Project no: LE 99.04.01

1 Title of Project:

Integration into the European Union: Law Approximation

2 Location:
The Saeima (European Affairs Committee), European Integration Bureau and the following ministries: Economy, Agriculture, Interior, Justice and Culture, Finance and Welfare.

3 Objectives:

General Objective:
To enhance and improve the effectiveness of Law approximation and its sustainable implementation.

Specific Objectives

1. To enhance and improve the Law Approximation process in Latvia.

2. To develop appropriate structures and institutions for effective implementation and enforcement related to the adoption of the acquis in the following sectors Industrial Policy, management of CAP reform, occupational health and safety and intellectual property.

Accession Partnership

The Accession Partnership emphasises the need to strengthen administrative structures in "virtually all EU relevant sectors". Moreover, it indicates as priority areas for work:

- Further alignment in the areas of intellectual and industrial property rights (short-term priority)
- Reinforcement of institutional and administrative capacity by enforcement of internal market legislation and establishment of institutions able to implement the Community’s …agricultural policy (medium-term priority); development of the capacity to implement and enforce the CAP, in particular the fundamental management mechanisms and administrative structures to monitor the agricultural markets and implement structural and rural development measures (medium-term priority); alignment of labour and occupational health and safety legislation and development of enforcement structures in particular early adoption of the framework directive on health and safety at work (medium-term priority)

4 Description:

The issues to be addressed in order to make a sustainable improvement in the process of approximation are at both a “horizontal” and sectoral level.

Enhancing the “Horizontal” Process

While the Accession Partnership and the NPAA have contributed substantially to the prioritisation of legislation to be approximated, there is a need to develop a more systematic and structured approach to legislative programming across the administration.

The discipline of impact assessment, which is an integral feature of policy and law making in most of the member states, is still undeveloped. One of the tasks of the proposed project – aimed at improving the overall law approximation process in Latvia – will address the need not only to develop general models in this area but to build capacity among policy and law-makers in the strategic planning context.

These will be core areas for the attention and assistance of a PAA at the centre of the administration dealing with European integration.
The decision making practice in Latvia does not always accommodate a clear differentiation and complementarity of roles and functions between the Parliament and the administration. This project will address this problem through the secondment of a suitably experienced adviser from an appropriate member state institution to the Parliament to support the implementation of the new systems and to seek to promote the "cultural" change, which will guarantee the sustainability of improved practices.

Furthermore, as the accession process develops, it is clear that there will be a requirement for in-depth training for those involved in law approximation in Latvia.

**Enhancing the “Sectoral” Process**

The selection of sectors and institutions for inclusion in this twinning project is based upon an analysis of the progress report, first results of the screening exercise, discussions with the Public Administration Reform Bureau and with the respective ministries. According to the NPAA, substantial amount of activities needs to be carried out under each of the further mentioned sectors:

**Ministry of Economy**

**Industrial Policy**

Industrial Policy, as policy planning in general, is an underdeveloped discipline in Latvia. There are serious deficiencies in all the main elements of Industrial Policy – i.e., strategic planning, capacity and know-how, financial resources, strong partners on the non-governmental and business side etc. Every technical assistance in this area should be based upon a realistic appraisal of the limited financial resources for an industrial policy in Latvia (which are likely to remain a serious hindrance in the medium term). The Government’s plans to privatise some of the biggest state-owned companies in 1999 and the introduction of EU pre-structural funds are other important factors to be taken into account.

**Ministry of Agriculture**

**Management of the reform of the Common Agricultural Policy**

One of the top policy priorities of the Latvian Government in the agriculture sector has been to prepare the sector for integration into the internal market and to meet the obligations of membership in respect of the Common Agricultural Policy. Much of the work of senior management has focussed on the approximation of necessary laws and furthermore, the general re-organisation, over recent years, of the institutions of state responsible for the sector has been driven by this imperative.

There is a need to continue to develop the strategy and implementation plan for preparation for the introduction of structures and systems of control essential for the effective management of the reformed CAP in Latvia. Work has already started in a number of areas including the Farm Accountancy Data Network and the Integrated Administrative and Control System. There is a need to develop local administrative structures for the management of the European Agricultural Guidance and Guarantee Fund and to make further progress in terms of developing Common Market organisations.

**Ministry of Culture (in co-operation with Ministry of Interior, Ministry of Finance, Ministry of Justice)**

**Intellectual Property, protection of the Intellectual property rights**

The protection of intellectual property has been included as a priority action in Latvian NPAA. The Ministry of Culture has already elaborated necessary legislation for protection of intellectual property (copyrights and neighbouring rights). The new law *On Copyrights and Neighbouring Rights* provides for establishment of a new unit under Ministry of Culture. Establishment of this unit will facilitate successful development of the specific branch, as well as, would ensure comprehensive and effective performance in the protection of the aforesaid rights and in the fight against piracy.

The experience of EU member state administration in this area will be very valuable in developing the necessary expertise and co-ordinating mechanisms.
Ministry of Welfare  
Health and Safety at work
Raising the level of safety at work and protecting the employees against hazard, accident and occupational
disease is essential in order to meet the requirements of the Community acquis in this area and to integrate
fully into the labour market of the European Union. The responsible institutions in this area are the Labour
Department of the Ministry of Welfare and State Labour Inspectorate.

It is expected that in the first semester of 1999 a new Labour Code will be enacted, which should transpose a
considerable portion of the relevant EU directives. In the second half of the year, wide range training for SLI
inspectors will be needed. An explanatory brochure about the new Labour Code should be produced, as well
as other public information activities. These measures could be carried out with the assistance of the present
twinning project.

Component I:  
To enhance and improve the Law Approximation process in Latvia

This component will focus upon the need for improved co-ordination between the institutions involved at
every stage of the law approximation process - both within the administration and between Government and
the Saeima.

Sub-component 1.1:

It will involve the placement of a Pre-Accession Adviser in the European Integration Bureau (EIB), who will
provide advice and support to the management of the EIB, the Task Force for Preparation of Negotiations
and the Council of Senior Officials in developing measures to improve law making, implementation and
enforcement. An essential part of the task will relate to the development of improved methodologies for
assessment of impact of approximated legislation and the design of suitable training programmes for Latvian
policy makers. As the pre-accession context evolves, it will be important to keep under review the
appropriateness and effectiveness of co-ordination structures in place. The support of an experienced
administrator involved in the management and co-ordination of EI policy in one of the member states will
help to accelerate the process.

The Pre-Accession Adviser located in the EIB will have overall responsibility for co-ordinating the project
and the work of the sectoral activities related to the respective ministries.

In order to achieve the required result of the overall twinning operation, the chief PAA placed in the EIB
must be allowed to employ the necessary supportive means as eligible for a twinning package in accordance
with this term’s definition given in the relevant EC documents. He should have the possibility to fly in
specialised short-term expertise or trainers to meet a range of horizontal and sectoral needs in a flexible and
responsive manner – focussing upon improved quality management by addressing a number of specific
perceived weaknesses in the system. During the course of the project, the screening process will further
highlight particular areas for attention, as will the findings of the next Progress Report, which will be
prepared by the time this twinning project comes on stream. It is anticipated that this component will allow
specific technical needs (both sectoral and cross-sectoral) which may be identified to be met quickly and
effectively. The Twinning package will comprise:

- support for strengthened management of the co-ordination process and specific bottleneck points in
  the approximation “chain” – for example, in the area of translations;
- short term and “ad hoc” support can also be provided to specific sectoral ministries where the need
  becomes apparent;
- human resources and management development exercises;
- customised training for law makers;
- intangible supplies.

Sub Component 1.2:

This will involve the placement of a Pre-accession Adviser in the Saeima with special responsibility for
development of capacity in the European Affairs Committee for independent scrutiny of consequences of new
legislation. He/she will contribute to the development of expertise in the more structured appraisal of policy
issues within the Saeima to allow for more constructive dialogue between the Parliament and the Executive.
Both advisers will seek to assist with the development of culture and structures required to improve the quality of interaction between the administration and the Parliament.

Component 2:
Support for appropriate structures and institutions for the effective implementation and enforcement related to the adoption of the acquis

This Objective will be delivered across a number of components relating to specific sectors and ministries. While the needs of each sector and related government institution will be different, the types of support envisaged will include a number of common elements such as support in developing appropriate models for implementation and enforcement of legislation as well as an agreed and specific plan for institution building. Also the assistance should provide necessary transfer of EU member states experience which could help in strengthening Latvian administration policy networks: external - with European Commission and other European institutions; internal – with social partners and sectoral interest groups in society. It should be noted that these are indicative areas of support and discussions are continuing with the beneficiary ministries to refine further these proposals.

Sub-component 2.1:
Pre-Accession Adviser in the Ministry of Economy. The Department for Industrial Policy within the Ministry of Economy will be the primary beneficiary of the assistance, but other existing potentials – such as the Department for Economic Analysis and Fiscal Policy Planning within the Ministry of Finance – should also be supported. A twinning project must build up the capacity of the responsible Latvian authorities. In parallel to that, it should help consolidate the prevailing, dispersed elements of an Industrial Policy in Latvia, such as: the ongoing efforts in Quality Management, support to SMEs (both within the Ministry of Economy), regulatory and administrative efforts to improve the economic environment at large (including tax policy reform), the building of Governmental – Non-Governmental networks and efforts to involve the Social Partners (promoted by the EIB), and the promotion of education and science, notably, through the participation in EC programmes.

The existing efforts (as described) should be synergised and integrated with new ones, such as: new forms of labour organisation, setting up of round-table fora, and a future-oriented exploration of comparative advantage sectors of the Latvian economy in the context of EU accession etc. The ultimate aim is to integrate all of the above mentioned elements to arrive at a co-ordinated, strategic approach. The Pre-Accession Adviser should eventually help the Latvian authorities shape a realistic, meaningful Industrial Policy in the described circumstances.

Sub-component 2.2:
Pre-accession adviser in ministry of Agriculture to assist in to support the Ministry of Agriculture institutional capacity to initiate policy convergence towards EU Common Market Organisation (CMO) for cereals, dairy products, meat and other selected commodities. He/she would also assist senior management of the ministry to learn from the experiences of selected member state in the improvement of organisational, quality requirements and statistical needs related to CMO. Advice on implementation, in terms of budget, training and co-operation, including proposed schemes for Marketing Boards and planning for the local administration of European Agricultural Guarantee and Guidance Funds. The Adviser would help MOA to assess the implications for Latvia of adopting the EU’s IACS and FADN system of administering agricultural support to farmers and to make recommendations; to coordinate policy analysis and accession preparation with already ongoing policy work and produce position papers on EU accession.

Sub-component 2.3:
Pre-accession adviser in ministries of Interior, Justice, Culture, Finance to provide assistance in the alignment of Latvian legislation in the area of Intellectual Property and its effective implementation especially in relation to border controls. As stated above, the role of this adviser would be to provide support and transfer of know-how in the implementation of legislation which require consistently high level of inter-agency co-ordination.
5. Institutional framework

(See Annex A)

The approximation of laws is primarily the responsibility of the individual ministries. Prioritisation is based upon the National Programme for Integration into the EU (NPAA), which reflects the short and medium term priorities of the Accession Partnership. Draft laws are considered and developed through inter-ministerial working groups before submission to the Cabinet for adoption and referral to the Parliament. Ministries, and where appropriate, their sub-ordinate bodies have the task of implementing and enforcing the legislation once adopted.

The European Integration Bureau has the responsibility for the management and co-ordination of the law approximation process in Latvia.

Since the commencement of screening in early 1998, the Task Force for the Preparation of Negotiations has taken on an increasingly important role in relation to the approximation of laws given its co-ordinating role. In addition to the co-ordination of the screening process, the TFPN has responsibility for the collating the Latvian position and the eventual definition of mandate.

The EU Policy Department at the III Political Division in the Ministry of Foreign Affairs has responsibility for co-ordinating the Latvian input to the Europe Agreement, working closely with the European Integration Bureau in respect of commitments in the law approximation context. This Department prepared the Latvian contribution to the Progress Report and to that extent has responsibility for monitoring progress in that area.

The State Chancellery fulfils the function of management of the business of the Cabinet and as such has the responsibility for the technical quality of draft laws and other documents to the Cabinet. It has been active in pursuing more effective forms of regulatory management including the introduction of cost effective impact assessment techniques for standard use in the preparation all laws.

The final stage in the transposition process is the adoption or amendment (and adoption) of the draft law by the Saeima. There has been considerable cross-sectoral interest over the past year in the development of a coherent annotation system which provides the necessary background for an informed reading of the Cabinet proposals, leading to better quality laws in terms of EU compliance. The European Affairs Committee of the Saeima scrutinises the Government’s approximation activities.

Since the entry into force of the EA in February 1998, it is clear that current arrangements between the ministries and the Saeima for the transposition of legislation will be strained to cope with the growing volume of secondary legislation to be transposed.

The Public Administration Reform Bureau has the role of stimulating, supporting and co-ordinating the administrative strengthening effort, especially through Institution Building. The Director of the PARB is the Institution Building National Contact Point. The PARB will play a central role in defining the priorities for institution building and in dealing with the preparation of the administration for coping with the responsibilities of membership.
6. Budget (in EUR)

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7. Implementation Arrangements

**Contractual and Financial Implementation:**
The EU Member State administration(s) seconding the PAAs and short-term experts will continue to pay the salaries of these civil servants. The salaries of the PAAs (including related non-wage labour costs, plus an additional 6% to cover the cost of replacement) will be reimbursed to the MS administration(s) by the European Commission. This will be arranged in a Framework Agreement between the European Commission and the leading Member State. All other payments and adjustments will be done by the CFCU in Latvia, subject to the EC Delegation’s endorsement.

**Technical Implementation:**
On overall project management level, this will be the joint responsibility of the chief PAA based within the European Integration Bureau and the recipient institution’s nominated counterpart. The chief PAA will responsible for co-ordination of inputs across the project. The same principle of joint responsibility between the PAA/his home administration and the recipient institution’s nominated counterpart will be observed at the sectoral level. This will be arranged in the twinning covenant (to be concluded between the home administration(s) of the PAAs, the European Commission and the Latvian recipient institutions) in more detail and in accordance with the guiding rules and principles of twinning/Institution Building.

Monitoring of the Project will be carried out by a Monthly Steering Committee with whole project team, representatives from all involved Latvian institutions and chaired by Director of the European Integration Bureau to co-ordinate project activities. (*See Annex B*)

8. Implementation Schedule

- Call for proposals from EU member states: May 1999
- Start of project activity: November/Decembr 1999
- Completion: January/February 2001

9. Equal Opportunity

The European Integration Bureau and involved ministries is an *equal opportunities* employer and will ensure that the recipient organisations subscribe publicly, in advertisements, tendering arrangements, etc to the principles of equal opportunity.
The Business Plan and HRD programme for the project will underpin the objective of equality of opportunity between the genders by ensuring that this principle is built into the strategy and fully taken into account in the implementation of the HRD programme.

Project managers will maintain records of gender background of staff in recipient organisations and will track changes in the context of reports.

10. **Conditionally and Sequencing**

- It is important to ensure the specific action areas related to Component 2 correspond to problematic sectors identified by screening process and EC Progress Report. It is anticipated that this will be confirmed in more detail during the project evaluation and inception phase.
- Ensure a smooth and proper implementation of the project plan.
- Ensure that activities in the same area financed by other sources complement the Phare financed activities foreseen under this project in an optimal way.
- Co-ordination with the Phare ALL (Approximation of Latvian Legislation to that of the EU) project to ensure additionality and synergy of the efforts by both projects. The EIB and the other recipient institutions will be responsible for ensuring a clear and meaningful complementarity of the above mentioned Phare actions throughout all phases of project implementation; the EC Delegation and HQ shall be kept informed and consulted whenever necessary.
- Ensure appropriate staffing within recipient institutions.
- Ensure that appropriate legislation and strategic documents have been passed in Government for implementation of the institution building exercise.
### LOGFRAME PLANNING MATRIX FOR LAW APPROXIMATION

**Wider Objective**

- High compliance of Latvian legislation with EU requirements and significant progress in application of legislation through enforcement and implementation mechanisms

**Indicators of Achievement***

- Priority areas of legislation approximated and transposed
- Priority areas of legislation approximated and enforced in practice

**How, When By Whom Indicators Will Be Measured**

- Regular Reports to Government on progress in implementing provisions of National Programme
- Commission Progress Reports
- Results of Screening
- TAIEX reports on internal market approximation

**Assumptions and Risks**

- Legislative approximation to EU and enforcement of EU legislative requirements remains priority in national policy

**Immediate Objectives**

- To improve inter-institutional co-ordination of legal approximation process
- To develop appropriate structures and institutions for effective implementation and enforcement related to the adoption of the acquis in the following Ministries: Economy, Agriculture, Justice, Interior, Culture, Welfare, Finance

**Indicators of Achievement***

- Decreased divergence between first and last drafts of proposed legislation in terms of meeting EU requirements
- Existence of coherent inter-institutional EI integration strategy
- Enforcement structures in relevant sectors in place

**How, When By Whom Indicators Will Be Measured**

- Reports of Saema European Affairs Committee
- Reports of Ministries to Government
- Reports of MFA on screening process
- Reports to CSO from EIB

**Assumptions and Risks**

- Staff of individual institutions remain willing to cooperate within the wider framework of the European Integration Process

**Outputs**

- Component 1
  - Increased understanding and familiarisation of EU institutions
  - Increased coherence of priorities within integration process.
  - Streamlined institutional framework for legislation making process.
  - Agreed methodology/models for effects assessment.

**Indicators of Achievement***

- Programme of training and advice for EI institutions delivered
- Successive revisions of National Programme undertaken
- Revised frameworks and structures in legislative process in place
- models and methodologies for impact assessment as part of policy development identified
- Frameworks and structures for implementation and enforcement of legislation in place within sectors
- Specific Institution Building plan for each sector in place and being implemented

**How, When By Whom Indicators Will Be Measured**

- Reports of Training Programmes and Relevant Advisers
- National Programme Reports
- Programme activity, progress and monitoring reports

**Assumptions and Risks**

- Advice and training provided is relevant and appropriate
- Appropriate counterparts are provided by beneficiary institutions

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**Date of drafting:** January 99

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**Total Budget:** 1.650 MEUR

**Phare contribution:** 1.5 MEUR

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**Project Number:** LE 99.04.
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<td>• A comprehensive Twinning package, involving 6 PAAs and other supportive means as eligible for twinning packages</td>
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<td>• Regular reports of beneficiary institutions • CFCU reports on contract implementation and disbursement</td>
<td>• Adequate and experts advice, training and other assistance is available through twinning and contracting</td>
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## Annex 2: Detailed Cost Breakdown

### Law approximation – LE 9904.01

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### IMPLEMENTATION SCHEDULE

**Date of Drafting**: January 99  
**Planning Period**: Jan 99 – Dec 2000

#### Title

**Sustainable Approximation**

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<tr>
<td>Design</td>
<td>D</td>
<td>D+C</td>
<td>C</td>
<td>I</td>
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<td>Tendering</td>
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<td>Contract</td>
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**Total Program**

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<th>2001</th>
<th>Total Budget</th>
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<td>II</td>
<td>III</td>
<td>I</td>
</tr>
<tr>
<td>0.5 MEUR</td>
<td>0.2 MEUR</td>
<td>0.8 MEUR</td>
<td>1.5 MEUR</td>
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</tbody>
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**Legend**

- D = Design of sub-project
- C = Tendering and contracting
- I = Contract implementation and payment
## Annex 4 A:

### COMMITMENT (CONTRACT) SCHEDULE OF THE PROGRAMME

<table>
<thead>
<tr>
<th>Title</th>
<th>Law Approximation – LE 99.04.01</th>
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</thead>
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### Projects

<table>
<thead>
<tr>
<th>Sub-Projects</th>
<th>Commitment Schedule (Quarters)</th>
<th>Budget Allocation</th>
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<tr>
<td></td>
<td>Planned</td>
<td>Cost Estimate</td>
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#### 1999

<table>
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<th>II</th>
<th>III</th>
<th>IV</th>
<th>I</th>
<th>II</th>
<th>III</th>
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<td></td>
<td></td>
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</table>

- **Component 1.1**
  - 0.5 MEUR

- **Component 1.2**
  - 0.2 MEUR

- **Components 2.1 - 2.4**
  - 0.8 MEUR (4 * 0.2)

#### 2000

<table>
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<tr>
<th>I</th>
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- **Total Program**
  - 1.5 MEUR
Annex 4 B:

**DISBURSEMENT (PAYMENT) SCHEDULE**

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<td>Component 1.1</td>
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</tbody>
</table>

**Title**

Law Approximation – LE 99.04.01

**Budget Allocation Cost Estimate**

**Date of Drafting**

January 99
**ANNEX 5  Relation of project with Previous Phare activities and with ongoing projects financed from other sources (national, bilateral or multilateral funding)**

**Law approximation – LE 99.04.01**

<table>
<thead>
<tr>
<th>Budget line</th>
<th>Title of project</th>
<th>Description</th>
<th>Implementation Status</th>
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<tbody>
<tr>
<td><strong>EU Phare</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>LE9504.01.01, LE9601.02.01, LE9605.00.00, LE9701.01.01</td>
<td>Technical Assistance to the Approximation of Latvian Legislation to that of the EC</td>
<td>In the framework of the project, practical know-how of law harmonisation methodology will be transferred to staff in the line ministries. It is the ALL’s approach that the short-term experts working within the project are sitting side by side with the Latvian law drafters in the line ministries, giving hands-on advice. The ALL and the EIP have or will have made indispensable contributions to the development of an improved, unified approach to law harmonisation in Latvia. They will also have assisted the Latvian administration in the practical aspects of transposing a good part of the EU acquis.</td>
<td>ongoing</td>
</tr>
<tr>
<td>LE9504 + LE9601</td>
<td>European Integration Programme</td>
<td>In the framework of the project, targeted advice was given to the European Integration Bureau, which led to the drafting of a set of common guidelines for the approximation of law. A library of EC law has been established within the EIB premises to serve the needs of both the law drafters within the administration and the society in general. (See also description under ALL)</td>
<td>completed</td>
</tr>
</tbody>
</table>
| LE9601.02.01  | Support to the Saeima (Latvian National Parliament) in law approximation           | Results:  
• annotation system in place;  
• improved MPs awareness of the EU law approximation issue.                                                                                                                                                                                                                           | completed             |
<p>|               | Support to the Approximation of Legislation and Institution Building for Occupational Safety and Health in a Pre-accession Context | The overall objective is to assist MOW and the State Labour Inspectorate in ensuring that the priority pre-accession Occupational Health and Safety requirements are met, and those remaining are clearly identified and planned for.                                                                                                         | ongoing               |
| LE9610.03.01  | National State Employment Services’ institutional development for more effective labour market measures in the context of accession | The objective is to support NSES’s capacity to execute policy based interventions in the developing Latvian labour market clearing and active employment measures, which will facilitate Latvia’s entry into the Internal Market.                                                                                                           | ongoing               |
| Phare COP Latvia 97 | Strengthening the MOW in Latvia in a pre-accession framework – Phase 3      | The project contributed to capacity building within the MOW by conducting a wide range training programme in foreign languages, projects preparation and other areas, as well as by other support measures.                                                                                                                                  | ongoing               |
| Phare COP Latvia 96 | Strengthening the MOW in Latvia in a pre-accession framework – Phase 2     | (see above)                                                                                                                                                                                                                                                                                                                             | completed             |
|               | Support to the Department of Labour (DOL) and the National State Employment Services (NSES) for policy development in the context of accession | The objective was to support MOW’s DOL and NSES in developing more refined approaches to labour market and employment policy and strategy, including preparation of measures which will, on accession, meet Latvia’s responsibilities, and protect Latvia’s interests within the Internal Market.                                                                 | completed             |</p>
<table>
<thead>
<tr>
<th>Project Code</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phare COP Latvia 93</td>
<td>Equipment for National State Employment Services</td>
<td>completed</td>
</tr>
<tr>
<td>Phare COP Latvia 92</td>
<td>Assistance to the development of a competent Labour Offices network</td>
<td>completed</td>
</tr>
</tbody>
</table>