otpadom u Republici Hrvatskoj za razdoblje 2007.-2015. (Waste management plan of the Republic of Croatia 2007-2015). *Official Gazette*, 85/07

OG, Official Gazette (2007) Zakon o zaštiti okoliša (Environmental protection act). *Official Gazette*, 110/07

Republic of Croatia (2007) *Environmental operational programme: instrument for pre-accession assistance 2007-2009*, September 2007 [online]. Available at: <http://www.strategija.hr/Default.aspx?sec=2> (05.02.2008)

Švaljek, S., ed. (2007) *Pristupanje Europskoj uniji: očekivani ekonomski učinci*. Zagreb: Institute of Economics.

MAIN CHALLENGES IN ADOPTING ENVIRONMENTAL ACQUIS

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ABSTRACT

This article discusses the impacts of harmonization with the EU environmental acquis in Central and Eastern European (CEE) countries. It analyses legislative, administrative, financial and ecological impacts of harmonization in this field. In the legislative area it is not only transposition of the environmental acquis that has posed a challenge but even more its implementation. From the institutional point of view, accession has introduced reforms of existing and creation of some additional administrative bodies. The purpose of this new infrastructure was the increase of efficiency of the environmental protection system which had to be integrated on the EU level. From a financial point of view, accession has been very challenging for the CEE countries as they have been obliged to cover expenses mostly from their own resources. However, according to some estimates in the medium to long-term, the costs of harmonization in the area of the environment will be amply compensated by both economic and health-related benefits. From an ecological point of view harmonization with the EU acquis has contributed greatly to a clean-up of the CEE countries heavily polluted environments. The article's closing part examines expected financial impacts of harmonization with the environmental acquis for Croatia which is currently going through the accession process.

Key words:

environmental protection, EU accession, environmental *acquis*, legislative challenges, administrative challenges, financial challenges, environmental clean-up

INTRODUCTION

Between 1994 and 1996, a number of CEE countries applied for the EU membership, and in 1998 accession negotiations were started with the Czech Republic, Estonia, Hungary, Poland and Slovenia. Later, negotiations were opened with Bulgaria, Latvia, Lithuania, Romania and Slovakia, resulting in a total of ten CEE countries formally engaged in negotiations for EU membership. Accession negotiations were provisionally closed in December 2002 for eight CEE countries (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) and two Mediterranean countries (Malta and Cyprus). The accession treaty with these countries was signed in April 2003 and accession took place on the 1st of May 2004. Bulgaria and Romania provisionally closed accession negotiations in December 2004. They signed the accession treaty in April 2005 and accession took place on the 1st of January 2007.

The accession process called for major legal and administrative restructuring in all areas of public life. The environment represented a separate chapter in accession negotiations, which were divided into 11 sub-sectors needing to be transposed into national legislations. Legal transposition however, was only the first, formal step in implementation.

“The new national legislation had to be applied in practice, which involved establishing competent authorities, setting in plans, programmes and procedures, investment in equipment, putting in place monitoring, reporting and evaluation as well as enforcement of the law” (Gorton, Lowe, Zellei, 2005).

The EU explained the procedures of alignment with the environmental *acquis* through a number of guides and documents that show the method of alignment that it considered most advisable. It requested most of its environmental *acquis* to be applied by the date of accession but allowed transition periods for certain directives that are difficult to implement, due to heavy investment requirements. Furthermore, the EU supported accession efforts by financing various projects from its pre-accession funds.

The key component for successful harmonization with the environmental *acquis* was the creation of specific national financial strategies for implementing concrete demands of particular directives. These specific strategies were parts of broader national investment strategies which aided governments in estimating the size of financial inputs and the time frame for their enforcement (Vlašić, Vlašić-Feketija, 2006). Although in 2004 and 2007 the CEE countries joined the EU their process of harmonization is not finalized yet because some financially demanding directives have been subjected to transition periods.

The chapter on the environment counts among the most difficult parts in accession negotiations. The *acquis* in this area consists of more than 200 legal acts covering environmental quality protection, polluting and other activities, production processes, procedures and procedural rights as well as products. Apart

from horizontal issues (environmental impact assessments, access to information on environment, combating climate change), quality standards are set for water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. Legislative transposition of the *acquis* is only the first step and harmonization is successful only if followed by practical application of the new national legislation.

Compliance requires significant investment and it obliges acceding countries to finance this investment mostly from their own resources. However, this spending should not be viewed only as cost, since harmonization brings numerous benefits for acceding countries and its citizens. The spending introduces the acceding countries to an effective supranational environmental regime and in that respect it secures their sustainable development. It reduces risks to human health as well as risks of polluting precious natural resources such as air, water and forests. From a purely financial point of view, instead of being viewed as net cost much of accession-related environmental spending may be viewed as profitable investment which is to bring financial returns to its investors. Furthermore, the EU system of environmental protection is more rational and just. It is principally based on the "polluter pays principle", the enforcement of which has resulted in the growing involvement of industry in environmental expenditure (Fiedler, Janiak, 2003).

In order to ease the financial burden on the CEE countries, the EU has allowed the possibility of negotiating transition periods for transposing some of the most "expensive" directives, and it has also provided financial and technical assistance in form of its pre-accession programmes. Even so, horizontal legislation, nature legislation and framework legislation had to be completely transposed before countries entered the EU membership. Compliance with the *acquis* demanded the creation of strong and well-equipped administration at the national, regional and local level. At least one authority at the national level had to assume overall responsibility for implementation of the *acquis* in the field of environment. Competences have been divided among several institutions at the same level or at different levels. However, the division of competences between the different actors and levels had to be very clear. The new system of environmental protection introduced decentralisation; monitoring and enforcement have been partially or wholly delegated to regional or local authorities.

The result of the accession process has been that the state of the environment in the CEE countries has significantly improved. Compliance with the EU's environmental requirements served as a roadmap in cleaning these countries' heavily polluted environments. Furthermore, it contributed towards reduction of the high energy intensity of these countries' economies. Relying largely on its own resources, Croatia has undertaken activities aimed at solving environmental problems long before it entered the accession process. Therefore, compared with the average of the CEE countries, its starting position is much more

favourable. However, Croatia is in the good position of being able to learn from the experiences of the CEE countries. With these countries it is connected by the shared legacy of the socialist past as well as the time closeness of accession. Croatia has the opportunity to study best practices in legislative transposition, applied administrative solutions and financial arrangements. Careful examination of the CEE countries' harmonization experiences may prevent Croatia from making some mistakes and even speed up its accession process.

EXPERIENCES OF THE NEW MEMBER STATES

Legislative Challenges of Harmonization

In May 1998, within the framework of Agenda 2000, the European Commission issued a Strategy on Incorporation of the Environmental Community *Acquis* into the Legislation of the Candidate Countries in Central and Eastern Europe (European Commission, 1998). Its aim was to supplement the partnerships for accession and helping the acceding countries to improve their national programmes for adoption of the Community *acquis*. It called on the candidate countries to develop both legislative and investment strategies for implementation of the *acquis*. These national strategies were to include priority areas of action, key objectives to be attained by the date of accession, and timetables for the subsequent achievement of compliance.

The national legislative approximation strategies requested from the candidate countries a preliminary comprehensive analysis of their existing environmental laws based on which priorities in harmonization have been established (the screening process). Legislative harmonization resulted in approval of the numerous new acts as well as amendment of the previously enacted legislation. The acts were usually followed by a large number of decrees or governmental regulations. The national EU accession programmes, composed in accordance with the national legislative approximation strategies and country-specific accession partnerships, created a clear time frame for transposition of the *acquis*. The efficiency and regularity of these activities has been monitored by the Commission in its yearly country specific progress reports.

Most of the environmental *acquis* is in the form of directives which according to Art. 249 of the Treaty of the European Union are binding, as to the result to be achieved, upon each member state to which they are addressed, but leave to the national authorities the choice of form and method. Therefore the CEE countries have been left to choose the most appropriate means of transposing directives. The downside to this process is that it produces a variety of legisla-

tive solutions which may negatively affect control and sanctioning of implementation failures. In addition to directives there are regulations as the secondary source of EC law which do not have to become part of the national legislation and which are directly applicable. The *acquis* however is more than directives, regulations and other acts. It also consists of judgements made by the European Court of Justice which need to be taken into account when transposing provisions of directives.

The implementation of environmental *acquis* has produced increased stringency and more detailed regulation in environmental legislations of the CEE countries. Moreover, in a number of cases it has introduced new approaches and new policy instruments which would not have been enacted without the need to comply with the EU requirements (Kružikova, 2004). Another positive impact of harmonization is that it has brought for the CEE countries the obligation to pursue the Aarhus Convention on Public Access, Participation in Decision Making and Access to the Courts (UNECE, 1998). This convention introduces revolutionary changes into environmental policy-making by changing relations between public authorities and citizens in a democratic context. The convention consists of a first pillar concerning access to information, a second pillar on public participation in decision-making, and a third pillar on access to the courts in environmental matters. To the citizens it grants rights while on the public authorities it imposes obligations regarding access to information, public participation and access to justice.

The impacts of legislative harmonization on the CEE countries have been predominantly positive. Nevertheless not everything is clear and unambiguous. It remains to be seen how the legal systems of the CEE countries will cope with the supremacy of Community law over national law. Furthermore, there is a concern that the rush towards implementation of the *acquis* may have left overlapping and potentially contradictory legislation which may result in unclear interpretations of the law (Kružikova, 2004). The recent trend of favouring *soft law* instruments within the ambit of the environmental *acquis* may negatively impact its implementation in whole of the EU and particularly in its New Member States. The EU Sustainable Development Strategy (SDS), adopted at the Gothenburg Summit in June 2001 as a third pillar of the EU Lisbon Strategy alongside its economic and social pillars, represents one such *soft law* instrument (European Council, 2001). It is feared that if confronted with legal instruments based in *hard law* (such as directives transposed into national laws or regulations) the progressive SDS principles may get undermined.

In the context of legislative harmonization it is necessary to mention transition periods granted for implementing the financially most demanding directives. These periods were granted for each country separately and only after the Commission were convinced that their introduction was indispensable. The arrangements on transition periods included detailed legally binding intermediate targets which have been recorded in the accession treaty. Transition periods

have also been backed up by the detailed financing strategies. Transition periods were mostly granted for transposition of directives dealing with water and waste management which demanded the most extensive financing.

All countries except Estonia have been granted with additional time to achieve the recovery and recycling targets for packaging waste (Directive 99/32/EC). Regarding the landfill of waste (Directive 99/31/EC) transitional arrangements have been granted to Latvia, Estonia and Poland. All the CEE countries were granted additional time to build waste water collection and treatment facilities for urban waste waters (Directive 91/271/EEC). On the matter of the quality of water intended for human consumption (Directive 98/83/EC) transitional arrangements have been agreed for a limited number of parameters for Estonia and Latvia. To some countries with better capacities in implementing the *acquis* the Commission granted as few as three transitional arrangements (Slovenia), while to others with much weaker capacities it granted as many as eleven (Romania). The length of transition periods also varied from only two years after the closure of chapter negotiations (Latvia for Directive 99/31/EC on landfill of waste, Hungary for Directive 01/80/EC on air pollution from large combustion plants) to as many as 15 years (Poland for Directive 01/80/EC on air pollution from large combustion plants).

Administrative Challenges of Harmonization

The CEE countries had little or no tradition in the field of environmental protection. Therefore during the accession process it became increasingly visible that harmonization in this area would demand serious reforms. The ministries of environment in the CEE countries required a considerable strengthening in order to fulfil their designated role as the principal agencies responsible for the preparation and execution of environmental legislation (Kramer, 2004). This was very important since in complex multidisciplinary fields such as environmental protection jurisdiction on the national level usually gets divided between several ministries. The CEE countries have been obliged to strengthen and reform their inspection bodies and to create Environmental Protection Agencies and Environmental Protection Funds.

The Environmental Protection Agencies are created with the task of harmonization and management of national environmental information systems. Furthermore, their task embraces the development of a cadastre of polluters, collection processing and unification of environmental data, reporting on environmental conditions, updating data on the best available technologies and practices, cooperation with the European Environmental Agency in Copenhagen and reporting on environmental policy implementation. The Environmental Protection Funds are engaged in raising revenue through environmental charges and fines, as well as from other sources (domestic and international loans, grants, donations) and supporting environmental activities mainly through

grants, soft loans and, in some cases equity investment. Their activities include investment in environmental infrastructure, education, research, purchase of equipment etc. Both agencies and the funds have been created as separate legal bodies operating independently from the national environmental ministry or any other ministry.

A poor or non-existent information system has been a weakness of all transitional countries that have only recently, assuming the obligations enshrined in various international conventions, taken on the obligation to convey various data and reports to given international institutions (Ban, 2004). For that reason the functioning of the newly established Environmental Protection Agencies in the CEE countries marks a significant leap forward. The activities of Environmental Protection Agencies and Environmental Protection Funds have created "building blocks" for the creation of a transparent, accountable and efficient system of environmental protection, based on the *acquis*.

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Upon accession the sub-national levels of government in the CEE countries became responsible for issuing permits for industrial plants, evaluating requests, and monitoring air and water quality (Von Homeyer, 2004). Therefore successful implementation of environmental *acquis* demanded from these countries the setting up of the three-tier administrative structures. They have been obliged to move away from the previously centralized systems of environmental protection and into a new system based on division of competences between national, regional and local authorities. Authorities at the regional and local level needed to employ new professionals and assume new responsibilities.

The establishment of a new environmental protection infrastructure called for the purchase of new equipment and for intensive training of both old and new employees in the sector. The environment has been designated as one of the priority areas for twinning, which has primarily entailed the long-term secondment of highly qualified civil servants from the EU member states to assist their colleagues in the applicant countries (Kramer, 2004).

"Harmonization with the environmental acquis demanded the putting in place of procedural mechanisms, the completion of strategic environmental assessments, environmental impact assessments, access to environmental information processes, processes for the issuance of permits and mechanisms for monitoring and compliance as well as enforcement actions, including appeals thereto" (Makuch, MacDonald, 2006).

Therefore the newly established environmental protection infrastructure demanded an engagement in inter-sectoral policy coordination and intensive cooperation between governmental bodies at all levels.

It is not only state bodies that went through reform. Industry and state companies responsible for management of crucial resources also needed time, investment programmes and investment capital, in order to adapt to the required EU

standards (Makuch, MacDonald, 2006). The standards and practices required by the *acquis* demanded great changes from these countries' industries. For example, the Integrated Pollution Prevention and Control (Directive 96/61/EC), instead of prescribing obligatory standards for relevant facilities prescribed the use of the so-called Best Available Technologies (BAT) in facilities. The IPPC directive proved to be a great challenge for administrative bodies as well as it required coordination and integration of different administrative permitting procedures (Kružíkova, 2004).

Financial Challenges of Harmonization

The financing of the investments needed for successful implementation of requirements from the EU environmental *acquis* presented a major challenge for the CEE countries. Technical and financial assistance in all areas has been provided by the EU since 1989 in the form of the pre-accession programmes. However, at first assistance was demand-driven, and only after 1997 did the EU introduce a new approach focusing all pre-accession funds on adoption of the *acquis* and the capacity to implement and enforce it (Inglis, 2004). The pre-accession aid came from three different funds: ISPA, concentrating on infrastructure investments related to implementation of the directives in the fields of air, water and waste management requiring heavy investment; SAPARD, focusing on measures for agriculture and rural development; and PHARE, designated for restructuring national bureaucracies in preparation for EU membership. Since 1997 the ratio of 30% to institution building and 70% to investment financing has been applied as a general orientation.

In its original Strategy for Accession to the Environment *Acquis* for the Candidate Countries in Central and Eastern Europe, the Commission estimated that implementation would require 120 billion euro, of which no more than 10% could be met by the EU (European Commission, 1998). Total EU assistance in the area of the environment in 1996 amounted to only 255 million euro. However, in 1998-2001 this assistance increased almost seven-fold (Fiedler, Janiak, 2003). In the period 2000-2006 from the ISPA fund the EU provided an annual budget of 520 million euros for financing major environmental and transport infrastructure projects. In the same period it provided 1 billion 560 million euros a year from PHARE fund targeted at financing institution-building measures across all sectors, and 520 million euros a year from the SAPARD fund targeted at agricultural and rural development and also at environmental protection in these sectors (European Commission, 2001a). Although pre-accession assistance did not constitute a large proportion of the funds needed it was very important because it attracted other funding from national budgets and from other sources. Furthermore, participation in the EU pre-accession programmes served as a preparation for successful usage of the structural and cohesion funds upon entering the EU membership.

In 2001 the Commission published a Communication on the Challenge of Environmental Financing in the Candidate Countries which served as a guide for the CEE countries in implementation of the environmental *acquis* (European Commission, 2001b). In this document the Commission gave practical guidance on how to develop a clear and credible investment programme for accession. For this task the countries were offered support from the Commission's Priority Environmental Programme for Accession (PEPA), designed for the purpose. In PEPA guidance documents have been made available including a format for a directive-specific implementation plan and a checklist of the investment-heavy directives. The activities set up in PEPAs were primarily targeted at strengthening the operation of environmental funds, developing cost-effective financing strategies and building project preparation capacity in the context of the EU accession. The programme encouraged exchange of best practice between candidate countries, and developed a database of environmental projects in the CEE countries to help them identify and prepare priority projects for the medium and long term.

In the acceding countries funding of environmental expenditure has come from both public and private sources. Public sector expenditure for environment has come from three major sources: local government revenue, national budgets, and grants or soft loans from environmental funds. Private sector expenditure has usually come through industry expenditure, investment by private banks and public-private partnerships (Fiedler, Janiak, 2003). The ratio between public and private expenditure has varied from country to country. However, on average more than 50% of all finances came from the private sector, mostly industry (see Table 1). Although the Commission estimated that candidate countries will need to spend on average between two and three per cent of their GDP to ensure implementation of the environmental *acquis* (European Commission, 2001b) in the final years running up to membership these countries closed environmental negotiations with lower spending (see Table 1). Slovenia was among the best performers with, between 2001 and 2004, on average 0.75% of environmental expenditure in the share of its GDP from the public sector and 0.63% from the industry (see Table 1). However, since implementation of the financially most demanding directives has been subjected to transition periods, in the years to come the environmental expenditure of the CEE countries may increase.

In 2001 the NGO Ecotec, upon a request made by the European Commission, made a study on the likely benefits in the CEE countries resulting from compliance with the environmental *acquis*. It estimated that the health-related and economic benefits of alignment will outweigh the costs. The study identified benefits such as: better public health by reduction of environmentally related diseases; less damage to commercially related natural resources and buildings; reduced risk of permanent damage to critical natural resources; increase in economic efficiency etc. It estimated that if completed by 2010 the implementation of the environmental *acquis* will bring these countries long-term benefits

amounting to 134-681 billion euro. According to this study even the lowest estimates of anticipated benefits are still 18 % greater than the highest costs estimated by the Commission (Ecotec, 2001; Kramer, 2004).

Table I. Environmental protection expenditure in the share of GDP

Country	Public Sector					Industry				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Bulgaria	0.46	0.36	0.31	0.34	0.38	1.5	1.02	1.1	1.01	0.78
Czech Republic	:	:	:	:	:	:	:	0.82	0.91	0.87
Estonia	0.17	0.29	0.18	0.21	0.24	0.76	0.85	0.36	0.39	0.35
Latvia	0.17	0.16	0.07	0.06	0.06	0.17	0.23	0.22	0.22	0.19
Lithuania	0.09	0.1	:	:	:	0.48	0.46	0.58	0.39	0.42
Hungary	0.57	0.64	0.49	0.52	0.64	0.52	0.5	0.66	0.63	0.64
Poland	0.73	0.45	0.44	0.42	0.43	1.09	0.96	0.92	0.75	0.74
Romania	0.13	0.2	0.13	0.22	0.23	0.8	1.22	0.7	0.96	0.6
Slovenia	0.66	0.74	0.82	0.79	:	0.9	0.78	0.93	0.73	:
Slovakia	0.1	0.19	0.12	0.28	0.26	1.17	1.26	1.03	1.1	1.13
Croatia	0.07	0.14	:	:	0.08	0.22	0.29	0.29	0.74	0.73

: = Not available

Source: Eurostat (2006) *Environmental Protection Expenditure*

Effects of Harmonization on Environmental Clean-up

The EU considers the environmental implications of its decisions in all areas where it takes action and not only when deciding on issues strictly related to the environment. It is committed to sustainable development, which requires a careful balance between economic prosperity, social justice and healthy environment. The importance that the EU places on a healthy and clean environment is mirrored in the fact that it pointed out the environment as one of the principal pillars (alongside economic and social pillars) in the Lisbon Strategy as its principal strategic action and development plan for the 2000-2010 period. Therefore it is not surprising that adoption of the environmental *acquis* introduced revolutionary changes to outdated and ineffective environmental protection systems in the CEE countries.

Despite official policy declarations, state authorities in the CEE countries have not been interested in environmental protection, which has even been considered a threat to economic and political priorities (Kordej-De Villa, 1999). In the late 1980s large areas of the Czech Republic and Poland suffered from excessive air pollution, water pollution and land degradation, particularly areas close

to the Czech-German-Polish border; locally known as the "black triangle" (Pavlínek, Pickles, 2004). Furthermore, the CEE countries' economies expended between 30 and 50% more energy than their counterparts in Western Europe to produce the same unit of national income (Kramer, 2004). The accession process as a major driving force behind change in environmental policy and much of environmental clean-up substantially improved the state of the environment in the CEE countries. The requirements of the environmental *acquis* served as a framework in cleaning the CEE countries' heavily polluted environments.

Still, environmental clean-up cannot be entirely attributed to compliance with the *acquis* since it has happened also as a result of the more general economic transition. Transitional processes combined with harmonization requirements jointly brought in the decline of heavy and polluting industries, a shift from an industrial to a more service-oriented economy, and shifts in the structure of energy production away from highly polluting coal towards less polluting natural gas, oil, hydroelectricity and nuclear power (Pavlínek, Pickles, 2004). According to the European Environmental Agency 2005 State of the Environment Report, despite high energy and emission intensities the CEE countries have their 1990 air-related targets within reach. Furthermore, it is within this group of countries that one finds comparatively the lowest generation of municipal waste.

Progress in environmental clean-up can best be monitored on previously heavily polluted countries such as the Czech Republic. According to the 2005 State of the Environment Report in the Czech Republic total emissions of greenhouse gases decreased by 25% between 1990 and 2003. The final energy consumption in 2004 was 1099.3 PJ, which is significantly lower than during the first half of the 1990s; however energy intensity was still 60% higher than the EU-25 average. In 2004 the share of electricity generation from renewable sources was 4% of the gross electricity consumption and 2.9% of primary energy sources. Since 1990 a dramatic decrease in emission has taken place: almost 90% for SO₂; 40% for NO; and 50% for NH₃. Since 1990 a considerable decrease in emissions of all ozone precursors has taken place. Organic farming, which only started in the early 1990s in 2004 accounted for 6.16% of the total agricultural area. The production of municipal waste increased from 1995 to 2002 and reached 4.6 million tonnes in 2002. However, since 2002 municipal waste production has slightly decreased. In 2004 the most usual form of waste disposal was land filling (67%), followed by recycling (11.7%) and incineration (10%). The decrease of withdrawal of surface water in 1990-2003 period was 41.3% (European Environmental Agency, 2005).

Despite on the whole positive trends in recent time, governments of the CEE countries have been confronted with some new environmental challenges such as the growth in traffic (since the mid 1990s the increase in freight transport has generally followed the increase of GDP) and increase in consumer waste. However, both of these issues can be constructively addressed within the EU. For almost a decade now the EU has been working on combining different

modes of transport to offer better overall links and for developing alternatives to environmentally damaging road transport; “intermodality” in the jargon of experts. Although intermodal transport represents a small part of goods transported (between 2-4%) it is increasing by about 10% a year (European Commission, 2003). The growth in consumer waste is indicative of economic growth in the CEE region and it can be addressed through full implementation of the *acquis* in this area. Although the *acquis* is not setting targets for limiting waste production it gives progressive solutions to issues such as waste collection and waste treatment.

STRATEGIC CHALLENGES TO COMPLIANCE WITH ACQUIS IN CROATIA¹

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Croatia has been facing the same challenges as the CEE countries during the last few decades. The field of environmental protection is exceptionally demanding with numerous different directives, decrees and regulations which need to be transposed into Croatian legislation and implemented in the period of the next twenty years. Although some steps have already been taken, Croatia needs to make additional efforts in adjusting its legislation as well as capacity building in existing and new institutions to be able to support environmental management at the national, regional and local level. Furthermore, specific knowledge and skills of the employees will be needed for the successful implementation of environmental protection according to the EU standards. An additional problem is changing character of the *acquis*, which in the area of environment is constantly growing, causing problems in harmonization efforts.

International financial institutions have increased their investments into the Croatian environmental sector during the last decade. In the period from 1999 till today the World Bank has invested approximately 40 million euro in the water and waste water sector in the form of loans, and is planning to invest an additional 100 million euro by the year 2012 (World Bank, 2007). Since 2005 until today EBRD has also financed the water and waste water sector in the form of loans in the amount of 17.35 million euro. The investments will continue in the year 2008 to finance the feasibility study for the Istra waste management centre (EBRD, 2007).

¹ This section examines only the financial aspects of Croatian harmonization with the environmental *acquis*. Some other aspects have been addressed in the contribution to this book written by Fredotović et. al.

In the period from 2005 to 2007 the European Commission had invested in the water and waste water sector approximately 31 million euro, out of which 22.5 million euro came from the ISPA fund, while an additional 8.45 was planned from the IPA fund in 2007. During 2006 the European Commission also invested in the waste sector 6 million euro within the scope of the ISPA fund and it was planned to invest 8.4 million euro from the IPA fund in 2007.² The European Commission additionally supported the Croatian environmental sector through several CARDS and PHARE projects, mainly dedicated to institution building and capacity building, horizontal issues (strategic environmental assessment, environmental impact assessment) and transposition of EU environmental directives to Croatian legislation. Furthermore, investments to the environmental sector have been realized through bilateral cooperation and transfer of knowledge and experience from western European countries to Croatia.

The process of harmonization implies significant financial investments, which are estimated at 10 billion euro in the next fifteen to twenty years, expected transition periods included (Vjesnik, 2006). The necessary financial investments and the foreseen period for implementation of the EU's financially heavy environmental directives differ in various strategic documents lately developed in Croatia. For example, according to the National Environmental Action Plan – NEAP (MEPPC, 2002), the total costs for environmental infrastructure projects are estimated at about 6 billion euro for the 10-year programme. Contrary to NEAP, recently developed sectoral strategies and plans estimate much more realistic longer periods of implementation of EU environmental directives (up to 25 years) in certain environmental segments.

The draft Air Sector Implementation Plan covers the 11-year period from 2006–2016. The estimated capital investment costs of 1.2 billion euro include the cost of improving the ambient air quality monitoring, large combustion plants, controlling VOC emissions from petrol storage and distribution installations, controlling VOC emissions from solvent-using applications and modifications to refineries (MEPPC, 2006). The Waste Management Plan covers a 20-year period starting from 2007. The estimated capital investment costs of 350–400 million euro covers the cost of upgrading/establishing landfills for the disposal of municipal solid waste and non-hazardous industrial waste, collection and recycling facilities for particular waste streams using MBT technology (mechanical–biological treatment), and the collection, storage and disposal of hazardous waste, including one incineration facility in Zagreb. Apart from those investments, during the last three years (2004–2007) approximately 200 million euro were invested from public sources in the system for implementation of the waste packing directive

2 This data is obtained from the European Commission for the purpose of implementing the PHARE 2005 project "Developing the Capacity of Environmental Authorities, through Transfer of Best Practice and Training to Support Effective Use of Financial Resources: Environmental Investment and Financing Strategy - Croatia", Ref: 220210/2006/441077/SER/E3.

and approximately 1 billion euro for the closure and remediation of numerous landfills all over Croatia (Official Gazette, 2007, 85/07).

According to the National Strategy on Water Management (still in draft) the total capital expenditure in the water sector during the next 18 years (2005-2023) is estimated to be 3.3 billion euro covering significant reinvestments in the existing system in the first half of the implementation period and intense investment in new system in the second part of the implementation period to meet EU requirements (Hrvatske vode, 2006).

Historical spending from the public sector on the environment in Croatia is 0.65% of the GDP and it will probably stay like that in the future with a different distribution of the available finances through the waste and water sector in the coming years (RC, 2004, 2005, 2006). Notwithstanding the different estimates of necessary financial investments for implementation of the EU's financially heavy environmental directives, it is evident that financial needs will not be met solely from the public sources.

In the future significant finances will be needed from the EU and international financial institutions – WB and EBRD to cover the investment gap. According to the Environment Protection Operational Program 2007-2009, up to 2010 almost 53.5 million euro is planned to be spent on the regional waste management centres and in the water and waste water sector (RC, 2007). Investments will be financed from the IPA programme in the next three years and later through structural and cohesion funds. From the IPA fund in the area of environmental protection Croatia will have at disposal 27 million euros (HINA, 2008). For the IPA fund Croatia will have to ensure co-financing up to an amount of 25% from either domestic public sources or in the form of favourable loans from the WB and EBRD (SDURF, 2007). In the future investments in the air sector will be covered mostly from the private sources e.g. the oil industry.

Lately, the Croatian government is strongly supporting the use of Public-Private Partnership (PPP) as a model for financing bigger infrastructural investments. However, regarding heavy environmental investments such an approach is faced with a high level of risk since private investors usually need additional time to check the project feasibility and to secure the minimum risk for their money. As time is a critical factor in the implementation of EU directives this approach should be studied carefully before starting concrete negotiations with the private partners. There is scarce experience in Croatia related to the PPP and the experiences in the CEE countries related to cooperation of public and private investors in waste and waste water sectors have not always been positive. Furthermore, the EU is demanding co-financing on the regional and local levels which may be problematic due to limited resources.

In the following months, Croatia will have to dedicate its resources to development of all necessary documents, studies and estimations related to harmo-

nization with environmental *acquis*. Furthermore, by providing Best Available Technologies (BAT) it will have to create conditions for implementation of the EU's "heavy" environmental directives, thus protecting the environment for the wellbeing of its citizens.

CONCLUSION

Harmonization with the environmental *acquis* from the CEE countries has called for transposition and implementation of more than 200 directives into their national law as well as major restructuring and building up of their administrative capacities. Through harmonization the previous systems of environmental protection, which suffered from inconsistencies and implementation failures, have been replaced with the new system which is transparent, accountable and much more efficient. The newly established system is based on professionally collected and comparative environmental data provided by the nationally established and independent Environmental Protection Agencies.

From the financial standpoint, environmental harmonization in the CEE countries was quite demanding (the Commission estimated expenses of close to 120 billion euro). The EU has softened this difficult task by providing assistance from its pre-accession funds and by allowing country-specific transition periods for implementation of some of the financially most demanding directives, although financing of harmonization in its major part had to be provided by these countries' own public and private resources. Still, according to some estimates in a medium to long term the overall economic benefits of compliance with the environmental *acquis* will outweigh the costs by at least 18%.

Harmonization with the *acquis* contributed greatly to the clean-up of the CEE countries' heavily polluted environments. The *acquis* in that respect has served as a framework for action. The results are positive and very visible. Today in these countries emissions of almost all polluting substances register a sharp decrease which has had an immediate positive impact on human health. Furthermore, citizens in the CEE countries have benefited from the democratic nature of the EU environmental law and legislation. Harmonization has obliged the CEE countries to pursue the Aarhus Convention on Public Access, Participation in Decision Making and Access to the Courts which granted citizens new rights, while for the public authorities' it imposed obligations regarding access to information, public participation in decision making and access to justice.

Croatia which is now negotiating its accession faces very similar challenges to the CEE countries. Among leading issues the country has to find best solutions for financing harmonization related expenses in the area of the environment,

which are estimated at around 10 billion euro in the upcoming 10-15 years. However, the country will not have to face this challenge alone as it will receive support from the EU funds. Furthermore, it is expected that international financial institutions such as the WB and the EBRD are going to assist Croatia by granting it favourable loans targeted towards the environment sector. Last but not least in Croatia as in the CEE countries more than 50% of all environmentally related expenses are expected to be covered not by the state but by industry. As in the CEE countries the main beneficiaries of the accession process are going to be the citizens who will directly experience the positive impacts of a cleaner and healthier environment.

Among more contested issues related to the accession process in general, and to harmonization in the area of environment in particular; remains the fact that this process results in the adoption of many already formulated rules, in return for which the acceding countries gain the benefits of EU membership. According to Ruth Greenspan Bell one negative impact of such practice is that acceding countries have not been part of the participatory process that is necessary for developing public trust, which, in turn, may be connected with achieving full implementation and compliance (Bell, 2004).

LITERATURE

Ban, A. (2004) Environmental protection: public participation and access to information, in: Ott, K., ed. *Croatian accession to the European Union: institutional challenges: second volume*. Zagreb: Institute of Public Finances, Friedrich Ebert Stiftung.

Bell, R.G. (2004) Further up the learning curve: NGOs from transition to Brussels, in: Carmin, J., Vandevener, S.D., eds. *EU enlargement and the environment: institutional change and environmental policy in Central and Eastern Europe*. Oxford: Taylor & Francis Ltd.

EBRD (2007) *Strategy for Croatia as approved by the Board of Directors at its meeting on 14 May 2007* [online]. London: European Bank for Reconstruction and Development. Available at: <http://www.ebrd.com/about/strategy/country/croatia/strategy.pdf> (05.02.2008)

Ecotec Research and Consulting (2001) *The benefits of compliance with the Environmental Acquis for the Candidate Countries*. Birmingham: ECOTEC Research and Consulting.

European Commission (1998) *Communication on accession strategies for environment: meeting the challenge of enlargement with the candidate countries in Central & Eastern Europe*: COM (1998) 294 final, 20 May 1998. Brussels: European Commission.

European Commission (2001a) *Enlargement of the European Union: an historic opportunity*. Brussels: European Commission, Enlargement Directorate General.

European Commission (2001b) *Communication on the challenge of environmental financing in the candidate countries*: COM (2001) 304 final, 8 June 2001. Brussels: European Commission.

European Commission (2003) *Europe at a crossroads: the need for sustainable transport*. (Series: Europe on the move). Brussels: European Commission: Directorate-General for Press and Communication.

European Council (2001) *Presidency conclusions – Göteborg, 15 and 16 June 2001* [online]. Available at: http://ec.europa.eu/governance/impact/docs/key_docs/goteborg_concl_en.pdf (05.02.2008)

European Environmental Agency (2005) *The European environment: state and outlook 2005*. Copenhagen: European Environmental Agency.

Eurostat (2006) *Statistics of the week: environmental protection expenditure* [online]. Available at: http://epp.eurostat.ec.europa.eu/portal/page?_pageid=2053,68982459&_dad=portal&_schema=PORTAL (10.01.2008)

Fiedler, J., Janiak, P. (2003) *Environmental financing in Central and Eastern Europe 1996-2001*. Szentendre: The Regional Environmental Centre for Central and Eastern Europe.

Gorton, M., Lowe, P., and Zellei, A. (2005) Pre-accession Europeanization: the strategies realignment of the environmental policy systems of Lithuania, Poland and Slovakia towards agricultural pollution in preparation for EU membership. *Sociologia Ruralis*, 45 (3), 202-223.

HINA (2007) RH će za usklađivanje za poglavlje Okoliš trebati 10-11 milijardi eura [online]. Available at: <http://www.eu-pregovori.hr/Default.asp?ru=542&gl=200704100000001&sid=&jezik=1> (06.03.2008)

Hrvatske vode (2006) *Strategija upravljanja vodama – nacrt (Water management strategy, the Republic of Croatia – draft)* [online]. Zagreb: Hrvatske vode. Available at: <http://www.voda.hr/Default.aspx?sec=43> (31.01.2008)

Inglis, K. (2004) Enlargement and the environment acquis. *Review of European Community and International Environmental Law (RECIEL)*, 13 (2), 135-151.

Kordej-DeVilla, Ž. (1999) Environmental policy in countries in transition. *Economic Trends and Economic Policy*, 9(77) 41-70.

Kramer, J.M. (2004) EU Enlargement and the environment: six challenges, in: Carmin, J., Vandever, S.D., eds. *EU enlargement and the environment: institutional change and environmental policy in Central and Eastern Europe*. Oxford: Taylor & Francis Ltd.

Kružiková, E. (2004) EU accession and legal change: accomplishments and challenges in the Czech case, in: Carmin, J., Vandever, S.D., eds. *EU enlargement and the environment: institutional change and environmental policy in Central and Eastern Europe*. Oxford: Taylor & Francis Ltd.

Makuch, Z., MacDonald, K. (2006) Legal transposition and implementation frameworks for Lithuanian approximation of EU environmental law. *European Environmental Law Review*, 15(10), 277-290.

MEPPC, Ministry of Environmental Protection, Physical Planning and Construction (2006) *Air sector implementation plan (draft)*. Zagreb: Ministry of Environmental Protection, Physical Planning and Construction.

MEPPC, Ministry of Environmental Protection, Physical Planning and Construction (2002) *National environmental action plan (NEAP)* [online]. Zagreb: Ministry of Environmental Protection, Physical Planning and Construction. Available at: <http://www.mzopu.hr/default.aspx?ID=4248&Lang=Eng> (06.02.2008)

Official Gazette (2007) *Plan gospodarenja otpadom u Republici Hrvatskoj za razdoblje 2007.-2015.* (Waste management plan of the Republic of Croatia 2007-2015). Official Gazette, 85/07

Pavlínek, P., Pickles, J. (2004) Environmental pasts/environmental futures in post-socialist Europe, in: Carmin, J., Vandevener, S.D., eds. *EU enlargement and the environment: institutional change and environmental policy in Central and Eastern Europe*. Oxford: Taylor & Francis Ltd.

RC, Republic of Croatia (2007) *Environmental operational programme: instrument for pre-accession assistance 2007-2009*, September 2007 [online]. Available at: <http://www.strategija.hr/Default.aspx?sec=2> (05.02.2008)

RC, Republic of Croatia – Central Bureau of Statistics (2004, 2005, 2006) *First releases: investment in environmental protection 2004, 2005, 2006* [online]. Available at: <http://www.dzs.hr> (10.11.2007)

SDURF, Središnji državni ured za razvojnu strategiju i koordinaciju fondova Europske unije (2007) *Instrument pretprištupne pomoći (IPA)*. Zagreb: Središnji državni ured za razvojnu strategiju i koordinaciju fondova Europske unije (SDURF).

UNECE, United Nations Economic Commission for Europe (1998) *Convention on access to information, public participation in decision-making and access to justice in environmental matters* [online]. Available at: <http://www.unece.org/env/pp/> (05.02.2008)

Vlašić, I., Vlašić-Feketija, M. (2006) The importance of environmental protection: Croatia in the European Union accession process, in: Ott, K., ed. *Croatian accession to the European Union: the challenges of participation*. Zagreb: Institute of Public Finances, Friedrich Ebert Stiftung.

Vjesnik (2006) Intervju državnog tajnika za zaštitu okoliša i glavnog pregovarača za okoliš i energetiku. *Vjesnik*, 10. lipnja.

Von Homeyer, I. (2004) Differential effects of enlargement on EU environmental governance, in: Carmin, J., Vandevener, S.D., eds. *EU enlargement and the environment: institutional change and environmental policy in Central and Eastern Europe*. Oxford: Taylor & Francis Ltd.

The World Bank (2007) *Croatia and the World Bank: project portfolio as of May 2007* [online]. Available at: http://siteresources.worldbank.org/INTCROATIA/Resources/Project_Portfolio_May_07.pdf (05.02.2008)

Chapter IV

Consumer Protection and Food Safety

RE-ORGANISATION
OF FOOD SAFETY
SYSTEM AND FUTURE
CHALLENGES FOR
IRELAND

Thomas Quigley

ABSTRACT

Food safety policy in Ireland has developed rapidly since 1997 following the BSE scares throughout Europe. The Irish food safety policy takes its lead from developments at EU level. Since 1997 Ireland has quickly implemented major structural reforms and invested significant resources in food safety not only to protect consumers but also to ensure the future of the strong agri-food industry in Ireland. A single regulatory agency, the Food Safety Authority of Ireland was established in 1998. The Authority is unique in that it enforces and monitors food safety legislation and standards using external agencies through service agreements. The Authority relies on an expert staff and a Scientific Committee for advice on policy and practices. The credibility of the Authority has been developed by the use of its science-based precautionary approach utilizing a Scientific Committee and an expert staff. Another food safety agency, safefood, undertakes evidence-based media and Public Relations campaigns to foster confidence among consumers about food and food safety practices. The key challenge for the future is to maintain this commitment to give pride of place to consumer protection and consumer health.

Key words:

food safety, regulatory agencies, reform, administrative impacts, EU membership

FOOD SAFETY CRISES LEADS TO EU CRISES

Rethinking European Food Safety Policy

For many years Irish consumers had been warned about food safety issues including the dangers of using unpasteurized milk, the need for proper hygiene in the home, and the necessity of proper cooking to ensure food safety. However, it was not until the UK government announced in March 1996 that there was scientific evidence of a possible link between the animal disease BSE and the human disease CJD that food safety was taken seriously at a political level within not only Ireland but also the rest of Europe. This BSE crisis sparked off a remarkable chain of events within the European Union and pushed food safety to the top of the political agenda in all member states.

As soon as the announcement on BSE was made by the UK authorities, the European Commission banned the export of beef and beef products from the UK to the rest of EU and to third countries. The crisis not only impacted the UK but it led to a fundamental re-think of European food safety policy. The crisis was compounded in 1996 by the most serious outbreak of E.coli O157 H:7 infection ever recorded in the UK in which 21 elderly people died in a Scottish nursing home as a result of eating meat contaminated with the bacterium.

With the BSE crisis in 1996 a Eurobarometer survey of that year showed that there was a complete collapse of confidence by European citizens in the ability of public authorities at every level - European, national, regional and local – to provide adequate assurances on food safety or even to give honest and accurate information (Eurobarometer 46, 1997).

The EU Parliament immediately established a Committee of Inquiry, which published a report in February 1997 (Ortega, 1997). It was a damning report that questioned the Commission's handling of the whole affair in the years leading up to the crisis. It suggested that the Commission had (a) put the interests of producers and trade before public health, (b) not informed Community institutions or the European public properly about all the issues, and (c) had generally handled the situation badly.

In response Jacques Santer, then President of the Commission, set out a programme of major reforms to tackle the weaknesses identified in the report of the Committee of Inquiry which ultimately fed the White Paper on Food Safety (European Commission, 2000). The White Paper defined a new EU food strategy that has now largely been put in place. It was based on three main proposals:

- a programme of over 80 separate legal measures would be introduced to bring “farm to table” coherence to EU legislation on food safety;

- a new European Food Safety Authority would be set up separate from the Commission to provide scientific advice on food safety and to inform consumers on actual or potential food safety risks;
- a new approach to the enforcement of EU law on food safety would be introduced. The White Paper acknowledged that the existing system lacks coherence. The respective responsibilities of economic operators (farmers, producers, retailers, importers), governments (local, regional, national) and the Commission were confused, often overlapped and in some instances were contradictory. The Commission would put forward proposals for a new enforcement framework where respective responsibilities for implementing food safety would be clearly laid down and clear sanctions provided for where the law is not respected.

However, as far back as 1997 Santer's Commission re-assigned the food safety brief from the Commissioner for Agriculture to the then Commissioner for Consumer Affairs. In April 1997, the staff responsible for monitoring the implementation by Member States of food safety legislation in the Directorates General for Agriculture and for Industrial Policy was transferred to the Directorate General for Consumer Affairs. Prior to this, there had been almost no link between the activities of these two Commission services.

Despite the organizational changes at EU level, scepticism remained and food scares continued. The number of BSE cases mounted in the UK, Portugal and Ireland. A beef export ban was imposed on Portugal in 1998. A serious dioxin scare occurred in Belgium in 1999 and led to the resignation of two government ministers. Ultimately, in early 1999, Jacques Santer was forced to announce his resignation and with him the whole Commission, without however having first laid the foundations of the White Paper on Food Safety and provided a model for food safety reform for Member States.

Irish Food Safety Drivers

The EU responses to the food safety crises in 1996, 1997 and 2000 immediately led to actions in Ireland. The implementers of food safety legislation in Ireland, like the EU Commission, generally operated quite separately. The Department (Government Ministry) of Agriculture normally dealt with veterinary and phytosanitary legislation, while the Department of Health dealt with other food safety legislation. The food safety system was fragmented across government Departments with the concomitant dispersal of responsibilities.

With the European food safety crisis Ireland acted swiftly. It took its lead from discussions at European level and did not wait for EU Commission regulation. A strong food safety system was regarded as critical for Ireland's economy and its competitiveness. It was also clear that consolidation was needed not

only for public health reasons but particularly for the regaining of consumer confidence.

The food and drink industry is one of Ireland's largest indigenous manufacturing sectors employing approximately 50,000 in direct jobs and considerably more when indirect jobs in farms, the supply industry and services are taken into account. In 2006 the overall agri-food sector accounted for almost 9% of GDP and total employment, 18% of industrial jobs and a fifth of the net flow of foreign earnings associated with exports. Analysis using conventional means such as Gross Domestic Product actually understates the contribution of the agri-food sector. The low import content level, a strong degree of internal linkage with the rest of the economy and considerably lower profit repatriation means that the food and drinks sector provides a greater domestic impact than many other foreign-owned companies involved in the manufacturing sector. In terms of indigenous industry the food and drinks sector accounts for 62% of exports and 40% of employment (Department of Agriculture, Fisheries and Food, 2006).

As was seen with the UK BSE crises, any serious outbreak of a foodborne illness could effectively close many export markets, thereby depriving Ireland of foreign trade. Furthermore, Irish exports could decline, even without a major outbreak, if trading partners lost confidence in the Irish food safety system and thus in the safety of Irish food. Ireland's economy also depends heavily on tourism. To the extent that outbreaks of foodborne illnesses, or the threat of outbreaks, dampen tourism, serious economic harm could follow.

Thus it becomes clear that besides the public health need the economic drivers for the assurance of food safety are not understated in Ireland. A domestic food market worth 7 billion euro, which is expanding in line with the increase in population and affluence, is characterised by diverse and sophisticated consumer demand. The potential markets for Irish food products that are capable of meeting consumers' increasing demands for safety, quality, well-being, convenience, value and indulgence foods are significant and are increasing year on year. There are many opportunities available to the sector including a 250 billion euro market in the UK; a wider Continental EU market worth in excess of 1,000 billion euro and emerging opportunities in Asia and the US (Department of Agriculture, Fisheries and Food, 2006).

Irish Food Safety Policy until 1997

At the time of the BSE crisis in 1996, there was in reality no explicit Irish policy on food safety and indeed no explicit EU one either. Irish and Community food law had developed piecemeal over 40 years often in response to unforeseen decisions of the law courts or in response to food safety or animal health crises.

There was no single text setting out basic principles and clearly defining the obligations and standards to be applied.

At EU level the Common Agricultural Policy (CAP) and the Internal Market Policy were focussed on production and trade and this was no less the case in Ireland. Thus producers rather than consumers were the principal focus of attention. Food safety and public health considerations were generally secondary to the needs of agricultural and industrial policy. Health and consumer interests were taken into account only to the extent that was necessary to allow trade to exist and a real common market within the EU.

The Emergence of a New Irish Food Safety Policy

At the time of the BSE crisis in 1996, there was in reality no explicit EU or Irish policy on food safety. The original EC Treaty in 1957 did not provide specifically for the establishment of a common food policy or public health policy in the same way as it provided, for example, for a common agricultural policy or a common transport policy. Public health was mentioned only as an exception to the requirement to establish a common market by eliminating barriers to the free movement of goods.

The Single European Act of 1987 modifying for the first time the EC Treaty of 1957, allowed harmonization measures to be adopted by qualified majority. By the target date of 1992 some 300 proposals presented by the Commission were adopted by the Council, many of them on food matters.

Community food law had thus developed piecemeal over 40 years often in response to unforeseen decisions of the Court of Justice or in response to food safety or animal health crises. There was no single text setting out basic principles and clearly defining the obligations and standards to be applied.

If the BSE crisis was the spark that ignited an overhaul of EU and member states' food safety policy, it was the speech by Jacques Santer, then President of the Commission, to the European Parliament in Strasbourg on 18 February 1997 that signalled that radical change was on the way (Santer, 1997). He called for the establishment of an EU food policy "*which gives pride of place to consumer protection and consumer health*". This speech marked the beginning of a reform of the EU and ultimately led to the focus on the Consumer in EU policy from 2000 onwards.

Irish representatives in Brussels had been keeping a close watch on EU discussions and developments on food safety policy since 1996. Thereby Ireland was able to anticipate food safety policy reform, enact it and implement it before the machinery of the Commission decisions making could be put in place. Irish food safety policy had thus been able to progress steadily even before the publication of the EU White Paper in 2000 (European Commission, 2000).

The food safety reforms which took place in Ireland included:

- changes in the administrative structures to bring food safety policy under the responsibility of a single agency that had the interests of consumers as a first priority;
- reform of the system of scientific advice;
- changes to monitoring the application and enforcement of the law;
- reform of the food law at EU level.

Irish Food Safety System Re-organization

Food Safety Authority of Ireland

In April 1997, the EU implemented a major re-organization of the Commission's services. The responsibility for monitoring the implementation of food safety legislation and for providing scientific advice, hitherto jointly shared was transferred to the then Commissioner for Consumer Affairs. Two years later, however, the legislative function on food safety was also transferred to the Health and Consumer Protection Commissioner.

Hot on the heels of this 1997 EU reorganization the Irish government established a start-up group - the Food Safety Authority - on January 1, 1998, and enacted legislation to create the Authority on July 2, 1998 (FSAI, 1998a). The Authority assumed full control of the food safety system on January 1, 1999.

The legislation, the Food Safety Authority Act 1998, established the Authority as independent and science-based. Under the FSAI Act 1998 the principal functions of the Authority is to be to take all reasonable steps to ensure that food produced, distributed or marketed in the State meets the highest standards of food safety and hygiene reasonably available and it is to ensure that such food complies with food legislation in respect of food safety and with the provisions of generally recognized standards or codes of good practice aimed at ensuring the achievement of high standards of food hygiene and food safety (FSAI, 1998a, part II of the Act).

It was initially believed that the Authority should be directly accountable for all food safety functions. The Government envisioned an Authority that would take over all functions related to food safety and food hygiene from existing agencies, providing consumers with protection from illnesses related to unsafe food.

Original plans for creating the Authority therefore included transferring all relevant staff to the new agency. However, personnel issues precluded the wholesale transferring of staff to the new Authority. Approximately, 2,300 staff, spread across the 50-plus agencies delivered food safety services throughout the country. It is common for such staff to have other duties, in addition to food safety responsibilities. Officials found it impossible under these circumstances

to transfer “food safety” personnel to the Authority without disrupting other, sometimes unrelated, programmes.

The solution was to have the Authority and existing agencies, called Official Agencies, enter into contractual agreements, called “Service Contracts,” which specify the food safety activities. These contracts outline an agreed level and standard of food safety activity that the agencies perform as agents of the Authority (FSAI, 1998b, section 48). Under a service contract any official agency carrying out food safety functions acts on behalf of and as an agent for the Authority. There are 38 agencies with which the FSAI has service contracts and these include the departments of Agriculture, Health and Marine, the Health Service Executive and Local Authorities. The Authority’s enforcement responsibilities are now carried out through these service contracts. The service contracts are designed to harmonize the role of control services and integrate controls across the entire food and feed chain. They include performance objectives that the Authority wants the agencies to meet, as well as the time frame within which they should be met. There are details on the inspection, approval, licensing, and registration of food premises and equipment and laboratory analysis. The first three-year contracts took effect in March 1999 and have since twice been renewed and developed.

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The service contracts model has improved the efficiency of Irish controls through harmonization and integration of the role of control services as well as through the introduction of performance criteria. There is now a better definition of tasks and more consistency in inspections and audits across the entire food and feed chain.

The Authority publishes the details of the service contracts and has introduced a system to audit agencies’ compliance. If agencies do not satisfactorily perform their agreed-upon responsibilities, the Authority is to report to the Minister for Health and Children, who will arrange for such reports to be sent to Parliament. The largest agencies with which the FSAI has service contracts include Health Service Executive, the Department of Agriculture and Food and the Department of the Marine (FSAI, 2006).

The Authority’s organizational structure includes the Board, a Scientific Committee, a Consultative Council, and a Chief Executive with staff reporting to the Chief Executive. There are 90 staff to coordinate about 2,300 external agency staff performing the food safety inspections and other activities through the service agreements. The Authority is divided into six divisions. A Service Contracts Division ensures contract agreements are in place while the role of another division, the Audit and Compliance Division is to audit the agencies delivering against the food safety contractual objectives. The other divisions carry out scientific assessments, develop guidelines and stakeholder information and provide administrative backup.

The 10-member Board provides strategic direction for the Authority, acting as a forum in which the work of its various structural elements is harmonized. The Board is independent and to help ensure that the Authority maintains a consumer protection focus, food industry representatives are precluded from serving on the Board. The Chief Executive reports to the Board and is ultimately responsible for the implementation of policies and the achievement of the Authority's goals.

For the fiscal year 2006, the Food Safety Authority of Ireland had a budget of about 17.5 million euro from central government funds channelled through the Department of Health. The Authority has a strong technical staff complement of over 80 personnel. In excess of 5 million euro is required to cover staff costs and 5.5 million euro covers all other operating costs. 7 million euro was transferred to the local authority veterinary services which primarily monitor meat plants producing for the domestic market (FSAI, 2006). The Local Government Veterinary Service continued to be discharged by local authorities (33 in all) but the funding for the service was channelled through the Department of Health & Children and the Food Safety Authority of Ireland. Previously the Department of Agriculture & Food had funded the service.

The funding arrangements for food control services through the contracted official agencies continue to be appropriations from Parliament directly to the agencies. However, these agencies must ensure that sufficient resources are available to meet their service contract obligations. With the establishment of the FSAI, resources for monitoring and inspection were substantially increased. First, food safety services and budgets within government departments and agencies were ring-fenced and substantial training programmes undertaken. The number of inspectors allocated to food safety monitoring and enforcement has been significantly increased. Secondly there was a substantial increase in the number of staff employed by the FSAI.

Consultative Council

The FSAI Board receives advice from the Consultative Council - a body that includes consumers as well as food industry representatives. The Council has 24 members, 12 appointed by the Department of Health and Children and 12 by the FSAI Board. The Food Safety Consultative Council acts as a forum for debate on food safety issues and provides advice to the FSAI Board on areas of relevance. The Consultative Council meets quarterly, and through the course of its meetings examines segments of the food chain, from farm to fork, to review the food safety initiatives already in place and those required to ensure consumers' interests are to the forefront. The Consultative Council is primarily a vehicle for consumers and industry to provide input to the agenda of the FSAI.

Although the Authority has as its main function an enforcement role, it also fosters a food safety culture at all stages of the food chain, from production to final

use by the consumer. In line with EU legislation one of the Authority's key objectives is to bring about acceptance of the notion that the primary responsibility for food safety rests with the food industry and consumers, not the government. The authority achieves this through engagement with industry in the development of guidelines, Quality Assurance schemes and the provision of training. However, a key motivational tool for industry compliance and the maintenance of standards is the publication of legal infringements on the Authority's website. There is keen media interest in this site which further acts to stimulate industry to remain outside the public eye with regard to negative publicity.

Reform of Scientific Advice

To aid the FSAI in risk analysis, which underpins risk management decisions, a Scientific Committee was established in 2000 in accordance with Article 34 of the Food Safety Authority of Ireland Act, 1998. The FSAI is legally obliged to base its opinions on scientific grounds and to develop food standards on the basis of the best, most up-to-date scientific advice available. The Board cannot act on any matter it has referred to the Scientific Committee until the Board has received advice from the Scientific Committee.

The Scientific Committee has 15 members, appointed by the Minister for Health and Children, and all have eminent scientific qualifications and experience to ensure the broadest possible range of expertise. The scientists, from a variety of disciplines, working on the Committee are as yet not remunerated.

The Scientific Committee has been crucial for the credibility of the FSAI. Because of its independence and evidence-based approach the Committee has a major influence on policy decisions of the FSAI, including advice on the implementation and administration of food inspection services and on the nutritional value of food. It also provides clarity on scientific and technical issues relating to food safety and hygiene and the FSAI will often refer issues where there is a conflict of evidence or policy for its objective advice. In addition to advising the FSAI, the Scientific Committee also provides overall strategic direction to its Sub-committees (of which there are five) and approves their work programmes. In practice, food safety issues can require specific knowledge and it is frequently appropriate to form a Sub-committee of experts to address specific scientific tasks. As of January 2007, the Committee had the assistance of 75 scientists involved in 5 subcommittees and 10 working groups.

Official Agencies

In brief the role of the Health Service Executive is to oversee the control of hygiene in catering and retail and in manufacturers of products of non-animal origin. Environmental health officers, 430 full time equivalents (FTEs), supervise over 45000 premises and implement measures to safeguard against contaminants. The HSE is also responsible for investigating food-borne illness outbreaks

(environmental health officers in conjunction with public health doctors (20 FTEs), and laboratory staff (160 FTEs).

The Department of Agriculture and Food, employing over 540 FTEs on food safety issues, is responsible for over 800 establishments licensed for export and involved in production of meat, milk and eggs. The department is also responsible for imported foods of animal origin at Border Inspection Posts, the National Residue Control Plan and the Pesticide Residue Monitoring Programme.

A separate Government department, the Department of the Marine, supervises standards of fish hygiene. Sea Fisheries Officers (75 FTEs) supervise on board fishing vessels (~1,600), fish auction halls (9), fish and fishery products processing plants (197) and monitor shellfish processing and production areas.

The personnel in these external agencies undertake a range of tasks other than food safety monitoring, however, the resources devoted to food safety are ring-fenced in the service contract and this information is used to determine the full-time equivalents dedicated to food safety issues within agencies.

Food Safety Promotion Board (safefood)

In the Republic of Ireland there are two food safety agencies, namely the FSAI and *safefood*. The island of Ireland is divided into two jurisdictions, the Republic of Ireland and Northern Ireland, the latter is a region of the UK. As part of the peace process the British and Irish Governments in 1999 established a food safety promotion agency for the entire island of Ireland with sole responsibility for the promotion of food safety north and south of the Border. The establishing legislation is the British-Irish Agreement Act, 1999 (Food Safety Promotion Board, 1999). This agency, now called *safefood*, has an Advisory Board and a Scientific Committee and their members are appointed by the Departments of Health. It has an annual budget of approximately 10 million euro with a staff of 30.

Safefood carries out research and scientific assessment as well as promoting scientific cooperation. However, its key role is to promote food safety. It works in cooperation with the FSAI and complements the work of the FSAI in the Republic of Ireland.

Safefood has concentrated on bringing about a culture of food safety among consumers and industry. It has engaged in major public awareness campaigns and has provided evidenced based advice and guidance in relation to food safety and nutrition on the island. The agency has a consumer helpline. It publishes and widely disseminates guidance material for the general public.

An annual communications budget of approximately 3 million euro is utilized in delivery TV, Radio and PR campaigns. Recent campaigns include *Speak Out*, which enables consumers to make complaints in the event of poor practice, *Superfoods*, which promotes the use of non processed foods and *Salt Awareness*, aimed at industry canteens to reduce the level of salt intake. All the aware-

ness campaigns are available on the *safefood* website (Food Safety Promotion Board, 2008).

Through the campaigns *safefood* focuses on maintaining confidence in the food supply and bringing a public health focus to underpin food production and processing. These campaigns are based on scientific evidence and where gaps in knowledge are identified research is carried to support the awareness-building campaigns. Due to the success of major media and public awareness campaigns *safefood* is now regarded by consumers as the most credible agency delivering food safety on the island of Ireland.

Safefood also produces resource material for educational settings and is developing links with the educational sector. Schools are settings in which children and young people eat and learn about food and where food safety and nutrition concepts can be developed. The school and its curriculum, therefore, provide opportunities for children and young people to appreciate the importance of food for health. *Safefood* plays a major role in working with the key partners to develop food safety and nutrition skills and practices.

FUTURE CHALLENGES FOR IRELAND

In the late 1990's EU and Irish policy on food safety progressed in the shadow of the BSE crisis in 1996. In recent years, as the memory and immediacy of this crisis has receded, the EU institutions and Ireland have been given the space to put in place a strategic framework and a body of EU laws that should help to avoid the kind of damaging effects that followed the 1996 crisis. The package of legislation introduced under the EU Food Safety White Paper programme, has provided the framework for this at EU and member state levels. The main task now will be to make the new policy work in practice. What will be the main challenges facing decision makers in doing this?

Future crises. Future crises will test how robust the new EU food safety architecture really is. And it is inevitable there will be future crises. While nothing has matched the scale and intensity of the BSE crisis in 1996, there have been numerous other food safety and animal health scares to remind us of the constant need for vigilance; dioxin in Belgium in 1999, the foot and mouth crisis in the UK in 2000, SARS in China in 2003, TSE in goats in France in 2004, the preoccupation with Avian influenza and the potential related threat of a flu pandemic; and the recent detection of traces of banned GM in EU imports of rice from USA. An idea of the range of problems that have to be dealt with can be gained from a review of Alert notifications issued in Ireland (FSAI, 2007). Moreover, although the focus in the past has been on accidental crises, increasingly attention will

probably be given to possible security threats through deliberate manipulation and contamination of the food chain.

Political will. Laws and regulations are of little use unless they are effectively implemented and enforced. The emphasis over the next decade will be on implementation of the new food safety legal framework specifically the Hygiene Package. At times this will call for tough enforcement. Will there be the agency and or political will to take strong action when needed?

What augurs well in this regard is the strong position the Irish government has taken in relation to the control and prevention of food and mouth disease outbreak in 2002 and to the threats posed by the avian influenza.

Better information. Policy making in the Ireland still lacks the support of a well organized, integrated and consistent set of information on the incidence, causes and sources of food borne illness. Achieving this across a number of agencies with widely different administrative systems is proving difficult. There is also much to be done by the scientific community to help us understand the chronic effects of the build-up in the use of veterinary medicines, pesticides, additives and natural toxins in the food chain. The Food Safety Authority of Ireland and the European Food Safety Authority at European level have the main responsibilities for delivering this information. It not only takes resources to collate such information but it first and foremost requires determination to do so.

More or less regulation? One of the main themes of the current Irish Government is the need to boost the competitiveness of the Irish economy. Despite the adoption of the Lisbon Agenda by EU Heads of State in March 2000, the EU lags seriously behind the United States and Japan in competitiveness and economic growth (European Council, 2000). A recurring theme in the debate about competitiveness is whether there is over-regulation in the EU, arising partly from too many detailed rules and regulations coming from Brussels, including on food safety. Will this mean that there will be a rolling back of some food safety requirements? Probably not; legislators generally find it difficult to repeal legislation.

More or less enforcement? Consumer demand, public accountability and government credibility requires strong enforcement and good oversight. However, the efficacy of policing every element of the food chain is questionable. The current approach is to put the onus of the food producer to ensure the safety of the food. This proposes a balanced combination of "hard" enforcement (e.g. taking offenders to Court) and "soft" enforcement which involves more dialogue and information exchange with industry. Various training initiatives and scientific working groups with industry representation are interesting examples of soft enforcement in action. It will be interesting to see how this will develop over the coming years to complement other more direct enforcement measures normally deployed in the food sector area.

Public regulation or self-regulation? Linked to this question is the issue of where the dividing line should be drawn between public oversight and self-regulation by industry itself. The Irish tax payers invest very substantial resources in public authorities and facilities to monitor and enforce laws on food safety, animal health and plant health. As they struggle to cut or redirect public expenditure in line with the competitiveness agenda, increasingly the question is asked can industry itself not be relied on more to ensure compliance with food safety rules? Previous experience would warrant a degree of scepticism.

The battle between consumer and producer interests. There has always been a basic tension in food safety policy between the interests of consumers and those of industry (including agricultural producers). Are we concerned with economics or human welfare? In one sense this debate has been settled at least in institutional terms. Food safety is now firmly located within the portfolio of the Health. But it is inevitable that the basic tension will remain and the relative weight of the arguments of consumers and producers will hinge on the political view as to whether health and welfare or economic concerns are the most important.

An interesting development, in this context, was the appointment earlier this year, 2008, of the members of Advisory Board of *safe food*, the Food Safety Promotion Board. It is interesting to note the balance of membership of this Group. It is dominated by producers and restaurateurs; representation from the consumer side or public health is absent. It poses a question: what happened to commitment to place the consumer interests at the centre of food safety policy?

An enlarged EU and Globalization. The diversity of consumption, production and trade patterns of a much larger and more diverse group of Member States adds considerably to the complexity of dealing with food safety issues. Recent difficulties in trade relations between Poland and Russia are one example. Globalization of the food chain is increasing steadily, although the EU is still largely self-sufficient in most food with the exception of fish, feeding stuffs, fruit and vegetables and tropical foods. As low-cost countries outside the EU (both developing and developed) push for more access to EU markets, the choice between the need for health protection, on the one hand, and the promotion of trade and development, on the other, comes into sharper relief. Since science cannot give the kind of certainty that risk managers need or would like, the balance between the two conflicting forces for trade or protection is often left to be settled on the basis of much wider political considerations.

CONCLUSION

Over the past ten years Ireland has completed a root and branch reform of its food safety policy. A single regulatory agency, the FSAI, which is independent with a public health focus has been established. Another agency, *safe food*, has been established to promote food safety awareness and culture. The FSAI enforces food safety legislation through service contracts with a number of official agencies. Total public expenditure on food safety oversight by public authorities is well in excess of the 25 million euro which is allocated to the Food Safety Authority of Ireland and *safe food*. The amount of expenditure by the other 38 external agencies is unavailable but it must be substantial as over 2300 professionals are involved in food safety monitoring and enforcement in these agencies.

The two food safety agencies have successfully established food safety as a priority among producers and consumers. The credibility of these agencies has been established due to their consumer and public health focus and their evidence-based approach. The use of scientific committees to seek advice on policies and practices has been critical in rebuilding confidence in the Irish consumer. The changes that have been introduced represent the biggest step forward in the development of food safety policy since the State was founded almost 90 years ago. The next decade will be a test of how robust and effective the new framework will prove to be. It will also be a test of the commitment to “give pride of place to consumer protection and consumer health” in Irish food policy.

The credibility of the safety of the food supply will be critical in the New Europe as well as among discerning consumers at home. The legislative framework has been put in place at European level and Croatia will benefit from a less complex and a well tested regulatory framework at EU level. Given Croatia's similarities to Ireland – small landmass, four million population, strong agri-food industry there may be lessons to be learned from Ireland. Demonstration of the independence and transparency of the Croatian Food Agency should be the priority. Strong engagement with the media and consumer advocacy groups could assist this.

The success of the food safety reforms in Ireland has been in establishing an agency that has put public health rather than agriculture production in pride of place. The Croatian food safety system in its development stages has the opportunity to put consumers and consumer health as its *raison d'être*. The system needs to be seen to be the champion of the consumer.

In Ireland the Scientific Committee structure was reformed to ensure a strong public health focus and a commitment to publication and transparency in its operations. The Irish food safety system is required to seek this Committee's advice. A similar reform of the Croatian food safety may also help ensure the credibility of the Croatian food safety regulatory system.

In order to ensure a farm-to-fork approach substantial resources will also have to be committed to both regulation and awareness building. Regulation alone cannot guarantee compliance but the promotion of food safety among consumers and the industry will also help develop an appropriate culture of food safety.

LITERATURE

Department of Agriculture, Fisheries and Food (2006) *AgriVision 2015 action plan* [online]. Dublin: Department of Agriculture, Fisheries and Food. Available at: <http://www.agriculture.gov.ie/publicat/publications2006/AgriVision2015.pdf> (07.02.2008)

Eurobarometer (1997) 46: Public opinion in the European Union: first results, fieldwork October - November 1996, Brussels, May 1997.

European Commission (2000) *White Paper on food safety: COM (1999) 719 final*, 12 January [online]. Brussels: European Commission. Available at: http://ec.europa.eu/dgs/health_consumer/library/pub/pub06_en.pdf (07.02.2008)

European Council (2000) *Lisbon European Council 23 and 24 March 2000: presidency conclusions* [online]. Available at: http://www.europarl.europa.eu/summits/lis1_en.htm (07.02.2008)

FSAI, Food Safety Authority of Ireland (2006) *Food safety authority of Ireland: annual report 2006* [online]. Available at: http://www.fsai.ie/about/reports/fsai_ar_2006.pdf (07.02.2008)

FSAI, Food Safety Authority of Ireland (1998) *Food safety authority of Ireland act 1998* [online]. FSAI and Related Legislation, 29/1998. Available at: http://www.fsai.ie/legislation/related/about_legislation_act1998.asp (07.02.2008)

FSAI, Food Safety Authority of Ireland (1998) *Food safety authority of Ireland act: service contracts* [online]. Available at: http://www.fsai.ie/legislation/related/about_legislation_act1998.asp#service_contracts (07.02.2008)

FSAI, Food Safety Authority of Ireland (2007) *Archive alert communications, 2007* [online]. Available at: <http://www.fsai.ie/alerts/archive/index.asp> (07.02.2008)

Food Safety Promotion Board (1999) *British-Irish agreement act 1999* [online]. Available at: <http://www.irlgov.ie/bills28/acts/1999/a199.pdf> (07.02.2008)

Food Safety Promotion Board (2008) *SafeFood* [online]. Available at: <http://www.safe-food.eu> (07.02.2008)

Ortega, M. (1997) *Report of the EP temporary committee of inquiry into BSE* [online]. Available at: http://www.europarl.eu.int/conferences/bse/a4002097_en.html

Santer, J. (1997) *Speech by Jacques Santer to the European Parliament* [online]. Available at: <http://europa.eu.int/en/comm/js/js180297en.htm>

PROGRESSIVE IMPACTS OF EU ACCESSION ON FOOD SAFETY - CROATIAN VIEWS

Boris Antunović

ABSTRACT

Croatia, as the acceding country, is preparing itself for entering into the EU food market with 100 times higher number of inhabitants, characterized by the free movement of goods and high level of transparency and consumers' protection. It has to harmonize with the EU food safety system which is based on integral horizontal approach, connection and enforcement of all the elements of the food producing system by introducing "from farm to fork" approach. Furthermore, the acquis in the field of food safety, veterinary and phytosanitary legislation requires inspection and control bodies to be upgraded as regards procedures, technical equipment and facilities, as well as staff training and staff numbers. Clear responsibilities with clear chains of command of risk management institutions, together with independently carried out risk assessment tasks from newly established Croatian Food Agency, will form the system where consumers' interests are going to be highly respected. Thus, the process of EU accession is considered as a great opportunity for Croatia to become a part of progressive globalization directed implementation of higher food safety standards on the benefit to all consumers.

Key words:

food safety, consumer protection, risk management, veterinary and phytosanitary policy, EU accession, regulatory agencies

INTRODUCTION

The interest of the European Commission in the negotiation process with acceding countries is to protect an integrated approach to food safety, aiming to assure a high level of food safety, animal health, animal welfare and plant health through coherent *farm-to-table* measures and adequate monitoring, while keeping the effective functioning of the internal market.

On the other side, Croatia has the leading interest of raising health standards for Croatian consumers by implementing these progressive EU measures and increasing its competitiveness on the EU market. Croatia is entering a global food market with a 100 times higher number of inhabitants, characterized by the free movement of goods and a high level of transparency and consumer protection. Therefore, it is important for Croatia:

- to be recognized by the other EU countries as a country that produces safe food;
- that the Croatian food-producing brands create an image of trustworthiness on the EU market;
- that all tourists coming to Croatia can be sure they can eat safe food.

All these changes are considered challenging both for Croatia and the EU and are seen as the opportunity to upgrade the food safety system with modern principles based on better consumer protection (Antunović et al., 2006).

TRADITIONAL VALUES OF CROATIAN FOOD PRODUCTION FOR THE EU MARKET

The Croatia's geographical position, with a mixture of continental and Mediterranean climate, mountainous terrain and plains, has given favourable conditions for varied food production; from primary production of wheat, maize and sugar beet, through the great tradition in the production of vines and a variety of vegetables and fruits, to the highly finished food products. Animal husbandry has its own place in Croatian culture too, mainly in the breeding of dairy cows, heifers, pigs and poultry. Out of a total of 3.15 million hectares of land, 2 million have been cultivated. A low level of pollution has also enabled the recent development of sustainable production, which has increased in the last four years by more than 300%. Croatian food has been well known for being produced with special attention to preserving the benefits of traditional producing values, combined with industrial development and implementation of all up-to-date processing principles.

According to the recent Croatian Food Agency (CFA) surveys, most Croatian consumers do have confidence in domestic food production and prefer to buy domestic food. The annual income of the average Croatian consumer represents 68% of the average income of an EU27 consumer (CBS, 2007). Because of that, Croatian consumers have to spend a higher percentage of their income on necessities of life such as food compared with the average EU27 consumers (32.0% against 12.7%, respectively, GfK, 2008). Based on the experiences of the new EU member states, this difference is expected to decrease after Croatian accession to the EU due to the expected increase of annual incomes of Croatian inhabitants.

Globalization in the food trade has already changed even the shopping habits in Croatia, as 75% of Croatian consumers prefer buying food in big supermarkets (GfK, 2007a). This also points to the change in the scale of importance in food safety for certain food distributors.

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Food safety has always been considered in Croatia as one of the priority issues to protect the health of domestic consumers, as well as of the numerous tourists who travel mainly to Croatian coast. Outbreaks of food poisoning have been rare, even during the war period in Croatia (1991-1995). According to the CFA annual reports (CFA, 2006), every year nearly 100,000 results from official and private monitoring of food are obtained in the laboratories, with a relatively low percentage of samples found to be unsuitable for the market or unsafe. With its 4.6 millions inhabitants, Croatia annually registers fewer than 10,000 food poisonings, and fewer than 100 epidemics, mostly registered as family outbreaks. However, it has to be calculated that the numbers of registered poisonings should be considered only as indicators of realistic parameters. More exact numbers can be estimated, monitored and balanced by implementing proper risk management decisions in the best way by implementation of the new FAO/WHO approach to food safety known as the risk analysis paradigm (WHO, 1995).

It is well known that food-borne pathogens cause millions of cases of human illness and thousands of deaths world-wide every year. It is not only the safety of food that should be considered in order to prevent food-borne diseases. Nutritional values and nutrition are in recent times taken in consideration as parameters that can significantly influence the health status of the population, an approach in which the European Food Safety Authority (EFSA), as the basic food safety institution, is included.

It has been estimated by the Croatian National Public Health Institute (CNPPI) that 27,000 people in Croatia die annually from circulation and coronary diseases. The reason for this could be found in the fact that every second Croatian is overweight, which puts us in the fourth place in Europe. According to the results of an independent survey (SCG, 2007), 72% of Croatians are aware of the fact that high consumption of fat-rich meat combined with low consump-

tion of cereals, fruits and vegetables contributes significantly to this number of diseases.

TOWARDS NEW EU SAFETY RULES IN CROATIA

Shifts in the EU Food Safety System

The extensions of the EU in the different phases of its history, especially the latest ones in 2004 and 2007, have created a huge and single food market, giving national governments the task of ensuring that their food will not have a negative influence on EU food safety in general. Bearing in mind that the EU today has a population of 493 million inhabitants with different cultures, religions, eating habits and perception on food safety, this is obviously not a process that can be carried out in one or two years. Preservation and respect for differences have to be considered as well.

Food safety scandals such as the dioxin or BSE crises in the 1990s have revealed the need to change the system in the direction of better protection from potential hazards and regain consumers' confidence. The introduction of the risk analysis paradigm into national governments' food safety institutional frameworks and the extension of requirements for implementation of Hazard Analysis Critical Control Points (HACCP), Good Hygienic Praxis (GHP) and Good Manufacturing Praxis (GMP) system to food producing establishments have been the important shifts required by EU legislation (European Commission, 2002; European Commission, 2004b,c,d,e, respectively) as obligatory for all the Member States, as well as for accessing countries following the negotiation processes. These two crucial bases of EU food safety legislation are commonly known as "EU Food Act" and "EU Hygiene Package" respectively. The new EU food safety regulations clearly defined the Member States' responsibility to ensure that business operators apply the EU legislation correctly and set out the role of the Commission's Food and Veterinary Office (FVO) as "auditor" of the Member States' performance. Performance criteria and a harmonized EU-wide approach to the design and development of control systems were introduced by the Member States' competent authorities. On this process of extensive review of food and feed controls and hygiene rules, the Commissioner for Health and Consumer Protection David Byrne commented: "These laws will radically improve our food safety systems and involve important structural reforms. These rules significantly strengthen consumer protection in the EU" (European Commission, 2004f).

The new EU food safety system has from that time been based on an integral horizontal approach, connection and enforcement of all the elements of the food producing system by introducing the *from farm to fork* approach (European Commission, 2004a), and the achievement of a high level of consumer protection.

Adoption of Modern Principles in Food-safety

As a former part of Yugoslavia, Croatia has inherited food legislation dating mainly from the 1970s and 1980s. Subsequently, the 1990s brought many new food legislative acts, taking the place of the inherited food legislation. This does not mean that older acts were not useful, for most of their concepts have been transmitted to the new ones. However, there was no integrated approach to the food safety issue, and therefore there was a need for implementation of the risk analysis concept in order to comply with modern principles required for better consumer health protection, as well as for the international food trade (WTO, 1995a,b; Hathaway, 1999). The process of transposition of this new concept to Croatian legislation and praxis has been carried out in the first decade of the 21st century, prompted by the beginning of EU accession.

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Croatia has started the process of transposition of the new EU food safety legislation at a very early stage in relation to the EU. The Croatian food safety authorities passed the Food Act (Official Gazette, 2003, I 17/03, I 30/03, 48/04, 85/06) which contained many elements of new EU legislation (European Commission, 2002). It was not completely in compliance with EU legislation, but it has given a basis for creating a new food safety institutional framework that should include higher respect for consumers' interests and their integration into the food safety system, together with new requirements for food establishments. According to the Food Act (OG, 2003, I 17/03, I 30/03, 48/04, 85/06), the main competent authorities for risk management activities were the Ministry of Agriculture, Forestry and Water Management (MAFWM) and the Ministry of Health and Social Welfare (MHSW). Food inspections were organized as a veterinary inspection under the MAFWM controlling food of animal origin, and sanitary inspection under the MHSW controlling food of non-animal origin. The Food Act has provided for the establishment of the Croatian Food Agency (CFA) as the new food safety institution which should strengthen the institutional framework and participate in the implementation of the new EU concepts in food safety.

Professional estimates of the current system and recommendations for improvements from the EU institutions are important preconditions in order to help a pre-accessing country to "jump on the right track". One of the most useful directions to estimate the readiness of Croatia to meet EU food safety standards came from the mission of the European Commission – Health & Consumer Protection Directorate-General – Food and Veterinary Office (DG

SANCO) performed in Croatia in March 2005. After visiting the main food safety authorities in Croatia, the experts drafted the report of the mission (European Commission, 2005) estimating the readiness of the Croatian authorities to start with the implementation of the EU food safety approach.¹

THE NEGOTIATIONS WITH THE EU

Food Safety, Veterinary and Phytosanitary Policy Issues

The Croatian authorities opened accession negotiations with the EU in October 2005. Subsequently, the official screening of Croatian food safety legislation with the aim of completely harmonizing it with the *acquis communautaire* started in March 2006. The new legislation aimed to be the base for the parallel process of strengthening the institutional framework that will be implementing adopted regulations in the future.

This pre-accession period to the EU has had an influence on increasing the participation of Croatia in various international projects in food safety (supported by the EU programmes CARDS, PHARE and SAPARD and by other donors, such as the World Bank etc.). Proper use of these funds is the precondition for speeding up all the required changes in the system of an accessing country. For the purposes of coordination of international projects, the Directorate for Coordination of Assistance Programmes and Cooperation with the EU was established within the Ministry of Foreign Affairs and European Integration (MFAEI).

The good cooperation of representatives from different food safety institutions on specific issues is crucial as well. For this reason, many projects have established inter-ministerial working groups with representatives appointed by the ministries or institutions responsible for each part of a certain project. EU experts have been involved in these working groups as well, creating an ideal combination of recognition of the Croatian system by the experts and implementation of experts' advice by the Croatian authorities. Furthermore, working groups were created from the experts in specific fields within Chapter 12.

¹ Subsequently, the Croatian food safety system was presented in two country profiles on food safety within the international projects (Antunović, 2005; European Commission, 2005-2006), which gave a good base for later discussions on how to improve the system according to the EC recommendations and recognize more critical or time-consuming issues together with the FAO and EU experts.

Through the process of negotiation, the Croatian authorities prepared comprehensive amendments of the previous Food Act (OG, 2003, I 17/03, I 30/03, 48/04, 85/06) with a view to achieving compliance with EU requirements, as Croatia has only partially complied with the hygiene rules set by the EU *acquis* (European Commission, 2004b,c,d,e). The most critical points were the precise competences of the various authorities, the responsibilities of operators, basic functions such as risk assessment and risk management, and the definition of various terms applied by the EU food safety legislation (European Commission, 2005).

Consequently, the Croatian authorities prepared a new Food Act (OG, 2007a, 46/07) based on EU legislation (European Commission, 2002) and alignment of overall food safety legislation. The new Food Act has covered all the phases in production, processing and distribution of food and animal feed, except primary production and food produced at home for private purposes and not for marketing. This process has included revision of current legislation, bilateral negotiations and harmonization of legislation. Subsequently, the Croatian Parliament approved the Food Act in April 2007. It has defined the MAFWM as the competent authority in food safety responsible for risk management activities. The CFA was relieved of risk management activities and nominated exclusively for risk assessment and risk communication activities. It has gained the new power of becoming the central body for data collection and analysis through the establishment of the Croatian Network of Food Safety Institutions. Concretely, all the institutions and laboratories that are working on food safety are under the new rules obliged to cooperate with the CFA to help with data collection, giving expert opinion etc.

Transposition of the “EU Hygiene Package” to Croatia

The second important step in harmonizing with EU legislation was the approval of four new statutes on food hygiene (OG, 2007b,c,d,e, 99/07) according to the so-called “EU hygiene package” (European Commission, 2004b,c,d,e). Food producers and food businesses in Croatia are obliged to adjust their functioning to the provisions of the new food hygiene statutes before the 1st January 2009. This means that all of them should be ready for entering the EU market before Croatian accession to the EU. This would be a very positive fact for both Croatia and the EU bearing in mind that most countries that joined the EU were not in this phase at the time of accession; this recently increased the concern of older Member States about the jeopardizing of food safety standards in the EU market. In order to achieve EU requirements concerning the readiness of food safety establishments to be approved for export to the EU, it is important for Croatia to have as many establishments as possible prepared for functioning and acceptable for the EU market in the pre-accession time. To support this restructuring of establishments, IPARD funding is available and

combined with the activities of the Croatian authorities through support for the operators and encouragement of the upgrading process.

Obviously certain enterprises, especially small and middle-sized ones, such as slaughterhouses, are not going to be able to fulfil basic EU required hygiene standards. Because of the large number of smaller establishments in Croatia and their desire to stay competitive on the EU market, particular efforts will have to be taken to support them in meeting EU requirements. They will have to choose between investing in hygiene conditions and changing their business. The new EU system puts responsibility for food safety directly on the producer, and because of that similar changes in the number of producing establishments have occurred in other EU accessing countries as well (Bánáti, 2003). It is the Government's responsibility to provide an up-to-date legislative background based on scientific evidence, to enforce legislation properly and to promote voluntary measures. But primary responsibility for food safety to provide safe and wholesome food is in the hands of the producers.

To have a clearer picture and for purposes of the negotiations, the Croatian authorities have decided to categorize all the establishments based on the EU *acquis* into four categories: a) already fulfil EU standards, b) EU standards achievable over a short period, c) EU standards achievable over a longer period, d) unable to achieve EU standards. The process of changing the inspectors' focus of interest to controlling the process of production (HACCP) instead of the product will require them to have thorough knowledge of the relevant EU system of official control, which means that they will need to be trained and prepared for the new system of control.

A good example of how the EU has to balance the differences between old and new member states is the latest postponement of application of the Common Agricultural Policy (CAP) for most new Member States. The CAP was adopted by the EU farm ministers in 2003 as the fundamental reform in agricultural policy that completely changed the way the EU supports its farm sector. The "single farm payment" subsidy policy has become linked to respect for environmental, food safety and animal welfare standards. This means that member countries have to apply a number of standards in respect to public and animal health and environment protection, such as for instance traceability of meat, animal identification, prevention of animal epidemics, hygiene, animal welfare, limited usage of pesticides and protection of ground water. This concept entered into force in 2004 and 2005 with a transitional period until 2007. However, the EU 27 farm ministers decided in January 2008 to postpone these strict sanitary rules to the period from 2009 to 2014 for the 10 countries that joined EU in 2004 (except Slovenia and Malta) and for Bulgaria and Romania, the countries that joined the EU in 2007.

Developing a Croatian Food Agency

The establishment of a central EU institution for the purposes of risk assessment – the European Food Safety Authority (EFSA) - in 2002 was the result of a great demand to separate this function from risk management activities carried out by the European Commission. The most important objectives for this separation were the need to implement a preventive approach, and to create a system where industrial interests are not to overwhelm consumers' health interests. At the same time, EU national governments were encouraged to create their own risk-analysis-based institutional frameworks by creating national food agencies and nominating one competent authority for risk management activities. In this way, the Commission provides a framework to support developing countries in meeting EU import requirements and enabling the Commission to fund activities that enhance food and animal feed safety. Furthermore, in this way the EU has established a common regime for controls on food and feed imports, based on the nature and frequency of controls on risk. This means that import conditions can be more stringent for products with a higher risk profile at the EU level, but also through the EU members' national authorities at the national level. In this way, national food safety authorities are enabled to be involved in food import control at EU level. On the other side, through their national institutional frameworks, they can also protect their consumers from certain hazards that could be more dangerous for them because of different eating habits, higher exposure, a more susceptible population etc.

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An important change that came as a direct result of the EU accession process, compared with the previous system, was the establishment of the Croatian Food Agency (CFA) created following the model of EFSA. The CFA started functioning from the 1st January 2005 with the motto "The Consumers' Health Comes First". The main task of the CFA is provision of the best possible scientific opinion to the risk management bodies, carrying out risk assessment and communicating the risks to the authorities and the public in general. In contrast to the previous food safety system, which was based mainly on laboratory results, the new system provided for the establishment of the Central Information System (CIS) within the CFA which collects all the available food safety data and encourages scientific studies in order to fill the knowledge gaps. The CIS system has been developed through the integration of laboratory data both for animal and non-animal origin into single statistical reports pointing out emerging pathogen-food combinations. The CFA is here combining data on eating habits, higher exposure of certain susceptible consumer groups (children, the elderly, the immune-compromised etc.), epidemiological data etc.

The greatest benefit of the establishment of the CIS system was that data have been systematically collected and have become more directed to consumers' health protection. Instead of focusing mainly on laboratory results resulting in a statement that unsafe food has been found on the market, the Croatian authorities have started thinking about food safety in such a way as to set an

appropriate level of protection and food safety objectives (Swarte & Donker, 2005) as a starting point in risk management activities. In order to be as comparable as possible to the EU member countries' data, laboratory data are sorted according to the *Codex Alimentarius* list of food. Together with the integration of risk assessment activities, this predictive approach has given a better overview of emerging hazards in Croatia, which is also the interest of the EU in order to recognize emerging food-borne pathogens even in the pre-accession period.

The CFA is a governmental agency, but consumers' representatives are encouraged to participate actively in the daily functioning of the Agency, as well as in giving advice through their representatives in the CFA Management and Advising Committee together with the representatives from the ministries, food laboratories and scientific institutions. With the establishment of the Scientific Committee and eight scientific panels it was the first time that such a number of Croatian food safety experts (46 members) were connected together with the mission of exchanging their experiences and advising the competent authorities. What is more, the same organizations of the panels as in EFSA enabled them to discuss in parallel all the EFSA panels' meetings and in that way follow the Commission demands for scientific advice and topics of concern. Similarly as in EFSA, all the Croatian panels' members need to sign a statement that they will give their opinion regardless of all but scientific interests. This means that the CFA has been established in line with the most advanced principles of EU legislation and in that way represents a national institution that is already preparing for integration into the EU institutional framework. Through the PHARE 2005 Pre-accession Program between EFSA and Turkey and Croatia, the CFA has organized many meetings of different stakeholders in Croatia on specific topics, such as consumer protection, how to handle food safety crisis situations, risk communication etc. On the other side, EFSA has enabled Croatian experts to be present at its meetings of the Management Board and scientific panels.

BUILDING TRANSPARENCY AND COMMUNICATION CHANNELS IN THE COUNTRY AND WITH THE EU

Speeding up the Float of Communication Messages

In the last two decades, the EU has been witnessing situations in which its national authorities were faced with new or emerging hazards, like bird flu, dioxin, BSE etc. The history of such cases has revealed how important it is to have good communication channels established between national food safety

authorities and how important it is to be able to cope with uncertainties and react quickly in such cases in the most proper way. Good risk communication and crisis management has become one of the priorities for food safety authorities in order to regain consumers' confidence and protect consumers' health in general as soon as possible. According to the new EU and Croatian food safety legislation, the responsibilities are clear – a competent authority for risk management (European Commission and MAFWM, respectively), and scientists for risk assessment (EFSA and CFA, respectively). However, the system can only function properly when these are “floating in a sea of communication” together with all the interested stakeholders.

Because of this fact many projects with the EU have been opened, and coordination and cooperation between the competent authorities involved in the food safety issue has become more intensive. This is considered one of the most positive direct effects of the EU accession activities in Croatia and the result of this process is that personnel and institutions involved in food safety control are, through pre-accession programs, increasing their knowledge and abilities. According to the EU requirements regarding the role of EFSA and the rules regarding the Rapid Alert System for Food and Feed (RASFF), emergency measures and crisis management can only be taken fully into account from the day of Croatia's accession. However, Croatia's legislation and administrative control system in these fields needs to be prepared well in advance of accession.

Together with the development of RASFF contact points in the EU member countries, national food safety authorities (MAFWM for Croatia) are obliged to develop their crisis plans with a clear chain of command. Such sharing of information between the Croatian authorities and other national food safety institutions and building good relationships with EFSA are considered a great opportunity for Croatia to become a part of the EU food safety community. Exchange of such information in the pre-accession period is as important for Croatia as for the EU.

The RASFF system is considered the most transparent way of sharing information about hazards found in different kinds of food and coming from different countries outside the EU or within it. The purpose of the RASFF system is to provide the control authorities with an effective tool for exchange of information on measures taken to ensure food safety.

The Annual Reports on the RASFF provide useful data on the number of notifications received each year, as well as details on the origin of the notifications, the products and countries involved, and the identified risks. It also details the follow-up actions carried out in response to various food safety problems. The reports are published on the official European Commission web page and are accessible

to anyone interested.² According to the RASFF statistical reports published by the European Commission, Croatia has been rated as a country with a low level of cases where unsafe food produced in Croatia was found on the EU market.³

Croatia has started with the implementation of the national RASFF system as the preparation for accession to the EU RASFF system from the 1st January 2006 within the CFA. The pilot project comprised description of the framework and the timeline for programme completion, the role and capacity of the participating institutions, procedures and protocols, description of training and necessary information and audit procedure.

Similarly to the EU RASFF system, the Croatian RASFF reports are publicly available on the CFA web page.⁴ The page also covers all necessary information in the field of food safety such as news, announcements of meetings, legislation, consumers' forum, questionnaires, brochures, links etc. From the moment of the CFA's establishment, consumers have been enabled to use a free phone line and ask the Agency staff anything of interest to them. In order to improve communication between consumers and governmental institutions, the CFA has drafted the Strategy of Public Communication in Food Safety through the World Bank project Agriculture *Acquis* Cohesion Project.

Building an Active Relationship and Trust with Consumers

The activities that are made available to the consumers within this EU progressive concept are, for instance, supporting product testing at licensed laboratories, comparative product testing, assisting consumers in voicing their grievances before the trader, coming forward with comments and proposals on regulations relevant to consumer protection in the process of adoption, taking legal action envisaged by the legislation etc.

Within the transposition of all the progressive aspects of the new EU food safety principles, consumer protection has been recognized in Croatia as a field that requires special attention. Transparency, providing information to the public on food safety issues and considering consumers to be important stakeholders are the concepts that are being implemented in Croatia as a result of the transition to EU principles. Consequently, government institutions, such as the CFA, are aiming to become a trustworthy source of information to the public in general and a reliable base for making decisions by risk managers. And what

2 See: http://ec.europa.eu/food/food/rapidalert/index_en.htm

3 Croatia was reported as the country of origin of unsafe food in 18 cases in 2005 with a range from 1 to 474 cases for other countries (http://ec.europa.eu/food/food/rapidalert/report2005_en.pdf) and in 7 cases in 2006 with a range from 1 to 263 for other countries (http://ec.europa.eu/food/food/rapidalert/report2006_en.pdf).

4 See: <http://www.hah.hr>

is most important, consumers receive information on a regular basis, which means that the CFA is giving public information on a daily basis and any uncertainties are being communicated as well.

Previous systems in many countries paid much more attention to assuring an appropriate food supply, while consumers' attitudes and perceptions were not taken into consideration so much. The new EU food safety system that is being transposed to Croatia does not merely consider information on how hazardous a certain food may be, but also how consumers perceive certain hazards, new technologies etc. The increasing public concern about the public health effects of new technologies and new methods of food preservation have to be considered as well (Antunović et al., 2006; Miloš et al., 2005).

The experience of the EU member countries has shown that building trust in government organizations is a slow process which requires patience, and the hard work of years can be easily ruined in few days if public communication is not honest and accurate or does not come from a trustworthy source. Halkier and Holm (2006) pointed out after reconsideration of the food safety communication systems in six EU member countries that the main strategy for restoring consumer confidence in food was to enhance institutional independence, transparency and consumer agency. According to Bergeaud-Blackler & Ferretti (2006), the reverse is true in Europe, where, in response to food scandals, greater risk aversion, scepticism and activism have grown among consumers, and where public authorities, as well as the food industry, are forced to take up the challenges of the new transparent system of communication. A recent survey carried out by the World Economic Forum (23-27 January 2008) and the Gallup International Agency has revealed that only 8% of the world population, and 3% of the Croatian population, choose politicians as a relevant source of information (WEF, 2008). Therefore, it is important that the CFA, like EFSA, shows that scientists are guaranteeing all the public information and are free from any other interest but public health and the giving of accurate information based on up-to-date knowledge.

Informing consumers about their rights under the new EU and aligned Croatian legislation is an important step also, as the recent survey carried out by the independent Croatian agency (GfK, 2007b) has revealed that 58% of Croatian consumers have not heard about their new rights and 31% of them are not interested in this topic.

Challenges for the System in the Accession Process

During the negotiation process with the EU, the Croatian side has indicated that it can accept the *acquis* regarding food safety and veterinary and phytosanitary policy and that it does not expect difficulties in implementing the *acquis* by the date of accession. It has been estimated by the Commission that Croatia has

worked intensively over the past years on transposition and implementation of the EU *acquis* in the fields covered by Chapter 12 (European Commission, 2007a). According to the Commission's opinion, in most fields concrete steps have been taken to transpose the *acquis* and a detailed analysis of remaining gaps has been made. A good understanding of the *acquis* on the Croatian side was demonstrated during the screening, and efforts to prepare for EU requirements have been made in all major areas.

However, the Commission pointed out the substantial amount of work that remained as regards transposition of requirements of the EU *acquis*, in particular as regards the implementation of a new legislative framework complying with the EU *acquis*. The Commission has called for a comprehensive food safety strategy covering all aspects of food safety and veterinary and phytosanitary legislation to serve as a basis for a total transposition in the food sector. Within the objectives of the CARDS 2002 project (European Commission 2005-2006), Croatia has moved forward with the preparation of its own National Food Safety Strategy as the main document that is going to be used for the purposes of following and auditing all the necessary activities in order to completely align with EU requirements (Antunović et al., 2008).

Furthermore, the *acquis* in the field of food safety and veterinary and phytosanitary legislation requires inspection and control bodies to be upgraded as regards procedures, technical equipment and facilities, as well as staff training and staff numbers. What is more, for a certain period of time, Croatia would have the role of EU border inspection posts (BIPs).

It has also been recognized by the Commission together with the Croatian authorities that Croatia has to increase its level of laboratory capacity so as to be able to carry out inspection and control of food products. Croatia has already provided a detailed analysis of laboratories in the field of food safety, veterinary and phytosanitary issues, including plans for upgrading with a view to full compliance with EU requirements. Support in the field of laboratory capacities from the Commission through the CARDS and other programmes is crucial for Croatia in order to strengthen its ability to control food as a part of the EU market in the future. It is not only the technical equipment and facilities that need to be upgraded; support from the Commission is also expected in giving advice on avoiding overlap of analytical activities, education of staff resources, accreditation, preparation of guidelines and procedures for laboratory methods and technical standards and improvement of cooperation between laboratories on the national and EU level. Accreditation is considered a priority for laboratories to make them able to provide official control from the moment of EU accession.

Acceding to the EU is also foreseen as the opportunity for Croatia to increase its participation in international organizations. The Croatian authorities will certainly increase the activities in the process of recommendation of food

safety standards together with the EU Member States. *Codex Alimentarius* is the world's largest organization for the purposes of recommending food standards which can be used in international trade. A *Codex* Contact Point for Croatia was established within the Croatian Standards Institute (CSI) in 1994, but the activities of the Croatian food safety management authorities through participation in the work of different *Codex* committees have not so far been intensive. As the EU is since recently a *Codex* member that represents a single free trade market, it appears at meetings and votes as a single body. By becoming part of the EU, Croatia will certainly increase its *Codex* activities with a greater opportunity to protect its interests through participation in the EU pre-meetings.

And finally, the most important shift in the Croatian food safety system would be the full implementation of the risk analysis concept, together with putting consumers' health in first place when making risk management decisions.

CONCLUSION

It is clear to the Croatian authorities that changes in the food safety system need to be made, that they are positive and directed to the benefit of consumers and producers, and that the time for changes is limited and defined by the EU negotiations process. According to the latest Commission survey (European Commission, 2007b), the number of Croatians who see the EU positively is on the increase and has surpassed the level of one-third of respondents, so they now hold a significant lead over those who see it negatively. Even though the Croatian respondents are still fairly confused as to what EU membership will bring them, the relative majority of Croatians expect that membership will bring benefits to their country. Currently, all the political parties in the Croatian Parliament have a consensus on this issue.

Taking into account the higher percentage of Croatian expenditure on necessities of life such as food (GfK, 2008), the importance of increasing the possibilities to export food, the expected impact of food on the general health status of the population after entering the 27EU market, and the fact that food is a matter of interest to all Croatian consumers, it is easy to conclude that changes in the food safety system are going to impact on the whole Croatian population.

The concern about the safety of Croatian food is becoming a matter of interest for all the EU27 Member States authorities and EU institutions, as Croatian food is going to be labelled as "Produced in the EU". This puts much more responsibility on all food establishments in Croatia. Even those who are not interested in exporting food will be putting their products on the EU market by selling it in Croatia. The changes through the implementation of all the progressive aspects

of the new EU legislation into food production in Croatia (European Commission, 2002; European Commission, 2004b,c,d,e) will increase significantly the level of safety of domestically produced food. The Croatian consumer is going to be protected not only by the national food safety authorities, but also by the EU institutions. Exchange of information between them will enable faster recognition and follow-up actions in order to remove hazards from consumers as quickly as possible. Full implementation of the RASFF system in Croatia will be the most challenging step in this process of improving communication.

The protection of Croatian consumers will increase through the process of strengthening administrative capacities as well. Clear responsibilities with clear chains of command of risk management institutions (MAFWM, MHSW), together with independently performed risk assessment tasks of the newly established CFA, will form a system where consumers' interests will be highly respected. Single monitoring plans for food of both animal and non-animal origin will be directed to better recognition of food-hazard relationships. Upgrading food laboratories and appropriate functioning of inspections in Croatia are from the moment of pre-accession not only the interest of Croatia but of the whole EU. Therefore, despite the liberalization of the food market and the open borders to the EU Member States, it is to be expected that the number of food-borne diseases in Croatia will decrease.

Thus, the process of EU accession is considered a great opportunity for Croatia to become a part of progressive globalization-directed efforts for the implementation of higher food safety standards for the benefit of all European consumers.

LITERATURE

Antunović, B. (2005) Food safety country profile. FAO project „Strengthening national food safety in South East Europe transition countries: a regional approach to food legislation and control“ - document TCP/RER/3002.

Antunović, B., Kralik, G., and Njari, B. (2006) Establishing new food safety approach in EU accessing countries: Croatian challenges and opportunities [online]. *Acta Agraria Kaposváriensis*, 10(2), 7-17. Available at: http://www.atk.u-kaposvar.hu/PDF/VOL10NO2/01preliminary_reports/01Antunovic.pdf (08.02.2008)

Antunović, B., et al. (2008) Background to the preparation of the Croatian food safety strategy. *Food Control*, (accepted for publication).

Bergeaud-Blackler, F., Ferretti, M-P. (2006) More politics, stronger consumers? A new division of responsibility for food in the European Union. *Appetite*, 47(2), 134-142.

Bánáti, D. (2003) The EU and candidate countries: how to cope with food safety policies? *Food Control*, 14(2), 89-93.

Bosnić, M., ed. (2005) *Okvir za razvoj nacionalne strategije biološke sigurnosti* (The national biosafety framework for Croatia). Zagreb: Državni zavod za zaštitu prirode.

CBS, Central Bureau of Statistics of the Republic of Croatia (2007) *Statističke informacije = Statistical information* [online]. Available at: <http://www.dzs.hr> (08.02.2008)

CFA, Croatian Food Agency (2006) *Annual report for 2005 – Brochure*. Osijek: Croatian Food Agency.

European Commission (2002) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [online]. *Official Journal of the European Communities*, L2.2002, L 31/1, p. 6. Available at: http://eur-lex.europa.eu/pri/en/oj/dat/2002/L_031/L_03120020201en00010024.pdf (08.02.2008)

European Commission (2004a) *From farm to fork: safe food for Europe's consumers* [online]. Brussels: European Commission – Directorate General for Press and Communication Publications. Available at: (<http://ec.europa.eu/publications/booklets/move/46/en.pdf>) (08.02.2008)

European Commission (2004b) Corrigendum to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 the hygiene of foodstuffs on the hygiene of foodstuffs [online]. *Official Journal*, 25.6.2004, L 226/3. Available at: <http://www.food.gov.uk/multimedia/pdfs/hiojregulation.pdf> (08.02.2008)

European Commission (2004c) Corrigendum to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin [online]. *Official Journal*, 25.6.2004, L 226/22. Available at: http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00220082.pdf (08.02.2008)

European Commission (2004d): Corrigendum to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [online]. *Official Journal*, 25.6.2004, L 226/ 83. Available at:http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00830127.pdf (08.02.2008)

European Commission (2004e) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption [online]. *Official Journal*, 23.1.2003, L 18/11. Available at: http://europa.eu/eur-lex/pri/en/oj/dat/2003/L_018/L_01820030123en00110020.pdf (08.02.2008)

European Commission (2004f) Official controls/hygiene: Byrne welcomes completion of extensive review of food and feed controls and hygiene rules. *Food Law News - EU – 2004*, Commission Press Release (IP/04/544), 26 April 2004, [online]. Available at: <http://www.foodlaw.rdg.ac.uk/news/eu-04023.htm> (25.02.2008)

European Commission (2005) *Report of the mission carried out in Croatia from 7 to 11 March 2005 regarding general assessment of food safety controls and the readiness of Croatia to meet EU food safety standards*. European Commission - Health and Consumer Protection Directorate - General - Directorate F – Food and Veterinary Office, DG (SANCO)/7604/2005.

European Commission (2005-2006). *Capacity building in the area of agriculture, live animals and food products*. The European Union CARDS 2002 twinning project for Croatia No. HR-02-IB-AG-01 - Project description [online]. Available at: http://www.hah.hr/pdf/CARDS_eng.pdf (08.02.2008)

European Commission (2007a) *Screening report for Croatia on the Chapter 12 – Food safety, veterinary and phytosanitary policy*. European Commission - Health and Consumer Protection Directorate - General - Directorate F – Food and Veterinary Office, DG (SANCO).

European Commission (2007b) Eurobarometar 68 - Javno mnijenje u Europskoj Uniji: nacionalni izvještaj Hrvatska (Eurobarometer 68 – Public Opinion in the European Union – National Report for Croatia) [online]. European Commissions Directorate-General for Communication, Autumn, 2007. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb68/eb68_en.htm (08.02.2008)

GfK, Centre for Market Research (2007a) *Eating habits in Croatia* [online]. Zagreb: GfK – Centre for Market Research. Available at: <http://www.gfk.hr/press1/centri.htm>

GfK, Centre for Market Research (2007b) *Citizens and consumers' protection* [online]. Zagreb: GfK – Centre for Market Research. Available at: <http://www.gfk.hr/press1/potrosaci.htm>

GfK, Centre for Market Research (2008) *Households incomes – expenses relationship* [online]. Zagreb: GfK – Centre for Market Research. Available at: <http://www.gfk.hr/press1/kucanstva4.htm>

Halkier, B., Holm, L. (2006) Shifting responsibilities for food safety in Europe: an introduction. *Appetite*, 47 (2) September, 127-133.

Hathaway, S. (1999) Management of food safety in international trade. *Food Control*, 10 (4-5) August-October, 247-253.

Miloš, S., et al. (2005): Review of genetically modified organism problems in the Republic of Croatia. *Buletinul USAMV-CN*, 62, 486-489.

OG, Official Gazette (2003) The food act. *Official Gazette*, 117/03; 130/03; 48/04; 85/06

OG, Official Gazette (2007a) The food act. *Official Gazette*, 46/07

OG, Official Gazette (2007b) The statute on food hygiene. *Official Gazette*, 99/07

OG, Official Gazette (2007c) The statute on official controls of food of animal origin. *Official Gazette*, 99/07

OG, Official Gazette (2007e) The statute on official controls carried out for the purposes of verification if procedures are in accordance with the rules defined by the Food and feed legislation and the Animal health and protection legislation. *Official Gazette*, 99/07

SCG, Spem Communication Group (2007) *Survey on Public Perception* [online]. Zagreb: Spem Communication Group. Available at: <http://www.prijatelj-zivotinja.hr/index.hr.php?id=1218>

Swarte, C., Donker, R.A. (2005) Towards an FSO/ALOP based food safety policy. *Food Control*, 16 (9) November, 825-830.

WEF, World Economic Forum (2008) *World Economic Forum annual meeting 2008* [online]. Available at: <http://www.weforum.org/en/events/ArchivedEvents/AnnualMeeting2008/index.htm>

WHO, World Health Organization (1995) Application of Risk Analysis to Food Standards Issues. Report of a Joint FAO/WHO Expert Consultation. Geneva, Switzerland: World Health Organisation, WHO/FNU/FOS/95.3. <http://www.fao.org/docrep/008/ae922e/ae922e00.htm>

WTO, World Trade Organization (1995a) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS agreement). http://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

WTO, World Trade Organization (1995b) Technical Barriers to Trade Agreement (TBT agreement). http://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

CONSUMER
PROTECTION –
NEW VALUES FOR
CROATIAN CITIZENS

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ABSTRACT

*The aim of this paper is to give an overview of consumer protection as practised in Croatia and to discuss possible impacts of EU accession in this area. The concept of consumer protection aims to ensure the realization of basic consumer rights in order to avoid consumers being placed in a subordinated position vis a vis product and service suppliers. On the basis of the existing legislation, it could be said with certainty that consumers are well protected in Croatia. However, in spite of the large number of existing laws in this field, their implementation has been quite inadequate. One of the most serious problems facing consumers in Croatia is the existence of public service monopolists. Consumer associations have an important role in monitoring the market, without the possibility of sanctioning the offenders but with the possibility of publishing information and warnings through the media. Owing to preparations for EU accession, the approximation of Croatian legislation to the *acquis communautaire* and the acceptance of good European practices in implementation of consumer protection, the protection of consumers has been gradually improving.*

Key words:

consumer protection, consumer rights, EU accession,
civil society, legislative framework

INTRODUCTION

Consumers in Croatia have always enjoyed some form of consumer protection, primarily through laws which regulated almost all the main areas of production, product supply and services. The implementation of these laws was supervised by authorized state services which submitted annual reports on their findings. However, these laws and regulations were drawn up from the perspective of producers, wholesalers, retailers and suppliers of public services.

The free market economy began operating in Croatia after its independence in 1991 and the initiation of the transition of enterprises from social to private ownership and free entrepreneurship. Given that Croatia was at war in the period 1991-1995, the transition and privatization of enterprises was rather difficult since many large enterprises lost their traditional markets and in time ceased to exist, leaving behind a large number of redundant workers. At the same time, although new entrepreneurs appeared on the scene, the period immediately after the war witnessed very few foreign investors. With the disintegration of large production facilities, including large agricultural combines, many citizens began investing in retailing, opening shops mostly in their own houses, in the belief that they could operate such businesses since they themselves had for years been buyers of fast-moving consumer goods.

Unfortunately, immediately after the war the primary characteristic of the market in Croatia was the cessation of almost all regular regional transport, financial, raw materials, human and business flows. In parallel, the Parliament and Government of Croatia began putting in place free market economy legislative and control mechanisms aimed at providing equal chances for all participants in the free market competition.

From the very inception of the independent state (in 1991), the Croatian Parliament and Government together with all their executives bodies and the majority of the population opted for developing an independent, contemporary European state in which all citizens would be equal before the law and in a position to materialize their rights relatively easily. The goal of EU accession implied in the first instance the approximation of Croatian legislation to the *acquis communautaire* with independent means of supervising the implementation of the regulations. The first important step was the signing of the Stabilization and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part on 29 October 2001, in Luxembourg (Stabilization and Association Agreement,

2005).¹ Article 74 of the SAA set forth consumer protection as a priority area for the speediest possible approximation of Croatian legislation to the *acquis communautaire*.² Croatia wishes to provide to all its citizens and all others who purchase products and services in its territory the realization of basic consumer rights so that they are not in a subordinated position in relation to the suppliers of products and services.

In the inadequately regulated conditions on the market, which was fragmented after the war, consumers were faced with a low supply of essential products. During the war, supplies were inadequate both in terms of quantity and of variety, so consumers had to cope as best they could. Due to the wider range and lower prices, consumers resorted to buying numerous products of personal consumption abroad until the market supply improved in Croatia and sharper competition lowered the prices of goods. Keener competition, an increased number of shops, a greater number of new products on the market manufactured by producers unknown to consumers, together with occasional incidents in terms of violations of basic consumer rights in regard to the dubious quality of products, inability to realize warranty rights, problems with monopolists (the electric power and gas suppliers, telecommunication services and the utility services, i.e., water-supply, public transport, etc.) gave rise to indignation among consumers as well as a wish to increase their influence on the suppliers.

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LEGISLATIVE FRAMEWORK OF CONSUMER PROTECTION IN CROATIA

If one were to assess consumer protection exclusively on the basis of the existing legislation, it could be said with certainty that consumers are extremely well protected in Croatia. The area of consumer protection is regulated by numerous laws concerning: market protection, trade, market competition etc,

1 At its session held on 5 December 2001 the Croatian Parliament passed the decision on promulgating the Act on the Implementation of the Stabilization and Association Agreement between the Republic of Croatia and the European Communities and their Member States and Interim Agreement on Trade and Related Issues between the Republic of Croatia and the European Community (OG, International Agreements, no. 14/2001).

2 For more details please see: http://www.poslovni_forum.hr/eu/eu21.asp

which have been brought into line to a considerable degree with the EU *acquis communautaire*.³

Among the mentioned laws, from the standpoint of the consumer, the most significant is without question the Consumer Protection Act which the Croatian Parliament passed for the first time as recently as 2003 (Official Gazette, 2003, 96/03) and which came into force on 8 September 2003. The most important change, which could even be called revolutionary, in the framing of the law was the fact that it was drawn up from the standpoint of the individual citizen, i.e. the consumer; and as a *lex specialis* is exceptionally important for all individuals buying products or services in Croatia. The adoption of the Consumer Protection Act created conditions for the funding of associations on the basis of annual competitions announced by the Ministry of Labour and Entrepreneurship and for the establishment of the Consumer Protection Council which proposes the National Programme for Consumer Protection, creating thus the legal basis for a general level of consumer protection. It should be emphasized that the Consumer Protection Act contains penal clauses for its violators which is a first in our legislation.

In July 2007 a new Consumer Protection Act, annulling the previous one, was passed (OG, 2007, 79/07) primarily with a view to approximating the legislation to that of the EU and attaining a higher level of consumer protection in Croatia. In the new Law special emphasis is placed on provisions aimed at enhancing the realization of consumer rights in the case of product deficiencies or violation of warranty rights, the method of submitting written complaints to retail traders, and the education of youth in consumer protection, since self-protection is essential for preventing diverse effects for the consumer.

This Law is of particular significance for consumers because it lays down in a single act the rights and obligations of traders/suppliers of public services and consumers, regulates the obligation and method of marking the prices of prod-

3 Competition Act (OG, 2003, 122/03), Energy Act (OG, 2001, 68/01), Act on the Regulation of Energy Activities (OG, 2004, 177/04), Electric Power Market Act (OG, 2004, 177/04), Gas Market Act (OG, 2001-05, 68/01, 87/05), General Product Safety Act (OG, 2003, 158/03), Trade Act (OG, 2003, 49/03 and subsequent addenda), the State Inspectorate Act (OG, 1999, 76/99), the Act on the Amendments to the State Inspectorate Act (OG, 2005, 129/05) Utilities Act (OG 1995-04, 36/95, 70/97, 128/99, 57/00, 59/01, 26/03, 82/04 and 178/04), Standardization Act (OG, 2003, 163/03), Act on Technical Requirements for Products and on Conformity Assessment (OG, 2003, 158/03, 177/03, 60/04 and 70/05), Chemicals Act (OG, 2005, 150/05), Act on Genetically Modified Organisms (OG, 2005, 70/05), Waste Act (OG 2004-05, 178/04, 153/05), Regulation on Amendments to the Waste Act (OG, 2005, 153/05), Act on Ownership and Other Real Rights (OG, 1996, 91/96), Trades and Crafts Act (OG, 1993-03, 77/93, 90/96, 64/01 and 49/03), Act on Conciliation (mediation) (OG, 2003, 163/03) Act on the Croatian Chamber of Commerce (OG, 2005, 35/05) and Civil Obligations Act (OG, 2005, 32/05).

ucts and services offered to consumers, the leaving of advertising messages and promotional materials, the obligation of keeping books of comments on the traders' premises, display of obligatory minimum information on a product, considered as public services according to the Consumer Protection Act, non-store selling, distance selling (through catalogues, printed promotional messages with order slips, TV selling, e-selling, m-buying, etc.); it regulates the use of consumer loans, fraudulent provisions in consumer contracts, the establishment of the National Council of Consumer Protection, out-of-court settlement of minor disputes, provisions of the implementation of administrative control and stipulation of administrative measures, offence provisions (aligned with the Act on Misdemeanours (OG, 2002, 88/02).

Amendments to specific provisions of the old Consumer Protection Act were a result of EU recommendations given during the screening processes and assessment of the alignment of Croatian with European legislation in Chapter 28, Consumer and Health Protection.⁴

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The fact that consumer protection is a dynamic field, as is the retail market with its global tendencies, requires the constant supplementing of regulations and their alignment with new technologies appearing in the market and changing the lifestyles of consumers. In addition, consumers in Croatia are insufficiently informed and inadequately protected against the deep and rapid changes taking place in the financial sector:

The most serious problem facing consumers in Croatia is the existence of public service monopolists in the fields of power distribution, telecommunication services, water supply and utility services supplied by local concessionaries (waste disposal, municipal fee for the maintenance of public spaces, sewage and purification of waste waters, sanitation, postal services, cemetery and crematorium maintenance, public transport, chimney sweeping, public communication services, etc.). The problem is that consumers cannot choose among a number of suppliers given that there is only one service supplier-concessionary in a specific area. For example, according to the Act on Consumer Protection, the local government unit managing a specific area on behalf of the voters/citizens and approving the method of supply and prices of utility services is obliged to establish Advisory Councils which consider the changes in the supply and prices of services. Representatives of consumers must be represented through the chosen representative of organized consumers (namely, representatives of associations) who are always in the minority and outvoted by the other members of the advisory body.

It is a given fact that in spite of the large number of existing laws in this field, their implementation has been quite inadequate precisely in the sector of pub-

4 See: http://www.europa.eu/enlargement/pdf/croatia/screening_reportss/screening_report_28_hr

lic services where there is no competition, and that the growth of prices is rather high in spite of the relatively low inflation rate in Croatia.

COMPETENT CONSUMER PROTECTION AUTHORITIES IN CROATIA

According to Article 122 of the Consumer Protection Act (OG, 2007, 79/07), the responsible consumer protection authorities are the Croatian Parliament, the Government of the Republic of Croatia, the Department for Consumer Protection in the Ministry of Economy, Labour and Entrepreneurship, in accordance with the Regulation on the Internal Organisation of the Ministry of the Economy, Labour and Entrepreneurship (OG, 2007, 24/07), the State Inspectorate and other competent inspections, the National Council for Consumer Protection, bodies of local and regional government units, the Croatian Chamber of Economy, the Croatian Employers' Association and other bodies with public authority and consumer associations.

National Council for Consumer Protection. Article 123 of the Consumer Protection Act (OG, 2007, 79/07) defines the competences and tasks, methods of work and financing together with the institutions that propose representatives to the Council, while the Government of Croatia appoints the Council and its chairperson with a four-year term of office. The most important task of the Council for Consumer Protection is the proposal of national consumer protection policies, drawing up the draft of the National Consumer Protection Programme, encouraging the amendment of existing and passing of new regulations and laws, all with a view to the better and more consistent protection of consumer rights. Once a year the National Council submits a report on its work to the Government of Croatia.

Local and Regional Government Bodies. The method of work and decisions taken at the level of local and regional government bodies are of great importance to consumers, in the first place because local and regional government bodies decide on the choice of utility service concessionaries and approve the proposed tariffs and supply methods. Considering that local monopolists are at stake it is of particular importance for consumers to be able to impact in some way the decisions of the concessionaries, and this has been achieved through the establishment of advisory councils within local and regional government bodies in which there is always a representative of organized consumers. Article 124 of the Consumer Protection Act (OG, 2007, 79/07) contains only the following provision: "Bodies of local and regional government units have the obligation of systematically promoting the protection of consumers in their territory and supporting the activities of consumer protection associations". This provision is

declaratory in character and does not define the obligations and methods of supporting the activities of consumer associations.

Consumer Associations. Croatia does not have a long tradition of civil sector activities in the area of consumer protection, as is the case in developed market economies. The first non-governmental consumer protection association (the Croatian Association for Consumer Protection – CACP) was formed on 27 November 1997 by eleven citizens of various professions who considered it necessary for consumers to organize and influence the relation of the suppliers of goods and services, primarily because in the supply and demand equation the individual is always the weaker party.

The founders of the first civil consumer protection association (Minutes from the Founding CACP assembly of 27 November 1997) decided, according to their primary professional occupations and academic degrees (the founders included market and sanitary inspectors, experts from the fields of biochemistry, medicine and pharmacology, trade union representatives, lawyers, economists and journalists), to encourage Croatian citizens to organize themselves, enable them to have access to full information on products and services and have the possibility to express their opinion in the process of making decisions that have an impact on consumers.

The main objective of the Croatian Association for Consumer Protection after its establishment was to lobby for the adoption of the Consumer Protection Act. In order to speed up the entire process of drafting the law, members of the association and legal experts for European law drew up the first draft of the Consumer Protection Act, into which all the most important European directives were incorporated at that time (1999), concerning the right to express opinions, product safety (particularly food safety), labelling products in the retail trade, product warranties, remote shopping, obligations of public services suppliers, etc. The law was proposed by the competent Ministry of Economy, Labour and Entrepreneurship, which submitted the draft law for consideration to the institutions it concerned.⁵ In the course of 2000 the second civil association for consumer protection was founded under the name of “Potrošač”, and up to the year 2007 twenty-five associations were registered in Croatia.

Consumer associations have an increasingly important role in the monitoring of the market in Croatia and have become “opinion makers”, enjoying the systematic support of all the media. However, it should be pointed out that their influence is still insufficiently powerful, since the proposals of these associations are still not fully taken into consideration by state institutions (illustrated by the fact that out of 82 amendments submitted by the associations to the new

5 Ministry of Agriculture, Fisheries and Rural Development, Ministry of Tourism, Ministry of Health and Social Welfare, Ministry of Science, Education and Sport, State Inspectorate, Croatian National Institute of Public Health, Croatian Bank Association, etc.

Consumer Protection Act, which has been in force since August 2007, only eight were accepted and even that not fully).

In the last ten years in which consumer associations have been active, the volunteers and employees of these associations as well as the experts in specific fields worked both at the individual level, providing assistance to consumers who asked for such help, and at the general one, protecting consumer rights.

Through work at the individual level (providing help to consumers on request) a large number of individual requests have been solved in the last few years. All the details of these cases, namely those on who asked for assistance, why and in what way, and who solved the specific problem of the consumer, are stored in computers. The requests primarily related to problems with house appliances and inadequate service of authorized repair shops, problems with cars, bicycles, electronic appliances and repair shops for those products, financial services (banks, savings banks, insurance companies), public services (power, gas and water supply, garbage disposal, etc.), quality of petroleum products, complaints regarding the quality of shoes, tourist services, personal services. In the cities of Zagreb, Split and Pula counselling centres for consumers have been established whose work is financed from the Croatian budget on the basis of Article 128 of the Consumer Protection Act (OG, 2007, 79/07: 39). These Centres have full-time employees and, if necessary, engage experts for specific fields of consumers' interests.

In cases that were under the supervisory competence of the State Inspectorate (Consumer Protection Act, OG, 2007, 79/07: 43), consumers were counselled on where and how they should refer their complaints in order to realize their rights. At their own initiative consumer associations took part in the deliberations of parliamentary committees when topical sessions were held of the Committee for Human Rights and Rights of Minorities, the Committee for Tourism, the Committee for the Constitution and Political System, the Committee for the Economy and the Committee for Agriculture of the Croatian Parliament, with a view to accelerating the adoption of implementing regulations required for enforcing the Consumer Protection Act. It is important to emphasize that help/counselling is provided to every citizen who asks for help and not only to association members.

The general level of consumer protection in Croatia includes activities aimed at supporting the public good, which primarily implies lobbying for the adoption of laws and regulations that ensure consumers' equality in the availability of goods and services. The second important area of joint support to consumers is monitoring the functioning of the institutional system of controlling the application and respect of laws and regulations which regulate the system of supplying goods and services on the Croatian market (State Inspectorate, Croatian Standardization Institute, Croatian National Institute of Public Health, Sanitary Inspection, etc.). The third significant field at the general protection level is the

education of consumers through public debates on topics of interest to consumers, constant presence in television programmes, daily and weekly papers, topical lectures to the most vulnerable groups of the population (school children and the elderly in nursing homes). In recent years more than 200,000 brochures have been published and distributed free of charge.⁶

The preparation of expert brochure texts, their publication and distribution were financed by funds from competitions announced by the Ministry of Economy, Labour and Entrepreneurship. The brochures were distributed through retail chains, in primary health care institutions, schools and higher learning institutions, and citizens reacted favourably to such a system of assistance. Two associations published specialized magazines for consumers, of which one was sold and the other distributed free of charge; however, both ceased publication due to lack of financial means. The basic problem of financing consumer associations lies in the fact that they have to remain independent, meaning they cannot receive donations from entrepreneurs because all of them are potential "opponents" regarding the requirements and complaints of consumers.

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The representatives of consumers' associations make up one third of the members of the National Council for the Protection of Consumers, where essentially topics of the National Programme for Consumer Protection are proposed for a one-year period and decisions are made on their priority.⁷ Under the previous Consumer Protection Act, the National Council for Consumer Protection was an advisory body to the Ministry of Economy, Labour and Entrepreneurship, while under the new Consumer Protection Act it has become an Advisory Council to the Government of Croatia, a change meant to enhance the actual strength and effectiveness of the Council. The National Programme of Consumer Protection is laid down by the Croatian Parliament (according to Article 21 of the Consumer Protection Act, OG, 2007, 79/07), confirming the determination of Croatia to develop a civil society, a democratic and market-oriented state striving to become part of the EU.

The representatives of specific associations have been very active in supporting the actions of Consumers International pertaining to food safety, particularly the education of citizens on the risks and dilemmas regarding the production and consumption of genetically modified food products.⁸

On every appropriate occasion (International Consumer Rights Days, periods prior to important holidays when shopping is much more intense), consumers

6 Practical brochures covered a variety of fields and the following were published: Basic Rights of Consumers, Don't Buy a Pig in a Poke; Home Accidents; Buying House Appliances; Agreement with Tradesmen; Eating Properly; Internet Shopping; Risks of Using Gas and Gas Appliances; How to Avoid Tricinae; Risks of Barbecues, Buying a Used Car; How to Save Energy.

7 Consumer Protection Act, articles 121, 122, 123 (OG, 2007, 79/07).

8 These activities are presented at: <http://www.consumersinternational.org>

are warned through the media of the need for self-protection and active inclusion in the buying and selling process. Article 126 of the Consumer Protection Act (OG, 2007, 79/07) defines the activities of associations, in particular:

- Providing preventive protection by offering information and advice with the aim of educating consumers;
- Providing information to consumers on their rights and obligations;
- Undertaking through accredited laboratories comparative tests of products and publishing the results in the media;
- Providing assistance to injured consumers in their dealings with traders;
- Keeping records on customer complaints received and measures undertaken for their settlement;
- Giving comments and proposals in the course of adopting regulations relating to consumers;
- Initiating before courts of law proceedings for collective charges, a right consumers' associations have under Article 131 of the same Law;
- Initiating before competent courts proceedings against traders, groups of traders or their interest groups by which courts are requested to prohibit the use of unfair contractual provisions, and of course carry out other activities aimed at protecting consumers.

In any case, the activities of the associations stemming from the Consumer Protection Act are very demanding and require multi-disciplinary knowledge.

PROPOSERS OF MARKET SUPERVISION

In states in which consumers are well protected not much thought is given to laws which protect their rights or to institutions that supervise the market because everything functions well until a problem appears. We begin to question the system of supervision when faced with a problem that we have difficulty solving.

In Croatia the implementation of market supervision is regulated by Act on the Structure and Scope of Ministries and State Administrative Organisations (OG, 2003-05, 199/03, 30/04, 136/04, 22/05), the State Inspectorate Act (OG, 1999, 76/99) and the Act on the Amendments to the State Inspectorate Act (OG, 2005, 129/05). The greatest portion of supervision activities is carried out by the State Inspectorate, which is authorized to supervise activities in the trade of goods and services, application of regulations on labour and safety at work, electric power generation, mining, research and exploitation of mineral raw materials, pressurized containers and catering and tourist activities. For consumers, the most important obligation of the State Inspectorate is the supervision of

the market with the aim of protecting the economic interests of consumers, and protection against threats to life and health. In addition to the State Inspectorate, the Sanitary Inspection which is within the jurisdiction of the Ministry of Health and Social Welfare also has an important role since it controls the health suitability of products, while the Veterinary Inspection within the scope of activity of the Ministry of Agriculture, Fisheries and Rural Development is competent for verifying the health suitability of products of animal origin.

Although the Croatian market is relatively small, 950⁹ inspectors of the State Inspectorate authorized to supervise the implementation of the large number of laws and regulations in the area of consumer protection are not sufficient for continual and systematic supervision. It is certain that the inclusion of Croatia in the European programme RAPEX of rapidly informing consumers on risky products that appear on the market will facilitate in part the work of inspectors and provide increased safety to consumers.¹⁰ If consumer rights are violated, sanctions can be imposed which depend on the severity of the violated right and the damage incurred. Consumers can also resort to voluntary mediation courts which operate within the Croatian Chamber of Economy, when legal entities are involved, or else the Croatian Chamber of Trades and Crafts when craftsmen are in question (Article 130 of the Consumer Protection Act, OG, 2007, 79/07). Unfortunately, the effects of these courts have been minor; since the most severe sanction is a public reprimand for violating good business practices which the offender must publish in the daily press at his expense. Actually there is no real effect for the consumer; and real effect is precisely what the consumer wants. Much more effective for consumers is the procedure of the Mediation Centre within the Croatian Chamber of Economy where lawyers resolve disputes between traders and consumers through mediation (Article 130, paragraphs 4, 5 and 6 of the Consumer Protection Act, OG, 2007, 79/07).

Consumer associations have a special and important role in monitoring the market, naturally without the possibility of sanctioning the offender but with the possibility of publishing information and warnings through the media, which are always interested in such topics. If necessary they can institute legal proceedings. These non-governmental, non-political, non-partisan and non-profit associations have as their basic goal the promotion of fundamental consumer rights which ensue from the guidelines on consumer rights proclaimed by the United Nations in 1985. Therefore, organized consumers in Croatia are striving to achieve, in accordance with the Law on the Protection of Consumers, the following goals:

- The right to safe products of guaranteed quality that are not a threat to the life and health of consumers;

⁹ This is the number of inspectors on the 07.03.2008.

¹⁰ See: http://www.hah.hr/english/eng_index.php?cid=5&id=228&page=5

- The right to a selection of products and services according to their choosing and in the case of products or services where there is no competition, the right to be protected from monopolistic behaviour of suppliers and fraudulent conditions of sale;
- The right to compensation for damage if the sold products or services are of lower quality than declared, together with compensation for damage suffered by the use of that product or service;
- The right to truthful and complete information on products and services, i.e. protection from misleading advertising;
- The right to education, since an informed and educated consumer can make a better choice in a market that is saturated with new products and services from suppliers from the whole world, making it more difficult for the consumer to make the right choice;
- The right to express opinions and make objections in the drafting of new regulations and laws which influence the position of the consumer: organized consumers in consumers' associations should be partners of the Government, Parliament and other state institutions in order to represent more justly the interests of both sides in purchasing and sales relations;
- The right to meet basic personal needs such as the need for food, housing, health care, hygiene and education;
- The right to a healthy environment, implying that the consumer has the right to live and work in an environment that does not jeopardize health, and also the obligation to inform inspectors of irregularities in cases of any form of environmental pollution.

In spite of the large number of laws that regulate relations between suppliers and consumers and the continual supervision of the market, up to now the citizens of Croatia have not been particularly active in initiating court proceedings, considering them too lengthy and expensive, and not wishing to expose themselves to additional expenses. A survey carried out by the agency GfK in November 2007 showed that as many as 58% of those interviewed answered that they did not know of the existence of the Consumer Protection Act, only 27% knew of its existence while 15% claimed they knew the law did not exist.¹¹

11 See: <http://www.gfk.hr/press>

POSSIBLE IMPACTS OF EU ACCESSION ON CONSUMER PROTECTION

The accession of Croatia to the European Union will be quite important for Croatian citizens precisely in the field of consumer protection. The obligations ensuing from the Stabilization and Association Agreement and the screening results for Chapter 28 – Consumer and Health Protection, i.e. analysis of the approximation of the legislative framework in the field of consumer protection, competent supervision institutions and methods of their work, showed that there is still much to be done on implementation of the harmonised legislation. The new 2007 Act on Consumer Protection incorporates many important directives.¹²

Taking into consideration that the retail trade sphere is exceptionally dynamic, and that new products and producers unknown to consumers are constantly appearing on the world market, it is necessary to establish a reliable system of standards for products and operation in the market with an effective system of supervising the application of the law and sanctioning violators. The European Union has done a great deal regarding the harmonization of the market supervision system for its members and through various programmes of support has also helped candidate states for EU membership. In order to increase the effectiveness of consumer protection, the operational implementation of the Project EU CARDS 2002 was initiated in Croatia in July 2005 under the title "Strengthening Consumer Protection Capacities", which lasted until 21 February 2007.¹³ The aim of the Project was to help the Government of Croatia in implementation of the EU consumer protection policy characterized by three basic elements:

- All-encompassing high level of consumer protection;
- Effective application of regulations regulating consumer protection;
- Inclusion of institutions competent for consumer protection.

12 Directive 02/65/EC, amending Directive 90/619/EC and Directives 97/7/EC and 98/27/EC on advertising remote financial services (Consumer Protection Act, Articles 56-70, OG, 2007, 79/07); Directive 05/29/EC which regulates fraudulent business transactions towards consumers on the internal market, amending Directives 84/450/EC, 97/7/EC, 98/7/EC, 98/27/EC and 02/65/EC; Directive 98/27/EC regarding court orders for the protection of consumer interests; Directive 97/55/EC regarding misleading advertising (Consumer Protection Act, Articles 116-120); Directive 87/102/EC on consumer credits (Consumer Protection Act, Articles 71-86); Directive 94/47/EC on the protection of consumers in cases of real estate time-share contracts (Consumer Protection Act, Articles 87-95); Directive 98/6/EC on consumer protection in the indication of price of products offered to consumers (Consumer Protection Act, Article 9); Directive 97/7/EC on the protection of consumers in respect of distance contracts; Directive 93/13/EEC on unfair terms in consumer contracts (Consumer Protection Act, Articles 71-86); Directive 85/577/EEC on protection of consumer in respect of contracts negotiated away from business premises (Consumer Protection Act, Articles 30-35).

13 CARDS 2002, Inception Report, 2006, Contract No 2002-0201-020101.

The beneficiaries of the project were the Ministry of Economy, Labour and Entrepreneurship, the State Inspectorate and consumer protection associations. Through the implementation of the CARDS 2002 project, according to the National Programme of Consumer Protection for the Period 2007-2008 (OG, 2007, 84/07: 8) the following results were achieved:

- Approximation of the Consumer Protection Act to the *acquis*;
- Strengthening of institutional and administrative capacities;
- Implementation of proposals of the Council for consumer protection;
- Implementation of the programme of training and study trips;
- Strengthening of cooperation between the representatives of state administrative bodies and programmes for consumer protection;
- Strengthening (raising) of public awareness;
- Active participation of consumers in the development of consumer protection policies.

As already mentioned, through various projects an important impact was made on the behaviour of Croatian institutions and the education of Croatian consumers, which has become better prepared for self-protection.

Owing to EU support through the CARDS project, a Central Consumer Protection Information System (CISZP) has been set up (OG, 2007, 84/07: 8), which in this phase of linking the proponents of consumer protection will enable the faster circulation of information relevant for consumers. On the basis of Articles 121-129 of the Consumer Protection Act (OG, 2007, 79/07) and with the assistance of consultants (CARDS 2002) who worked with employees from institutions competent for consumer protection (Department for Consumer Protection in the Ministry of Economy, Labour and Entrepreneurship, State Inspectorate and consumers' associations), activities in this area have significantly intensified; competitions were announced in 2006 and 2007 by the Ministry of Economy, Labour and Entrepreneurship for activities of associations engaged in the preventive protection of consumers and in informing them; comparative tests of the quality of selected food products were also financed. Four counselling centres for consumers (Zagreb, Osijek, Split and Pula) have been set up since 2005 on the basis of the National Programme for Consumer Protection for the Period 2004-2006 and National Programme for Consumer Protection for the Period 2007-2008 (OG, 2007, 84/07: 10), which has received a very large number of citizens' requests for assistance in various situations. Therefore, the continuation of the programme of support to institutions engaged in consumer protection in Croatia through the CARDS Project 2004 financed by the EU is very beneficial.

In conclusion it can be said that the overall infrastructure needed for consumer protection, citizens' awareness and education, as well as the effects of all activities, are developing more rapidly owing to the assistance in the form

of knowledge, know-how, benchmarking and financial support from the European Union. There is no doubt that without the EU support changes in this sector in Croatia would be evolving at a considerably slower pace. It would be exceptionally important for consumers if in cases of disputes with traders or suppliers of services there was an out-of-court body that would quickly and at low cost resolve minor lawsuits, since the courts are generally overburdened with a large number of unresolved cases.

CONCLUSION

The results of the activities linked with preparations for the accession of Croatia to the EU, the harmonization of legislation and the manner in which these preparations are evolving indicate that the acceptance of the approach to consumer protection and implementation of consumer protection measures in Croatia have considerably improved since actions have been implemented in same manner as in the European Union. With the accession of Croatia to the European Union the most important benefits for consumers, i.e. all the citizens of Croatia and those purchasing here, will be:

- A harmonized way of regulating relations between suppliers and consumers in Croatia in the manner as regulated in the EU (harmonization of yet unharmonized Croatian laws with those of the EU);
- Systematic enhancement of the education of consumers on their rights and expectations together with increased activities of citizens in the sphere of self-protection;
- Strict implementation of the methods of supervising the market on the part of authorized institutions with EU good practice, without limiting entrepreneurial freedom;
- The more active participation of consumers in the adoption of laws and regulations as well as prevention of unfavourable effects for citizens;
- Better protection of economic interests of consumers through the more active supervision of the market by authorized institutions (due to newly enforced law);
- Improved and more regular information of consumers in the function of choosing more easily the products/services they are buying;
- The more effective protection of consumers in their relations with suppliers of utility services and other public services that have a monopolistic position on the market (which means implementation of already existing laws).

Therefore, the very process of preparations for the accession of Croatia to the EU has promoted on all levels consumer protection in Croatia, and when

Croatia joins the EU numerous mechanisms significant for the prevention of adverse effects (such as RAPEX) will be activated. In addition, for example, all the provisions of the implemented directive on misleading advertising will be activated when Croatia joins the EU, introducing very strict sanctions envisaged by the Consumer Protection Act that will result in narrowing the scope of consumer rights violations in Croatia.

LITERATURE

Business forum: Acquis communautaire [online]. Available at: <http://www.poslovniforum.hr/eu/eu21.asp>

Consumers International: the global voice for consumers [online]. Available at: <http://www.consumersinternational.org>

GfK – Center for Market Research [online]. Available at: <http://www.gfk.hr/>

Minutes of the Founding Assembly of the Croatian Consumer Protection Association from 27 November 1997, Zagreb.

OG, Official Gazette (2005) Act on the amendments to the State inspectorate act. *Official Gazette*, 129/05

OG, Official Gazette (2006) Act on general use items. *Official Gazette*, 85/06

OG, Official Gazette (2005) Act on genetically modified organisms. *Official Gazette*, 70/05

OG, Official Gazette (2001) Act on the implementation of the Stabilization and Association Agreement between the Republic of Croatia and the European Communities and their Member States and Interim agreement on trade and related issues between the Republic of Croatia and the European Community. *Official Gazette*, 14/2001

OG, Official Gazette (1996) Act on ownership and other real rights. *Official Gazette*, 91/96

OG, Official Gazette (2004) Act on the regulation of energy activities. *Official Gazette*, 177/04

OG, Official Gazette (2005) Act on the right to information accessibility. *Official Gazette*, 172/03

OG, Official Gazette (2005) Act on the structure and scope of ministries and state administrative organisations. *Official Gazette*, 199/03, 30/04, 136/04 and 22/05

OG, Official Gazette (2003) Act on technical requirements for products and on conformity assessment. *Official Gazette*, 158/03

OG, Official Gazette (2005) Chemicals act. *Official Gazette*, 150/05

OG, Official Gazette (2005) Civil obligations act. *Official Gazette*, 35/05

OG, Official Gazette (2003) Competition act. *Official Gazette*, 122/03

OG, Official Gazette (2007) Consumer protection act. *Official Gazette*, 79/07

- OG, Official Gazette (2003) Consumer protection act. *Official Gazette*, 96/03
- OG, Official Gazette (2004) Electric power market act. *Official Gazette*, 177/04
- OG, Official Gazette (2004) Energy act. *Official Gazette*, 68/01 and 177/04
- OG, Official Gazette (2007) Food act. *Official Gazette*, 46/07
- OG, Official Gazette (2005) Gas market act. *Official Gazette*, 68/01 and 87/05
- OG, Official Gazette (2003) General product safety act. *Official Gazette*, 158/03
- OG, Official Gazette (2007) National programme of consumer protection 2007-2008. *Official Gazette*, 84/07
- OG, Official Gazette (2005) Nature protection act. *Official Gazette*, 70/05
- OG, Official Gazette (2007) Regulation on the internal organisation of the Ministry of the Economy, Labour and Entrepreneurship. *Official Gazette*, 24/07
- OG, Official Gazette (2003) Standardization act. *Official Gazette*, 163/03
- OG, Official Gazette (1999) State inspectorate act. *Official Gazette*, 76/99
- 250 OG, Official Gazette (2005) Telecommunications act. *Official Gazette*, 122/03, 158/03, 177/03, 60/04 and 70/05
- OG, Official Gazette (2003) Trade act. *Official Gazette*, 49/03 and subsequent addenda
- OG, Official Gazette (2003) Trades and craft act. *Official Gazette*, 77/93, 90/96, 64/01 and 49/03
- OG, Official Gazette (2004) Utilities act. *Official Gazette*, 36/95, 70/97, 128/99, 57/00, 59/01, 26/03, 82/04 and 178/04
- OG, Official Gazette (2005) Waste act. *Official Gazette*, 178/04 and 153/05
- Project EU CARDS 2002 entitled "Strengthening of capacities in the field of consumer protection" which lasted until 21 February 2007 (CARDS 2002, Inception Report, 2006, Contract No 2002-0201-020101)
- RAPEX - Rapid alert system for non-food products [online]. Available at: http://www.hah.hr/english/eng_index.php?cid=5&id=228&page=5
- Screening reports Croatia [online]. Available at: http://ec.europa.eu/enlargement/croatia/screening_reports_en.htm
- Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part [online]. *Official Journal of the European Union*, L 26/3, 28.1.2005. Available at: http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_026/l_02620050128en00030220.pdf

ADDENDUM

GENERAL INFORMATION ON THE EU IMPACT PROJECT

Project title

- EU IMPACT - Academic network for communicating integration impacts in Croatia

Project framework

- PHARE 2005 - Multi-beneficiary programme on “Small Projects Programme”

Project coordinator

- Institute for International Relations (IMO) Zagreb

Project partner

- Institute for International and European Affairs (IIEA) Dublin

Project associates

- Jean Monnet Chair for Political Science, University of Cologne
- University of Rijeka
- J. J. Strossmayer University of Osijek
- Faculty of Economy, University of Split
- National Foundation for Civil Society Development, Zagreb

Project duration

- January 2007 – March 2008

OVERVIEW OF MAIN ACHIEVEMENTS WITHIN THE EU IMPACT PROJECT

This paper brings the overview of the main achievements within the project EU IMPACT – Academic Network for Communicating Integration Impacts in Croatia developed within the EC PHARE 2005 multi-beneficiary programme on the Small Projects Programme and coordinated by the Institute for International Relations (IMO) in Zagreb in partnership with the Institute for International and European Affairs (IIEA) of Dublin.¹ Its development and implementation also included the Jean Monnet Chair in Political Science at the University of Cologne, the University of Rijeka, the University of Osijek, the Economic Faculty of the University of Split and the National Foundation for Civil Society Development in Zagreb. The overview focuses on the key topics discussed at the public events organised as part of this project.

The process of Croatian accession to the EU implies the need for enhancing public debate on the impacts of EU membership. Therefore the main goal of the EU IMPACT project was raising the awareness of Croatian citizens on the impacts, new rights and opportunities which are being presented with EU membership. The project was also aimed at building synergies between the main actors responsible for communicating the impacts of integration in Croatia. It enabled better networking between representatives of the academic community, public policy makers and civil society activists in encouraging dialogue and dissemination of information on the effects of integration.

The project was designed with the idea of complementing activities of the national Communication Strategy Aimed at Informing the Croatian Public about the European Union and Preparations for EU Membership. Its activities were focused on encouraging formulation of informed and motivated opinions and positions towards EU membership. It integrated various activities: four public events (the kick-off conference and three regional forums), research activities (publication of the IMO and IIEA joint book), coordinative activities (meetings between the project's partners and associates) and development of the Internet content (detailed reports from public events and the on-line forum).²

1 The project has been coordinated by Ms. Višnja Samardžija PhD, Institute for International Relations in Zagreb.

2 Detailed reports from all of the project's public events, power point presentations from the regional forums and other related materials are available at: <http://www.imo.hr/europa/conf/index.html>. The EU IMPACT forum is accessible at: <http://www.entereurope.hr>

The on-line forum, developed as part of the EU IMPACT project, featured virtual debates on the impacts of EU integration in selected thematic fields which have been discussed at the project's public events (education, environmental protection, consumer protection and food safety). The on-line forum aimed to give voice to the concerns and interests of ordinary citizens. However, the interest in this kind of debating was very limited, a fact which further underlines the difficulties in communicating the impacts of EU integration.

Presentations and debates at public events organized as part of the EU IMPACT project served as a starting point for the subsequent publication of this book. These events, which took place throughout Croatia, represent the project's core. They initiated a constructive exchange of views among the experts themselves as well as between experts and forum audiences (for the most part students and civil society activists). The papers in this book have been prepared by some of the key speakers at the Kick-off conference and the subsequent regional forums.

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The organization of the project's first public event - the Kick-off conference (March 2007) coincided with the celebration of the 50th anniversary of the Treaties of Rome. This proved the perfect opportunity for presenting the historical development of European integration, which despite being started as an elite-driven project never failed in drawing legitimacy from the positive political and economic impacts which it brought to the citizens. Today the EU can be viewed as a framework for making joint European decisions. In other words, those who bear political responsibility for the whole process are ultimately the citizens of Europe. Their uninterrupted commitment to the values of European integration should resolve the current crisis of the EU, which besides being a crisis of EU institutions also represents a broader crisis of democracy in Europe.³

The Conference underlined the importance of transnational transfer of knowledge between Croatia and Ireland through partnership with the IIEA, which has become well known in Ireland for its role in conducting influential research and policy analysis and for organizing open and frank debates on the position of Ireland in the EU. Irish public debates have been held in a democratic atmosphere and they were often very intense, particularly regarding the costs and benefits arising from membership in the EU. Their success is evident from the results of national referendums, which in Ireland constitute necessary instruments in making major decisions regarding European integration. The message from the Irish experience is that despite its complexity European integration can be explained and communicated to citizens and that efforts in that respect are worth while because they can make a difference.

3 The key-note speech at the conference dedicated to the 50th anniversary of the Treaties of Rome was submitted by Prof. Wolfgang Wessels, Jean Monnet Chair in Political Science at the University of Cologne.

The impacts of EU membership in the area of *education* were selected as the thematic choice for the first regional forum held in Rijeka (May 2007). At first sight education does not seem to be very important in the ambit of EU integration because it falls under national and not under EU competence. This however is open to debate because the EU today has its own distinct policy in this area based on the Open Method of Coordination (OMC), which as an expression of *soft law* stands for a broad process of consultations resulting in the framing of common policy goals. The EU works on the “European dimension in education”, which implies issues like multinational education and mobility of students and teachers. It supports innovative and framework projects aimed at development of new technologies in education and at the approximation of diverse qualifications.⁴

Ireland has invested around a third of all assets received from EU funds in the funding of human capital, particularly in education and training. Much of this funding was in the form of grants which contributed enormously to the expansion of Irish higher education. This at times encountered controversy because people were being educated while there were no realistic chances for them to gain corresponding employment. However, years later the strategic investment in education placed Ireland's economy in the position of being able to grow very quickly. The Irish economic performance in the 90s and ever since has been built on an educated labour force which emigrated from Ireland in the earlier period in search of work, only to return to their country when the economy began to grow.

The importance of education for the overall development of the EU has been particularly emphasized since the year 2000, when the Union issued its Lisbon Strategy with the strategic goal of creating “the most competitive and dynamic knowledge-based economy in the world by 2010, capable of sustainable economic growth with more and better jobs and greater social cohesion”. This strategy emphasizes the fact that education lies in the focus of economic development. Within this framework the EU issued two of its principal education programmes, which are currently being implemented: the Education and Training 2010 programme and the European Qualifications Framework programme.

The European Qualifications Framework programme gives guidance on the construction of individual National Qualifications Framework (NQF) programmes in European countries. These new qualification frameworks are meant to serve as instruments for mutual recognition of qualifications between countries and for the promotion of greater quality in education. In Croatia each of the twelve levels of education is currently being accompanied by a certain

4 The introductory speaker explaining education policy in the context of EU accession was Prof. Pero Lučin, vice-dean of the University of Rijeka and president of the board of the National Foundation for Science, Higher Education and Technological Development.

type of qualification and connected with one of the eight levels within the European Qualifications Framework. Croatia is also very active in implementation of other programmes which are reforming its education according to European standards. In the area of primary and secondary education these programmes are: the Croatian National Educational Standard and the Croatian National Curriculum.

In the past, the larger Split area has been polluted due to massive industrialization, which in the contemporary period has led to the development of a remarkable environmental scene with a large number of “green” civil society organizations. This was crucial in the choice of the town of Split for staging the second regional forum focusing on the impacts of EU integration in the area of *environmental protection* (June 2007).

The *acquis* in the area of environmental protection is extensive and its implementation demands large investments which predominantly have to be covered from national sources. Still, implementation of the *acquis* establishes a new era of environmental protection as it introduces a modern environmental regime based on progressive principles such as: preventive action, the precautionary principle and the “polluter pays” principle. The *acquis* is built around the idea of sustainable development, which views development as legitimate only if it satisfies the needs of present generations without compromising the same needs for future generations. Being aware of the financial and all other difficulties connected with implementation of its environmental *acquis*, the EU has assured financial and logistical support in the framework of its pre-accession assistance. It has also allowed the possibility of introducing transition periods for implementation of the financially most demanding directives.⁵

The results of Irish efforts to comply with European standards have been extremely satisfactory as far as improvement of environmental protection is concerned. More recently investment in the environmental infrastructure has covered 15% of the total investment of 26 billion euro in the National Development Plan for the period 2000-2006. However, despite positive outcomes Ireland is still faced with challenges in this area, such as the growing vehicle numbers or polluting emissions, and further progress in these regards can only be achieved by reform of its fine system.

The principal instrument for implementing the *acquis* in the water sector in Croatia is a National Strategy on Water Management (still in draft) which brings gradual reform to the water communal sector. This strategy, aiming at the establishment of an integrated regime within the water system, prevents possibilities of privatization of the right to water resources. Its implementation costs until

5 The introductory speaker presenting the current position of Croatia in accession negotiations in the field of environmental protection has been Mr. Damir Rumenjak MS, of the Ministry of Environmental Protection, Physical Planning and Construction.

2023 have been evaluated at 24.4 billion Kn. The overall value of reclaiming the solid waste disposal in Croatia has been estimated at 2.8 billion Kn. The principal questions in this sector are how to organize the waste management centres (regionally or locally) and what kind of technology should be applied there. In the area of industrial pollution Croatia will be obliged to transpose the IPPC directive. Transposition of this directive will bring a substantial change in attitude to the environment on the part of industry, which will be obliged to adopt Best Available Technologies (BAT) for protection against industrial pollution.

The third regional forum emphasizing the impacts of EU accession in the area of *food safety* and *consumer protection* was held in Osijek (October 2007). The city of Osijek was chosen due to its tradition in food production. Furthermore, Osijek recently became the seat of the Croatian Food Agency which supplies indispensable logistic support to a new system of food safety based on European principles. Within EU legislation the interconnected areas of food safety and consumer protection are constantly developing, while harmonization in these sectors is going to bring many benefits to Croatian citizens with relatively minor costs. Croatia has already passed basic food safety and consumer protection laws which reflect crucial elements of the EU *acquis* and at this moment it is working further on transposing and implementing all other needed requirements.⁶

The Europe-wide 1996 food crises made food safety and consumer protection first-class issues in Ireland. It resulted in the resignation of a number of politicians in order for public trust and confidence to be renewed. The country was obliged to build adequate structures for implementation of food safety provisions, which included promotion of food safety, scientific research within this field, and proper communication among the authorized bodies and agencies.

In Croatia the food safety system used to be a "vertical" one, which meant that regulation was targeted at the final product and not towards the process as such. Producers were constrained to follow all kinds of regulations, often not specific enough and overlapping. The new system of food safety, harmonized with the *acquis*, is built on self-control of all the actors in the food production chain, while institutionally it is grounded on risk assessment and risk management as tasks which must be operated by two separate state bodies. The crucial element of the new food safety system is the recently established Croatian Food Agency. The agency is engaged in activities of monitoring and collecting scientific and technical data with the aim of categorizing and monitoring risks which could impact hygiene and safety of food and animal feed. It developed

6 The introductory speaker giving first-hand information on the state of Croatian accession negotiations in the field of food safety was Mr. Mate Brstilo PhD, State Secretary at the Ministry of Agriculture, Fisheries and Rural Development, and Head of the Croatian negotiation team for Chapter 12 - Food Safety, Veterinary and Phytosanitary policy.

the national system of rapid alert which represents a basic tool for the rapid alerting of competent institutions in cases of risk to human health.

Significant improvements for consumer protection in Croatia were introduced by the establishment of the National Council for Consumer Protection, which has an important role in influencing national consumer protection policy. However, the country is still far away from European consumer protection standards. It is faced with partly insufficient, unclear and imprecise regulations as well as insufficient supervision in this field. The image of consumer protection in Croatia is hampered by the backlog within court procedures, insufficient competences of authorized inspection bodies and inadequate awareness of consumers about their rights.

The views expressed at public events organized as part of the EU IMPACT project have sometimes been confrontational; however, the participants have evaluated them as very successful in terms of achieving greater transparency of the integration process. The Irish contributions in particular have been evaluated as very useful for Croatia, which places high hopes on its future EU membership.

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Boris Antunović is a Professor of veterinary biomedicine sciences at the University of J.J. Strossmayer in Osijek, Croatia. He also works as a FAO National Consultant for Food Safety for Croatia and is an adviser to the Committee for Agriculture of the Croatian Parliament. Prof. Boris Antunović obtained master's degree in biomedicine sciences at the Department for Animal Hygiene, Environment and Ethology in 2000 and obtained PhD degree at the Department for Parasitology of the on the Faculty of Veterinary Medicine of the University of Zagreb in 2003. He conducted dissertation researches at the Laboratory for Parasitology of Istituto Superiore di Sanita in Rome, Italy. Prof. Boris Antunović was the first Director General of the Croatian Food Agency in the period from 2004 to 2007. As a team leader or associate he has been involved in many national and international scientific and professional projects in food safety. He contributed to numerous national and international and has published a number of articles in the field of food safety.

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Josipa Badari is a programme coordinator at the National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia. She graduated from the University of Rijeka, Faculty of Philosophy in 2004. Since 2006 she has been working at the National Foundation for Science where she coordinates national programmes within the field of brain gain, higher education reform, Croatian language and national grants for young scientists. She is a doctoral student of literature at the University of Zagreb, Faculty of Philosophy.

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Tom Boland is Chief Executive of the Higher Education Authority (HEA) since January 2004. The HEA is a statutory body established to allocate public fund-

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Hrvoje Butković (1972) graduated on the Faculty of Philosophy at the University of Zagreb. For two years he worked as museum curator at the Local Museum of Poreč Area. Since 2002 he is employed as a research assistant at the Institute for International Relations (IMO) in Zagreb. He actively participated on the several scientific conferences and published scientific and professional articles within the broader thematic field of European integration and civil society. He also participated in development and implementation of several research projects focusing on Croatian integration in the EU. His research interest include: governance in the EU, regionalism, and EU's environmental policy. He is doctoral student on the Faculty of Political Science at the University of Zagreb.

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Alan Dukes was born in Dublin in 1945. After a postgraduate degree in International Trade and Economic Integration from UCD, he was appointed Economic Advisor and subsequently Chief Economist to the Irish Farmers' Association. In 1973, he became Director of the IFA's Brussels office. From 1977 to 1980,

he was an Advisor in the *cabinet* of Commissioner Richard Burke, dealing with Consumer Affairs, Aviation Policy and Relations with the European Parliament. In 1981, he was elected to Dail Eireann, and remained a Member until May, 2002. During that period, he served at various times as Minister for Agriculture, Minister for Finance, Minister for Justice and Minister for Transport, Energy and Communications, and as Chair of the Joint Oireachtas Committee on Foreign Affairs. He was Leader of Fine Gael and Leader of the Opposition from March, 1987 to November 1990. At the request of the Irish Government, he chaired the AgriVision 2015 group which reported in 2005 on a strategy for the development of agriculture and the food industry. From January 2003 until December 2007 he was Director-General of the Institute of International and European Affairs, Dublin. He is currently Public Affairs Consultant with WHPR, Dublin. In April, 2004, President Kwasniewski of Poland awarded him the Commander's Cross of the Order of Merit of the Republic of Poland. In June, 2004, the French Government appointed him Officier de la Legion d'Honneur.

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Pero Lučin is a full professor at the School of Medicine, University of Rijeka and Vice-Rector for organization at the University of Rijeka. From 2003, he is President of the Board of the National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia and from 2005, member of the Croatian Negotiation Team for the Accession to the European Union, responsible for science and research, education and culture. He graduated from the University of Rijeka, School of Medicine (1986), obtained his master of science degree (Medical Faculty of Rijeka, 1989) and a PhD in biomedicine (1991). He spent his two year postdoctoral training at University of Ulm and University of Heidelberg (Germany). In 1995 Croatian Academy of Sciences and Arts awarded him for special contribution in medical sciences and in 1998 he received annual Award of the Republic of Croatia for science. He had published a number of scientific and professional papers.

O' Leary, Gerard

Gerard O'Leary was born in Cork and is a Programme Manager with the Environmental Protection Agency. He has a degree in Chemistry and Environmental Science and holds a Masters Degree in Public Management. He has spent over twelve years with the Environmental Protection Agency and has also worked in Local government as well as the National Roads Authority. He has been responsible for a number of EPA publications including the 2004 State of the Environment Report for Ireland and various reports on drinking water quality, bathing water and urban waste water discharges.

Ondelj, Ivona

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ABOUT THIS BOOK

Communicating integration impact in Croatia and Ireland brings together a selection of papers prepared within the Phare 2005 project “EU IMPACT - Academic network for communicating integration impacts in Croatia”. The book is result of a joint work of the Institute for International Relations – IMO, Zagreb and the Institute for International and European Affairs – IIEA, Dublin. It collects the reflections of the authors on key areas that were discussed at a number of academic debates in Croatia during 2007. The book seeks to give an answer about the expected impact of EU membership in the fields of education, environment protection, food safety and consumer protection. Its aim is to raise awareness of the impacts challenges and opportunities of EU membership for Croatia, based on the successful Irish experience within the academic community and the best practice of communicating Europe to citizens.

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