

## Second session Summarise

<b>Name of Event: Training on legal harmonisation</b>	
<b>Group: Legal Experts Group</b>	
<b>Date: 05-06/06/2014</b>	<b>Time: 09.00 – 18.00</b>
<b>Location: Chisinau, Moldova</b>	

The objectives of the Second session of the LEG were as follows:

- Toolbox for legal approximation
- RIA main aspects – key terms, information, benchmarks
- Methodology – tools for harmonisation and approximation – questionnaire/check list and tables of concordance
- Definition / discussion of further ExptGr topics aimed legal gap analyses
- Training needs assessment

The participants from Armenia, Azerbaijan, Georgia, Moldova, Ukraine, Kazakhstan, Kirgizstan, Tajikistan and Uzbekistan - experts from the Ministries of Transport and agencies, dealing with legal approximation and regulatory drafting issues, and also from Turkey and PS TRACECA were presented.

### **Thursday, June 05, 2014 – Training on legal harmonisation**

Training materials were prepared and delivered to the trainies according approved Concept. During the training process presentations in .ppt format were screaned with explanations for each one of the topics.

During the training participants were focused on topics as follows:

### **SESSION 1: Toolbox Legal harmonisation**

1. Expert Group Concept and architecture was presented. Six months training in parallel with the LEG activities will be developed during next project period.
2. Toolbox Legal harmonisation

Toolbox sets out to:

- analyze and describe the current situation in TRACECA countries, in the context of existing commitments and potential new agreements, as regards progress, practical realities, laws, institutions etc.;
- examine the harmonization/approximation challenges by providing a comprehensive overview of:
  - international conventions and agreements, the EU policy and legal and regulatory framework in transport;

- the primary law provisions and concepts;
- processes typically required for harmonization, including the most influential acts to be transposed;
- best practice institutional solutions and recent developments and ongoing challenges in international law and EU policy in the sector
- provide strategic analysis and key recommendations for the further medium-term development in the field of transport legislation.

Taking into consideration the fact that the beneficiary countries of the project are Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine, as well as Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, a two-narrowed approach shall be implemented – to Eastern Partnership countries and Central Asian countries.

### **SESSION 2: Module 1.Regulatory Impact Assessment (RIA)**

1. **Scope of the legal framework** – criteria, aquis communautaire, international conventions and agreements

**The steps required to complete legal harmonization process include:**

- develop a clear understanding of the current state of the international and national legal and regulatory framework for the transport sector;
- conduct a Gap Analysis exercise between the international and national legal and regulatory framework;
- prioritize the findings of the Gap Analysis exercise, present gap closure recommendations and elaborate a legal approximation and harmonization strategy.

2. **Regulatory impact assessment**

- Bulgarian experience – White paper
- The Regulatory Impact Assessment in legal approximation context is different from traditional impact assessments, usually provided by national law
- Specifics and differences

### **SESSION 3: Module 2. Methodology on legal harmonisation**

1. **Typology of the European Community legal acts – regulations, directives, decisions, case law**
2. **Purpose of the methodology**

The methodology could be used later by national authorities in their future tasks for the legal assessment and gap analysis to aim the objectives:

- legal approximation to the EU law, or
- legal harmonisation as accession to and implementation of international conventions and regional agreements.

There are no significant differences between the legal techniques for the realization of both objectives. Following approach, addressed to EaP and Central Asian countries, they are given, respectively, tools aimed at the accession to and implementation of international conventions and regional agreements.

**3. Main stages of legislative tasks**

**4. Tools:**

→ **Questionnaire**

→ **Table of concordance:**

- by comparatively portraying the similarity between the provisions of international legislation with the draft legislation, and
- by comparatively portraying the similarity between the provisions of the draft legislation and international legislation.

**Friday, June 06, 2014 – Expert Group Meeting**

During the LEG meeting participants worked on topics as follows:

**1. Road transport:**

Explanation and practical exercise for implementation the tools on

REGULATION (EC) No 561/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85

**2. Railways transport:**

The concept on modern railway industry was presented with the main elements on:

- State policy;
- Railway regulator;
- Infrastructure
- Operators
- Public services obligations

### 3. TEN-Transport

Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU – new guidelines for the development of a trans-European transport network comprising a dual-layer structure consisting of the comprehensive network and the core network,

### 4. Law implementation and enforcement-

In addition to the methodology on legal harmonisation/approximation and as an integral part of it, further conclusions should be made.

#### Definitions given in legal instruments

#### Progress Monitoring

In a TRACECA context, we could recommend that legal experts and countries provide complete information, not only for ratification or signature of the international legal instrument, but also for the level of implementation of it.

On TRACECA countries level, a common monitoring system should allow countries to provide progress monitoring for each other and receive from other countries in the corridor:

- regular updates (one or two times/year) on the status of transposition and implementation, including timetables for harmonisation of each international legal act that will be needed for implementation of TRACECA Strategies, and
- updates on changes in EU requirements, legislation or policy that may impact plans for transposition and implementation.

This information will also support IGC TRACECA in determining how to better support a country in the approximation goals for development of the corridor.

Finally, comprehensive progress monitoring will help to ensure correct transposition and implementation. This mitigates the risk of exercising such a different approach from other countries that the harmonisation of legislation in the transport sector along the corridor as an objective is missed.

#### Enforcement

The harmonisation/realignment system guarantees the enforcement of the law by providing the necessary controls and penalties to ensure that the law is implemented fully and accurately.

The transport sector is generally international oriented and is regulated by legal instruments often applicable for transport carriers or transport workers of other countries.



The national law should ensure that the necessary administrative and procedural measures for implementation and enforcement are in place.

This basic checklist could be used as an additional tool for implementation and enforcement of national laws.

In the frame of this topic also the NS TRACECA of Romania Mrs. Maria Grigore took a part in the work of LEG. She presented the concept and idea on TRACECA arbitrage. There were also two experts from Romania for more details.

**5. Scoreboard for corridor assessment -**

- EU Transport Scoreboard
- concept on TRACECA legal harmonisation scoreboard - TRALex

**Future steps:**

Short term tasks during next 6 months:

The LEG shall screen the TRACECA transport legal base to define where are the differences and where are the common points in transport legislation between the states. The members of the LEG shall implement the tools, given to the experts during the training on legal harmonisation.

The LEG shall identify the level of implementation in the countries of different International conventions and agreements. Here the first step with its relevant tool of the Methodology of legal harmonisation shall be exercised by the experts.

The IDEA II project shall take the necessary steps to prepare and provide web-based trainings on Modules 3, 4 and 5 according the Concept:

**Module 3:** Transport solutions addressing non-physical obstacles to transport

**Module 4:** Transport infrastructure and Public-Private Partnership

**Module 5:** Interoperability of transport networks.

Depending on the outcomes of the tasks above and after discussions with experts during web-based session of the LEG and missions of the Legal Key Expert in countries, the first draft on the road-map on legal harmonisation shall be prepared.

Next Session is planned in October or December, 2014.