

**MVPEI
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PROVISIONAL TRANSLATION**

THE GOVERNMENT OF THE REPUBLIC OF CROATIA

Pursuant to Article 23, Paragraph 3 and Article 30, Paragraph 2 of the Act on the Government of the Republic of Croatia (Official Gazette 101/98, 15/2000, 117/2001, 199/2003, 30/2004), the Government of the Republic of Croatia at its session on 7 April 2005 adopted the

D E C I S I O N ON THE ESTABLISHMENT OF A NEGOTIATING STRUCTURE FOR THE ACCESSION OF THE REPUBLIC OF CROATIA TO THE EUROPEAN UNION

I.

This Decision establishes a structure for the conduct of negotiations and the conclusion of the Treaty of Accession of the Republic of Croatia to the European Union, and defines the composition and scope of the bodies constituting the structure for the conduct of negotiations and the conclusion of the Treaty of Accession of the Republic of Croatia to the European Union.

II.

The bodies to conduct the negotiations and conclude the Treaty of Accession of the Republic of Croatia to the European Union shall be:

1. The State Delegation of the Republic of Croatia for Negotiations on the Accession of the Republic of Croatia to the European Union;
2. The Coordinating Committee on the Accession of the Republic of Croatia to the European Union;
3. The Negotiating Team for the Accession of the Republic of Croatia to the European Union;
4. Working Groups for preparing negotiations on the individual chapters of the *acquis communautaire*;
5. The Office of the Chief Negotiator;
6. The Secretariat of the Negotiating Team.

III.

The State Delegation of the Republic of Croatia for Negotiations on the Accession of the Republic of Croatia to the European Union (hereinafter referred to as: the State Delegation) shall hold direct political discussions and negotiations with the EU Member States and institutions and shall be responsible for the successful course of the negotiations on all chapters of the *acquis communautaire*.

For its performance the State Delegation shall be accountable to the Government of the Republic of Croatia. It shall follow the negotiating guidelines adopted by the Government and adhere to the conclusions of the Coordinating Committee on the Accession of the Republic of Croatia to the European Union.

The State Delegation shall submit a report to the Government on the progress of negotiations after each session of a bilateral intergovernmental conference between the Republic of Croatia and the Member States, as well as special reports if so requested by the Government.

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IV.

The State Delegation shall be composed of:

1. The Head of the State Delegation – the Minister for Foreign Affairs and European Integration;
2. The Deputy Head of the State Delegation and Chief Negotiator;
3. Deputy Chief Negotiators;
4. The Head of the Mission of the Republic of Croatia to the European Communities;
5. The Secretary of the Negotiating Team.

V.

The Head of the State Delegation shall represent the Republic of Croatia at bilateral intergovernmental conferences between the Republic of Croatia and the Member States, and shall oversee and steer the negotiations on all chapters of the *acquis communautaire*.

In his or her absence or at his or her order, a Deputy Head of the State Delegation and the Chief Negotiator shall act as Head of the State Delegation.

VI.

The Deputy Head of the State Delegation and the Chief Negotiator of the Republic of Croatia (hereinafter referred to as: the Chief Negotiator) shall be responsible for the direct conduct of negotiations on all chapters of the *acquis communautaire*. He or she shall represent the Republic of Croatia at bilateral intergovernmental conferences between the Republic of Croatia and the Member States when held at the level of chief negotiators.

The Chief Negotiator shall act with the rank of Ambassador to the Mission of the Republic of Croatia to the European Communities.

The Chief Negotiator shall act with both the Government of the Republic of Croatia and the Mission of the Republic of Croatia to the European Communities.

By virtue of his or her position the Chief Negotiator shall be Head of the Negotiating Team for the Accession of the Republic of Croatia to the European Union and direct its work.

The Chief Negotiator is appointed and relieved of duty by the Government of the Republic of Croatia.

VII.

The Chief Negotiator shall have an office (the Chief Negotiator's Office) providing him or her with expert, technical and administrative assistance.

Due to the specific nature of its work and in line with the Chief Negotiator's position, the Office shall operate with both the Government of the Republic of Croatia and the Mission of the Republic of Croatia to the European Communities.

The Office shall be run by the Head of Office as instructed by the Chief Negotiator.

The Office shall be composed of the Head of Office, the Deputy Head of Office, the legal adviser to the Chief Negotiator, an adviser-analyst, and an adviser responsible for issues relating to the implementation of the Stabilisation and Association Agreement. In the course of negotiations the Office may be reinforced by the required number of advisers.

The Office members shall retain the rights and duties under their respective employment contracts with the Ministry of Foreign Affairs and European Integration.

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VIII.

The Chief Negotiator shall have two deputies appointed and relieved of duty by the Government of the Republic of Croatia at the proposal of the Head of the State Delegation subject to the approval of the Chief Negotiator.

The Deputy Chief Negotiators shall be responsible for the direct conduct of negotiations on all chapters of the *acquis communautaire* in the Chief Negotiator's absence or at his or her order, and perform other duties as instructed by the Chief Negotiator.

IX.

The Negotiating Team for the Accession of the Republic of Croatia to the European Union (hereinafter referred to as: the Negotiating Team) shall be responsible for expert and technical levels of the negotiations with the EU institutions and the Member States on all chapters of the *acquis communautaire*.

The Negotiating Team shall review and adopt draft proposals for negotiating positions, and forward them to the Coordinating Committee on the Accession of the Republic of Croatia to the European Union.

For its work the Negotiating Team shall be accountable to the Head of the State Delegation and to the Government of the Republic of Croatia. It shall follow the negotiating guidelines adopted by the Government and adhere to the conclusions of the Coordinating Committee on the Accession of the Republic of Croatia to the European Union, as well as the instructions given by the Head of the State Delegation.

The Negotiating Team shall submit a report to the Head of the State Delegation and the Government on the progress of negotiations after each session of bilateral intergovernmental conferences between the Republic of Croatia and the Member States, as well as special reports if so requested by the Head of the State Delegation and the Government.

X.

The Negotiating Team is composed of:

1. The Chief Negotiator;
2. Deputy Chief Negotiators;
3. Members of the Negotiating Team in charge of individual chapters;
4. The Head of the Mission of the Republic of Croatia to the European Communities;
5. The Secretary of the Negotiating Team.

The Chief Negotiator may, if required, propose to the Government to engage external experts as advisers to the Negotiating Team. The modalities of and the need for engaging external experts shall be decided upon by the Government.

XI.

Members of the Negotiating Team shall be responsible for coordinating individual groups of chapters of the *acquis communautaire*.

Members of the Negotiating Team shall provide expert support to the Chief Negotiator during negotiations, take part in negotiations if so requested by the Chief Negotiator, coordinate the work of the working groups for preparing negotiations on the individual chapters of the

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acquis communautaire, collaborate with the European Coordinators of state administration bodies, and be responsible for drafting proposals of negotiating positions and relevant reports. Members of the Negotiating Team shall be appointed and relieved of duty by the Government of the Republic of Croatia at the proposal of the Head of the State Delegation subject to the approval of the Chief Negotiator.

XII.

The Secretary of the Negotiating Team shall be appointed and relieved of duty by the Government of the Republic of Croatia at the proposal of the Head of the State Delegation subject to the approval of the Chief Negotiator.

The Secretary of the Negotiating Team shall be assisted in his or her work by the Secretariat of the Negotiating Team and the Coordination Department of the Mission of the Republic of Croatia to the European Communities. The Secretariat shall provide expert, technical and administrative support to the State Delegation, the Negotiating Team and the working groups for preparing negotiations on the individual chapters of the *acquis communautaire*.

The Secretariat shall coordinate tasks and activities arising from the negotiations. The Secretariat shall prepare the screening process, draw up reports on the course of screening and progress of the negotiations, make technical arrangements and prepare supporting materials for working groups for preparing negotiations on the individual chapters of the *acquis communautaire*, carry out technical preparations for putting forward proposals for negotiating positions, prepare meetings of the State Delegation and the Negotiating Team, coordinate the use of the database for monitoring the negotiations, and participate, in conjunction with the Secretariat of the Government of the Republic of Croatia, in preparing sessions of the Coordinating Committee on the Accession of the Republic of Croatia to the European Union.

The Secretariat shall also carry out any other technical and administrative activities related to the Accession of the Republic of Croatia to the European Union as instructed by the Chief Negotiator and the Secretary of the Negotiating Team.

The work of the Secretariat shall be coordinated by the Secretary of the Negotiating Team, in conjunction with and as instructed by the Chief Negotiator. The Secretariat shall draw its members from among the staff of the Ministry of Foreign Affairs and European Integration in charge of individual chapters of the *acquis communautaire*.

Members of the Secretariat shall retain the rights and duties under their respective employment contracts with the Ministry of Foreign Affairs and European Integration.

XIII.

A Coordinating Committee on the Accession of the Republic of Croatia to the European Union (hereinafter referred to as: the Coordinating Committee) shall be set up as an *ad hoc* Government working body. The Coordinating Committee shall be an interdepartmental working body set up to review all matters relating to the Accession of the Republic of Croatia to the European Union. It shall review draft proposals for negotiating positions forwarded by the Negotiating Team prior to their submission to the National Committee for Monitoring the Accession Negotiations of the Republic of Croatia to the European Union, as well as the proposed negotiating positions prior to their submission to the Government for adoption.

The Coordinating Committee shall be composed of the Head of the State Delegation, the Minister for Foreign Affairs and European Integration as Chairperson, the Vice Presidents of the Government of the Republic of Croatia and all Ministers of the Government of the Republic of Croatia.

The Chief Negotiator shall be a member of the Coordinating Committee *ex officio*.

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A member of the Negotiating Team in charge of an individual chapter being reviewed at the session of the Coordinating Committee shall participate in the work of the Coordinating Committee, entitled to participate in the discussion, but not in the decision-making process. The Coordinating Committee shall have its own secretary, appointed and relieved of duty by the Government.

XIV.

Working groups for preparing negotiations on the individual chapters of the *acquis communautaire* (hereinafter referred to as: the working groups) shall take part in the screening process, as well as drafting proposals for negotiating positions, in conjunction with state administration or other bodies designated as competent authorities for specific chapters and their European Coordinator.

Working groups shall be formed for the following chapters of the *acquis communautaire* to be negotiated:

1. Free movement of goods;
2. Freedom of movement for workers;
3. Right of establishment and freedom to provide services;
4. Free movement of capital;
5. Public procurement;
6. Company law;
7. Intellectual property law;
8. Competition policy;
9. Financial services;
10. Information society and media;
11. Agriculture and rural development;
12. Food safety, veterinary and phytosanitary control;
13. Fisheries;
14. Transport policy;
15. Energy;
16. Taxation;
17. Economic and monetary union;
18. Statistics;
19. Social policy and employment;
20. Enterprise and industrial policy;
21. Trans-European networks;
22. Regional policy and coordination of structural instruments;
23. Judiciary and fundamental rights;
24. Justice, freedom and security;
25. Science and research;
26. Education and culture;
27. Environment;
28. Consumer and health protection;
29. Customs union;
30. External relations;
31. Foreign, security and defence policy;
32. Financial control;
33. Finance and budgetary provisions;
34. Institutions;

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35. Other issues.

XV.

Each working group shall have its own head, appointed and relieved of duty by the Government at the proposal of the Head of the State Delegation subject to the approval of the Chief Negotiator.

Working groups shall be run by their heads in conjunction with the member of the Negotiating Team responsible for co-ordination of an individual chapter of the *acquis communautaire*. For their performance the heads of the working groups shall be accountable to the respective member of the Negotiating Team in charge of an individual chapter of the *acquis communautaire*.

For specific issues subgroups may be formed within a working group at the proposal of the head of the working group subject to the approval of the Negotiating Team. Each subgroup shall have its own head, appointed and relieved of duty by the Coordinating Committee at the proposal of the Chief Negotiator.

Working subgroups shall be guided by the subgroup heads in conjunction with the heads of the working group and the member of the Negotiating Team responsible for coordination of an individual chapter of the *acquis communautaire*.

For their performance the heads of working subgroups shall be accountable to the respective working group head and the member of the Negotiating Team responsible for coordination of an individual chapter of the *acquis communautaire*.

Members of working groups and subgroups shall be appointed by the Coordinating Committee at the proposal of the Chief Negotiator and based on consultations with the heads of state administration bodies designated as competent authorities for individual chapters of the *acquis communautaire*.

Working groups may be composed of the representatives of state administration bodies, including the Mission of the Republic of Croatia to the European Communities, representatives of the academic community, economic and social partners, civil society, professional associations, business entities and individual experts.

XVI.

Depending on their terms of reference, state administration or other bodies shall be designated as competent or co-competent authorities for each individual chapter of the *acquis communautaire*.

State administration or other bodies designated as competent or co-competent authorities for an individual chapter of the *acquis communautaire* shall coordinate the participation of other state administration bodies or other bodies in providing professional and technical support to the Negotiating Team and the working groups.

ANNEX

The following state administration or other bodies shall be designated as competent or co-competent authorities for individual chapters of the *acquis communautaire*

1. Chapter : Free movement of goods
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of the Sea, Tourism, Transport and Development,
Ministry of Agriculture, Forestry and Water Management, Ministry of Health and

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- Social Welfare, Ministry of Science, Education and Sports, State Office for Metrology, Croatian Bureau of Standards, Croatian Accreditation Agency, Croatian Metrology Institute, Drug Agency, Food Agency, State Inspector's Office;
2. Chapter: Freedom of movement for persons
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of Science, Education and Sports, Ministry of Justice, Ministry of the Interior;
 3. Chapter: Right of establishment and freedom to provide services
competent authority – Ministry of Justice
co-competent authorities – Ministry of Finance, Ministry of the Economy, Labour and Entrepreneurship, Ministry of the Sea, Tourism, Transport and Development, Croatian Agency for Insurance and Pension Funds Audit;
 4. Chapter: Free movement of capital
competent authority – Croatian National Bank
co-competent authorities – Ministry of Finance; Ministry of Justice; Ministry of Agriculture, Forestry and Water Management; Ministry of the Interior, Ministry of Foreign Affairs and European Integration;
 5. Chapter: Public procurement
competent authority – Public Procurement Office
co-competent authorities – State Commission for Supervision of Public Procurement Procedure, Ministry of Finance;
 6. Chapter: Company law
competent authority – Ministry of Justice
co-competent authority – Ministry of the Economy, Labour and Entrepreneurship;
 7. Chapter: Intellectual property law
competent authority – State Intellectual Property Office
co-competent authorities – Ministry of Science, Education and Sports, Ministry of Health and Social Welfare
 8. Chapter: Competition policy
competent authority – Competition Agency
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of Finance, Ministry of the Sea, Tourism, Transport and Development, Ministry of Culture;
 9. Chapter: Financial services
competent authority – Ministry of Finance
co-competent authority – Croatian National Bank, Securities Commission;
 10. Chapter: Information society and media
competent authority – Ministry of the Sea, Tourism, Transport and Development
co-competent authorities – Ministry of Culture, Ministry of Science, Education and Sports, Central State Administrative Office for e-Croatia;
 11. Chapter: Agriculture and rural development
competent authority – Ministry of Agriculture, Forestry and Water Management
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of Environmental Protection, Physical Planning and Construction, Ministry of the Sea, Tourism, Transport and Development;
 12. Chapter: Food safety, veterinary and phytosanitary control
competent authority – Ministry of Agriculture, Forestry and Water Management
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of Health and Social Welfare, Food Agency;
 13. Chapter: Fisheries

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- competent authority – Ministry of Agriculture, Forestry and Water Management
co-competent authorities – Ministry of Environmental Protection, Physical Planning and Construction, Ministry of the Sea, Tourism, Transport and Development;
14. Chapter: Transport policy
competent authority – Ministry of the Sea, Tourism, Transport and Development
co-competent authorities – Ministry of Environmental Protection, Physical Planning and Construction, Ministry of the Interior;
15. Chapter: Energy
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of Environmental Protection, Physical Planning and Construction, State Institute of Radiation Protection;
16. Chapter: Taxation
competent authority – Ministry of Finance – Tax Administration
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of the Sea, Tourism, Transport and Development, Competition Agency;
17. Chapter: Economic and monetary union
competent authority – Croatian National Bank
co-competent authority – Ministry of Finance;
18. Chapter: Statistics
competent authority – Croatian Bureau of Statistics
co-competent authority – Ministry of the Sea, Tourism, Transport and Development;
19. Chapter: Social policy and employment
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of Health and Social Welfare, Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, Office for Social Partnership, Office for Gender Equality, Office for Human Rights;
20. Chapter: Entrepreneurship and industrial policy
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of Finance, Ministry of the Sea, Tourism, Transport and Development;
21. Chapter: Trans-European networks
competent authority – Ministry of the Sea, Tourism, Transport and Development
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of Environmental Protection, Physical Planning and Construction ;
22. Chapter: Regional policy and coordination of structural instruments
competent authority – Ministry of the Sea, Tourism, Transport and Development
co-competent authorities – Ministry of Foreign Affairs and European Integration, Croatian Bureau of Statistics, Ministry of Finance, Central State Administrative Office for Public Administration;
23. Chapter: Judiciary and fundamental rights
competent authority – Ministry of Justice
co-competent authorities – Ministry of Foreign Affairs and European Integration, Central State Administrative Office for Public Administration, Office for Human Rights, Office for Social Partnership, Office for National Minorities, Office for Gender Equality, Office for NGOs, Office for Combating Corruption and Organised Crime, Office for the Prevention of Money Laundering, Office for Substance Abuse Prevention, Agency for the Protection of Personal Data;
24. Chapter: Justice, freedom and security
competent authority – Ministry of the Interior

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- co-competent authorities – Ministry of Justice, Ministry of Foreign Affairs and European Integration, Central State Administrative Office for Public Administration, Office for Combating Corruption and Organised Crime, Office for the Prevention of Money Laundering, Office for Substance Abuse Prevention;
25. Chapter: Science and research
competent authority – Ministry of Science, Education and Sports;
26. Chapter: Education and culture
competent authority – Ministry of Science, Education and Sports
co-competent authority – Ministry of Culture;
27. Chapter: Environment
competent authority – Ministry of Environmental Protection, Physical Planning and Construction
co-competent authorities – Ministry of Agriculture, Forestry and Water Management, Ministry of the Sea, Tourism, Transport and Development, Ministry of Culture, Ministry of the Economy, Labour and Entrepreneurship, Ministry of Health and Social Welfare, Ministry of the Interior, State Institute of Radiation Protection;
28. Chapter: Consumer and health protection
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authorities – Ministry of Health and Social Welfare, Ministry of Agriculture, Forestry and Water Management, Competition Agency, State Inspector's Office, Food Agency;
29. Chapter: Customs union
competent authority – Ministry of Finance – Customs Administration
co-competent authorities – Ministry of the Economy, Labour and Entrepreneurship, Ministry of Agriculture, Forestry and Water Management;
30. Chapter: External relations
competent authority – Ministry of the Economy, Labour and Entrepreneurship
co-competent authority – Ministry of Foreign Affairs and European Integration;
31. Chapter: Foreign, security and defence policy
competent authority – Ministry of Foreign Affairs and European Integration
co-competent authorities – Ministry of Defence, Ministry of the Interior;
32. Chapter: Financial control
competent authority – Ministry of Finance
co-competent authorities – Croatian National Bank, State Audit Office;
33. Chapter: Financial and budgetary provisions
competent authority – Ministry of Finance;
34. Chapter: Institutions
competent authority – Ministry of Foreign Affairs and European Integration;
35. Chapter: Other issues
competent authority – Ministry of Foreign Affairs and European Integration.

The European Coordinators in state administration bodies shall provide expert, technical and administrative support to the Negotiating Team and the working groups, in cooperation and in conjunction with the respective member of the Negotiating Team in charge of an individual chapter of the *acquis communautaire*.

State administration and other bodies designated as competent and co-competent authorities are listed in the Annex to this Decision.

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The negotiating structure established under this Decision shall be provided with expert, technical and administrative support by the Secretariat of the Government of the Republic of Croatia, the Ministry of Foreign Affairs and European Integration, and the Mission of the Republic of Croatia to the European Communities, as well as any other state administration body as required, each within its scope.

XVIII.

The above Annex is a constituent part of this Decision.

XIX.

This Decision shall enter into force on the day of its adoption and shall be published in the Official Gazette.

Class: 910-04/00-03/06
Reg. No.: 5030109-05-21
Zagreb, 7 April 2005

The President of the Government of
the Republic of Croatia
Ivo Sanader, m.p.