

AKTUELNOSTI 27
2014

ACTUALITIES

Journal of Social Issues

First launched in 1996

The Journal has a scientific orientation

Editor-in-chief:

prof. dr Željko Mirjanić, aktuelnosti@hotmail.com, tel. +387 51 433 010

Co-editor-in-chief:

doc. dr Jasna Čošabić, aktuelnosti@hotmail.com, jasnacosabic@live.com,
tel. + 387 51 433 010, +387 66 897 602,

Redaction board:

prof. dr Željko Mirjanić, prof. dr Rade Tanjga, prof. dr Milan Vlatković, prof. dr Miloš Babić, doc. dr Manojla Zrnić, doc. dr Mladen Miroslavljević, doc. dr Nenad Novaković, doc. dr Milica Lakić, doc. dr Rajko Macura, doc. dr Svetlana Dušanić, doc. dr Jasna Čošabić, doc. dr Vanja Šušnjar Čanković and MA Branimir Grulović.

Secretary of redaction board:

Sandra Lazić, lawyer, pravnaslužba@live.com

Editorial board:

prof. dr Željko Mirjanić, prof. dr Rade Tanjga, prof. dr Milan Vlatković, prof. dr Miloš Babić, prof. dr Mijal Stojanović, prof. dr Đordžije Blažić, prof. dr Nikola Mojović, prof. dr Milan Stamatović, prof. dr Ibrahim Jusufrić, Jagodinka Petrikić-Zlatkov, doc. dr Manojla Zrnić, doc. dr Mladen Miroslavljević, doc. dr Nenad Novaković, doc. dr Milica Lakić, MA Branimir Grulović, doc. dr Rajko Macura, doc. dr Svetlana Dušanić Gačić, dr Jasna Čošabić, doc. dr Vanja Šušnjar Čanković and Branislav Blagojević, the lecturer.

ISSN 0354-9852

By the Decision of the Ministry of Information of the Republika Srpska, No. 01-492 / of 12.23.1996., Journal »Actualities« Banja Luka, has been inscribed into the Register of Public Editions under the number 183

Journal »Actualities« is on the list of categorized national scientific journals in accordance with the Regulations on Publication of Scientific Papers (Official Gazette of the RS No. 77/10), with the Ministry of Science and Technology of the Government of the Republika Srpska.

AKTUELNOSTI

Časopis Banja Luka College-a
Prvi put pokrenut 1996.g.
Časopis ima naučnu orijentaciju

Glavni i odgovorni urednik:

prof. dr Željko Mirjanić, aktuelnosti@hotmail.com, tel. +387 51 433 010

Zamjenik glavnog i odgovornog urednika:

doc. dr Jasna Čošabić, aktuelnosti@hotmail.com, jasnacosabic@live.com,
tel. + 387 51 433 010, +387 66 897 602,

Redakcioni odbor:

prof. dr Željko Mirjanić, prof. dr Rade Tanjga, prof. dr Milan Vlatković, prof. dr Miloš Babić, doc. dr Manojla Zrnić, doc. dr Mladen Mirosavljević, doc. dr Nenad Novaković, doc. dr Milica Lakić, doc. dr Rajko Macura, doc. dr Svetlana Dušanić, doc. dr Jasna Čošabić, doc. dr Vanja Šušnjar Čanković i MA Branimir Grulović.

Sekretar redakcionog odbora:

dipl. pravnik Sandra Lazić, pravnaslužba@live.com

Uredništvo:

prof. dr Željko Mirjanić, prof. dr Rade Tanjga, prof. dr Milan Vlatković, prof. dr Miloš Babić, prof. dr Mijal Stojanović, prof. dr Đorđije Blažić, prof. dr Nikola Mojović, prof. dr Milan Stamatović, prof. dr Ibrahim Jusufrić, Jagodinka Petrikić-Zlatkov, doc. dr Manojla Zrnić, doc. dr Mladen Mirosavljević, doc. dr Nenad Novaković, doc. dr Milica Lakić, doc. mr Branimir Grulović, doc. dr Rajko Macura, doc. dr Svetlana Dušanić Gačić, doc. dr Jasna Čošabić, doc. dr Vanja Šušnjar Čanković i prof. Branislav Blagojević.

ISSN 0354-9852

Rješenjem Ministarstva informacija Republike Srpske, broj 01-492/ od 23.12.1996. g. časopis »Aktuelnosti« Banja Luka, upisan je u Registar javnih glasila pod brojem 183.

Časopis »Aktuelnosti« nalazi se na rang-listi kategorisanih nacionalnih naučnih časopisa u skladu sa Pravilnikom o publikovanju naučnih publikacija (Službeni glasnik RS br. 77/10) kod Ministarstva nauke i tehnologije Vlade Republike Srpske.

Banja Luka College Journal

ACTUALITIES

number 27



Banja Luka College

Banja Luka, 2014.

Časopis Banja Luka College-a

AKTUELNOSTI

broj 27

BLC

Banja Luka College

Banja Luka, 2014.

CONTENTS

EXPIRIENCE WITH HARMONISATION OF LAWS OF COUNTRIES FROM THE FORMER YUGOSLAVIA WITH EUROPEAN UNION LAW <i>Dimitar Gelev</i>	8
THE EUROPEAN UNION BRAND IN SERBIA <i>Aleksandra Plazinić; Mitar Božić</i>	32
STABILIZATION AND ACCESSION AGREEMENT AS REGULATORY INSTRUMENT OF POLITICAL AND ECONOMIC REFORMS BETWEEN THE EUROPEAN UNION AND BOSNIA AND HERZEGOVINA <i>Zoran Kalinić</i>	56
EU LAW - TEXT, CASES, AND MATERIALS Paul Craig, Gráinne de Búrca, Fifth edition, Oxford University Press <i>Jasna Čošabić</i>	78
APPENDIX <i>INSTRUCTIONS FOR AUTHORS</i>	82
<i>PUBLISHING ETHICS</i>	92

SADRŽAJ

DOSADAŠNJA ISKUSTVA U HARMONIZACI PRAVA ZEMALJA BIVŠE JUGOSLAVIJE SA PRAVOM EVROPSKE UNIJE <i>Dimitar Gelev</i>	9
BREND EVROPSKE UNIJE U SRBIJI <i>Aleksandra Plazinić; Mitar Božić</i>	33
SPORAZUM O STABILIZACIJI I PRIDRUŽIVANJU KAO REGULATORNI INSTRUMENT POLITIČKIH I EKONOMSKIH REFORMI IZMEĐU EVROPSKE UNIJE I BOSNE I HERCEGOVINE <i>Zoran Kalinić</i>	57
PRAVO EU - TEKST, PREDMETI, I MATERIJALI Paul Craig, Gráinne de Búrca, Peto izdanje, Oxford University Press <i>Jasna Čošabić</i>	79
DODATAK <i>UPUTSTVO ZA AUTORE</i>	83
<i>ETIKA U OBJAVLJIVANJU</i>	93

EXPIRIENCE WITH HARMONISATION OF LAWS OF COUNTRIES FROM THE FORMER YUGOSLAVIA WITH EUROPEAN UNION LAW¹

Dimitar Gelev²

Apstract

All states emerging after the dissolution of the former SFRY started to reform their legal systems. At the beginning this was mostly a tendency towards modernization of the legal systems and acceptance of different legal solutions appropriate to market economy (which had been a tendency in the period before dissolution of the former state also). Later on, all these states tried to harmonize their legal systems with the rules of EU.

In establishing its legal solutions the European Union was in many respects inspired by the USA law, although a large number of EU countries with longer legal tradition jealously tried to retain some specific features of their own legal tradition.

Experience with harmonization of laws of countries from the former Yugoslavia shows that they did not fully manage to cope with legal terminology and with understanding of a large number of legal notions which were uncritically accepted in their legal systems. With the adoption of laws which they treated as most fundamental for the reform of their society, these countries did not take into account different inconsistencies of some legal solutions with the rest of their legal system, which created huge legal uncertainty for common citizens.

The aim of this work is to analyze some of these legal inconsistencies and inaccurate legal understanding of a number of legal notions, especially in the area of civil, commercial and financial law.

Key words: law, harmonization, European Union, civil law, commercial law, financial law.

JEL classification: F5, K2

1 Paper submitted for the International scientific conference 'European Union – Challenges of Enlargement and Western Balkans', 29 May 2014, Banja Luka College

2 Dimitar Gelev, PhD, Professor at the Department of Business Law and Economic, Faculty of Law "Iustinianus Primus", University "Ss. Cyril and Methodius, Skopje, Republic of Macedonia. gelev2000@yahoo.com

DOSADAŠNJA ISKUSTVA U HARMONIZACI PRAVA ZEMALJA BIVŠE JUGOSLAVIJE SA PRAVOM EVROPSKE UNIJE¹

Dimitar Gelev²

Sažetak

Sve države nastale nakon raspada bivše SFRJ pokušale su da reformišu svoje pravne sisteme. Taj pokušaj je na početku više bio trend ka osavremenjavanju pravnog sistema i prihvatanja pravnih rešenja koji odgovaraju tržišnoj privredi (što je bio trend i pre raspada bivše države). Malo kasnije sve te države počinju faznu i postupnu harmonizaciju svojih pravnih sistema sa pravilima Evropske Unije.

U mnogo čemu je Evropska unija u izgradnji vlastitih pravnih rešenja uzor videla u pravu SAD, i pored toga što je veoma velik broj zemalja Evropske unije, sa dužom pravnom tradicijom, pokušavao ljubomorno da sačuva neke specifične crte svoje pravne tradicije.

Iskustva dosadašnje harmonizacije prava zemalja bivše Jugoslavije pokazuju da se te zemlje nisu baš najbolje snašle sa pravnom terminologijom i razumevanjem velikog broja pravnih pojmova koje su nekritički prihvatale u svoj pravni sistem. Usvajanjem određenog broja zakona koje su one smatrale najbitnijim za reformu društva, te zemlje nisu mnogo vodile računa o nekonzistentnosti određenih pravnih rešenja sa ostalim delovima pravnog sistema, što je dovelo do velike pravne nesigurnosti za običnog građanina.

Cilj ovog rada je da analizira neke takve pravne nekonzistentnosti i pogrešna pravna tumačenja, naročito u oblastima građanskog, trgovačkog i finansijskog prava.

Ključne reči: *pravo, harmonizacija, Evropska unija, građansko pravo, trgovačko pravo, finansijsko pravo*

JEL klasifikacija: F5, K2

Sve države nastale nakon raspada bivše SFRJ pokušale su da reformišu svoje pravne sisteme. Taj pokušaj je na početku više bio trend ka osavremenjavanju pravnog sistema i prihvatanja pravnih rešenja koji odgovaraju tr-

1 Rad dostavljen za Međunarodnu naučnu konferenciju 'Evropska unija-izazovi proširenja i Zapadni Balkan', održanu 29. maja 2014., Banja Luka College

2 dr Dimitar Gelev, redovni profesor, Pravni fakultet "Justinijan I", Univerziteta "Sveti Kiril i Metodije", Skoplje, Republika Makedonija, gelev2000@yahoo.com

All states created after the dissolution of the former SFRY tried to reform their legal systems. At first that attempt was mainly a trend to modernize them and accept legal solutions favoring market economy (which was a tendency before the dissolution as well). Shortly afterwards, all states started a phased and gradual harmonization of their legal systems with the rules of the European Union.

Within the EU, except for the major division between civil law or continental European legal systems and common law or Anglo-Saxon (or Anglo-American) legal systems, there are several “legal families”, such as the German legal family, French legal family, legal systems of Nordic countries, legal systems of the former Soviet republics, as well as the legal systems of the countries of the former Yugoslavia. Although a prevailing number of them belongs more or less to the so-called civil law systems, there are some striking differences among them. Since its inception the European Union tries to copy to a certain degree the federal structure of the US legal system and is inspired over again by the legal solutions of the USA, in particular when it comes to the legal clash between the federation and federal states, the-so called “original competences” of the federation and federal states and alike, but also in respect of certain material-legal rules, in particular in the area of financial transactions, bankruptcy, security (security rights), e-commerce, registries and other rules linked primarily to trade and finances. The European Union, however, rarely enters the sphere of material law and endeavors to find some minimum common grounds among various legal systems on its territory which are transposed into different directives or regulations. Basically, directives and regulations rarely enter the essence of material laws of individual member states.

Independently from numerous attempts by various groups within the EU (mainly composed of law professors) trying to identify some “common grounds” (“common core”, “*jus commune europaeum*” etc.) for a more unified EU legal system, for the time being it is a difficult and slow process.³ All legal systems of the EU states are based on the so-called “Roman law”, but in principal it is a legal ruse. The so-called Roman law is essentially from the ancient Egypt and there are at least two variants of that law: Roman and Byzantine (Hellenic), depending on the fact which of them and in which period they conquered Egypt and took over its legal system. This is most notably apparent in the difference between legal solutions contained in the Institutes of Gaius and in the Justinian’s Institutes. That division is additionally complicated by a different legal development at the time of Feudalism, when “Byzantine law” remained petrified due to the fall of the state, while

³ See different books published in editions like “Common Core of European Private Law”, “*Ius Commune Europaeum*”, “Study Group on a European Civil Code” etc.

žišnoj privredi (što je bio trend i pre raspada bivše države). Malo kasnije sve te države počinju faznu i postupnu harmonizaciju svojih pravnih sistema sa pravilima Evropske Unije.

U okviru Evropske unije osim velike podele na *civil law* ili kontinentalno-evropske pravne sisteme i *common law* ili anglo-saksonske (ili anglo-američke) pravne sisteme, postoje nekoliko tzv. "pravnih familija", kao što su nemačka pravna familija, francuska pravna familija, pravni sistemi nordijskih zemalja, pravni sistemi bivših sovjetskih republika, kako i pravni sistemi zemalja sa prostora bivše Jugoslavije. Mada veoma veliki deo njih manje ili više spada u tzv. *civil law* sisteme, postoje manje ili veće razlike između njih. Evropska unija još od svojih početaka nastoji da u izvesnoj meri kopira federalnu strukturu pravnog sistema SAD i uvek se iznova i iznova nadahnjuje pravnim rešenjima SAD-a naročito oko sukoba zakona između federacije i pojedinih federalnih država, tzv. "izvornim nadležnostima" federacije i pojedinih federalnih država i slično, ali i nekim materijalno-pravnim pravilima, naročito u sferi finansijskih transakcija, stečaja, obezbeđenja (različnih prava), elektronske trgovine, registara i drugih pravila pre svega vezanih za trgovinu i finansije. Međutim, Evropska unija veoma retko zalazi u sferu materijalnog prava i nastoji da pronađe neke minimalne tačke "jedinstva" između različitih pravnih sistema na njenoj teritoriji, koje su pretočene u razne direktive ili propise. U osnovi retko kada te direktive i propisi zadiru u srž materijalnog prava individualnih zemalja članica.

Nezavisno od brojnih pokušaja raznih grupa na nivou Evropske unije (uglavno sastavljenih od profesora prava) koji bi hteli da iznađu neke "zajedničke osnove" za neki jedinstveniji pravni sistem Evropske Unije, to zasada ide veoma teško i sporo.³ Sve zemlje EU svoje pravne sisteme u osnovi baštine na tzv. "rimskom pravu", ali i to je u osnovi varka. Tzv. "rimsko pravo" je u suštini pravo drevnog Egipta i postoje najmanje dve varijante toga prava: Rimsko i Vizantijsko (helenističko) u zavisnosti od toga u kom je periodu koja od tih sila pokorila drevni Egipat i preuzela njegov pravni sistem. To se najbolje može videti u razlici između pravnih rešenja Institucija Gaja i pravnih rešenja Institucija Justinijana. Ta je podela dodatno zakomplikovana različitim pravnim razvojem u vremenu feudalizma, kada je vizantijsko pravo ostalo "okamenjeno" zbog propasti države, a zapadni feudalizam je dao trajan pečat daljnog razvoja prava, koji se i pored kasnijih promena nakon buržoaskih revolucija, nikada nije vratio na "original". Današnji evropski pravници baš u tim "feudalnim" tumačenjima prava glosatora i post-glosatora nalaze inspiraciju za tzv. "zajedničke osnove" evropskog prava, ali to

3 Pogledaj različite knjige koje se objavljuju u izdanjima kao "Common Core of European Private Law", "Ius Commune Europaeum", "Study Group on a European Civil Code" itd.

Western Feudalism made a permanent impact on the further development of law, which never returned to the “original” despite later changes after the bourgeois revolution. Today’s European lawyers find inspiration for the so-called “common grounds” in the “feudal” interpretation of law by glossators and post-glossators. They may be common grounds for the Western development pattern, but not of the eastern part of Europe.

For a few years at the Law Faculty Justinian I in Skopje, we have been engaged in a project on origins of the Justinian’s Digests. What may be concluded for the time being is that the Digests are not a code, but a preparatory work for the elaboration of the Justinian’s Institutes. They constitute an anthology of legal knowledge irrespective of its source. We assume that that work was carried out by people gathered by a person historically known as Joannes Stobaeus. However concrete results on this assumption require much future work. This is primarily owed to the fact that today’s supporters of “common grounds” (“common core” or “*jus commune europaeum*”) of European law frequently refer to the Digests in a non-selective manner, in a way similar to Savigny and his legal school.

These are for now “intellectual analyses” which do not influence real development of concrete solutions in European law. It continues to rely on the so-called minimum shared elements of various systems not entering much into the material-legal solutions of individual member states. That is why expectations of EU candidate countries that their accession will contribute to putting their legal systems in order are too high. That is why the work and effort invested into harmonization of domestic law with EU law is multiplied by ten when it comes to fixing their own legal systems for regulation of everyday life relations. However, we all see lack of efforts in the countries of the former Yugoslavia in this area.

Last generations of people who remember “the socialist self-management system” as a starting point for transformation of legal systems in the territory of the former Yugoslavia are now in their fifties. These are the last generation who studied that system at law faculties of the former state. Today’s generation hardly understand it. Therefore those who remember that system are better suited to compare and follow development and transformation of law in the territory of the former state. The legal system of the SFRY was specific, but also inconsistent in many respects. I will give just a few examples. We all remember different “notes” existing at that time: commercial notes, treasury notes, state notes etc. Although I do not know the history of their introduction into the then legal system it is rather probable that it was an “error in translation” of an international instrument or a convention. A promissory note is an English term which was translated as “zapis” (not as “menica”). Perhaps those instruments functioned in practice but in laws of

su možda zajedničke osnove zapadne grane tog razvoja, a ne i "zajedničke osnove" za istočni deo Evrope.

Na Pravnom fakultetu "Justinijan I" u Skoplju već nekoliko godina se bavimo projektom izvorišta Justinijanovih Digesta. Ono što se dosad može zaključiti je da Digeste nisu bile zakonik, već pripremni rad za izradu justinijanovih Instituta i da predstavljaju antologiju dotadašnjeg pravnog znanja nezavisno od izvora toga prava. Po našim pretpostavkama to su radili ljudi iz okruženja osobe koju istorija poznaje kao Jovana iz Stobija (Joannes Stobaeus), ali do konkretnih rezultata u vezi toga ima još mnogo rada. Ovo pre svega zato što se današnji pobornici "zajedničkih osnova" evropskog prava veoma često neselektivno pozivaju na Digeste, na način veoma sličan Saviniju i njegovoj pravnoj školi.

Ali sve to su zasad "profesorske analize", koje sada i nemaju nekog naročito velikog uticaja na realni razvoj konkretnih rešenja evropskog prava. Ono se i dalje drži do tzv. minimalnih tačaka spajanja različitih sistema, u osnovi ne zadirući mnogo u "materijlno-pravna" rešenja svake zemlje članice. Tačno iz tih razloga prevelika su očekivanja zemalja-kandidata za članstvo u Evropskoj uniji da će ulazak tih zemalja u Uniju doprineti sređivanju pravnog sistema te konkretne zemlje. Zato, koliko truda i napora one moraju uložiti na harmonizaciji domaćeg prava sa pravom EU, deset puta više moraju da rade na sređivanju vlastitih pravnih sistema za regulaciju svakodnevnih životnih odnosa, a svi smo svedoci da se zemlje bivše Jugoslavije i ne trude mnogo oko toga.

Zadnje generacije ljudi koji se sećaju "sistema socijalističkog samoupravljanja" kao polazne osnove za transformaciju pravnih sistema na prostoru bivše Jugoslavije danas su pedesetogodišnjaci. To su zadnje generacije koje su taj sistem učili na pravnim fakultetima u tadašnjoj državi. Današnje generacije teško da išta od toga razumeju. Zbog toga oni koji pamte taj sistem su u mnogo boljoj poziciji da vrše uporedbe i prate razvoj i transformaciju prava na teritoriji te bivše države. Pravni sistem SFRJ je bio specifičan, ali isto tako i nekonzistentan u mnogim sferama. Samo kao primer ću navesti nekih nekoliko slučajeva. Svi pamtimo različite "zapise" koji su postojali u to vreme: komercijalni zapisi, blagajnički zapisi, državni zapisi itd. Iako ne znam istoriju ulaska tih zapisa u tadašnji pravni sistem, sasvim je verovatno da je reč o "grešci u prevodu" nekog međunarodnog instrumenta ili konvencije. Vlastita menica se na engleskom zove tako promissory note, a note se može prevesti kao zapis. Možda su ti instrumenti funkcionisali u praksi, ali u tadašnjim zakonima (kao i u sadašnjim, tamo gde su se zadržale) nema skoro nikakvih odredbi o definisanju tih instrumenata, na koje nikad niko nije primenjivao odredbe koje se odnose na menice. Stoga ako su i funkcionisa-

that time (as in today's where they were retained) there are almost no provisions defining these instruments for which, on the other hand, no provisions on promissory notes were applied. Therefore, if they functioned in practice, they functioned without defined rules.

A similar case is today's "zaduznica", where it exists, together with waybill and bill of lading and their chaotic and erroneous interpretation in naval, air and river transport. If there was a justification for them at the time of the former Yugoslavia because of the existence of the Social Accountancy Service (later on the Payment Bureau), today their existence is rather dubious. In almost all states established after the dissolution of Yugoslavia, the former Social Accountancy Services changed their name but not the way of their work and largely undermined the financial system reform. Today they still function in a similar way everywhere masking the old system of communist payment and essentially covering up the "results of privatization". In Macedonia, for instance, that service have taken over a large chunk of judicial competences and contributed to a major legal chaos in the country.

The socialist self-management system was based on "unity of law", i.e. there was no official distinction between public and private law, neither between civil and commercial law within the so-called private law. Although all lawyers were aware of the differences and the subjects taught at law faculties were structured accordingly, the differences were not studied and all laws were flooded with phrases about working class, self-management, working people etc. However, when law was transformed and modern approaches to regulating legal relations were accepted, no due account was paid to the fact that basic classifications were extremely important. On the contrary, the moment in time and daily needs were the basis for resolution of economic, but primarily of privatization problems. What was in the beginning a "division by subjective criteria" between civil and commercial law in Croatia and Macedonia (after the German example, which is a directly taken-over Byzantine pattern), remained only on paper in laws on trading companies, while the logic was not consequently followed in other laws. What was a bit higher degree of maintaining the "unity of law" (for instance in Serbia) with the acceptance of notion of "enterprises", was also not reflected in other laws. Or in short in all countries of the former Yugoslavia transformation of law was conducted without a clear concept, by frequent application of solutions from totally different legal systems which has frequently created legal chaos.

A concrete impact on everyday life may be seen on the Macedonian example of definition of the notion of "trader". The initial Law on Trading Companies defines a distinction from civil law according to "subjective

le u praksi, funkcionisale su na tzv. "nervnoj bazi" bez definisanih pravnih pravila.

Sličan je slučaj sa današnjom "zadužnicom" tamo gde ona postoji, sa tovarnim listom (waybill) i konosmanom (bill of lading) i njihovim haotičnim i pogrešnim tumačenjima u pomorskom, vazdušnom i rečnom saobraćaju itd. Ako je u vreme bivše Jugoslavije možda i postojalo opravdanje za to, zbog postojanja Službe za društveno knjigovodstvo (ili kasnijim zavodima za platni promet), danas je njihovo daljnje postojanje prilično sumnjivo. Ali u skoro svim državama nastalim nakon raspada Jugoslavije, te su bivše Službe za društveno knjigovodstvo u osnovi samo promenile ime, ali ne i način rada i u mnogome su doprinele kočenju reformi u finansijskom sistemu. One i danas svuda funkcionišu veoma slično maskirajuhi stari sistem komunističkog plaćanja i suštinski prikrivajuhi "rezultate privatizacije". U Makedoniji je na primer ta služba preuzela ogromni deo sudskih nadležnosti i doprinela velikom pravnom haosu u zemlji.

Sistem socijalističkog samoupravljanja se bazirao na "jedinstvu prava", to jest nije bilo oficijalne razlike između javnog i privatnog prava, niti oficijalne razlike između građanskog i trgovačkog prava u okvirima tzv. privatnog prava. Mada su svi pravници znali za te razlike i predmeti koji su se predavali na pravnim fakultetima su bili strukturirani na taj način, ipak te se razlike nisu izučavale i svi zakoni su bili prepuni fraza o radničkoj klasi, samoupravljanju, radnom narodu itd. Međutim prilikom transformacije prava i prihvatanjem nekih savremenijih pristupa regulisanja pravnih odnosa nije se uvek vodilo računa o tome da su bazične klasifikacije strašno bitna stvar, već se polazilo od trenutnih potreba u rešavanju nekih ekonomskih i pre svega privatizacionih problema. Ono što je na početku bio primerice "subjektivni sistem razgraničenja" građanskog i trgovačkog prava u Hrvatskoj i Makedoniji (po nemačkom uzoru, koji je direktno preuzet vizantijski obrazac), ostalo je samo na papiru u zakonima o trgovačkim društvima, ali se logika nije konsekventno sledila i u ostalim oblastima. Ono što je bio malo veći stepen zadržavanja "jedinstva prava" (kao na primer u Srbiji) sa prihvatanjem pojma "preduzeća" isto tako se nije odrazilo u drugim sistemskim zakonima. Ili ukratko sve zemlje nastale na prostoru bivše Jugoslavije su tu transformaciju prava izvodile bez nekog jasnog koncepta, često pozajmljujući rešenja iz sasvim različitih pravnih sistema, koja isto toliko često vode kreiranju pravnog haosa.

Kako se to konkretno odražava u svakodnevnom životu može se videti na makedonskom primeru definisanja pojma "trgovac". Prvobitni Zakon o trgovačkim društvima je razgraničenje sa građanskim pravom definisao

criterion” (registration in the trade registry – similar to the German approach).⁴ But that law stood in solitude in this regard. After the transfer of trade registries from courts to a special trade register (which is a masked part of the former Social Accountancy service) incredible developments occurred. Today no one in the country knows exactly who the trader is and how to define him. Under separate laws, traders are for example artisans, architects, accountants, surveyors, sometimes doctors and pharmacists, and sometimes even artists. The exact definition of trader is necessary to know what person may go to bankruptcy (trader) and what person is a subject of regular rules of civil procedure (citizen). But regulations on bankruptcy and regulations on issuance and realization of payment orders clearly show that the country did not have a clear picture about it. Traders go to bankruptcy, while citizens are subject to executory civil proceedings. But if you have a payment order and request the bank to collect a payment from a classical trader, if he has no money on account, bankruptcy proceedings is instituted rarely, but the creditor continues with execution as in case of ordinary citizen. In that manner, the entire system of payment security and priority was ruined and the country came again to the situation to cover up the existence of the Social Accountancy Service, with its special working methods, instead of solving problems. When politics and its priorities on “who to be saved and who to be ruined” meddle in, the product is everything but not the rule of law and market economy.

In addition to the Social Accountancy Service, another institution which masked managed to survive all these years in all former republics is the former Self-managing Housing Interest Community. Flats were and are an important matter and no authority escaped to seize these institutions. But the needs for housing privatization and different frauds that followed the process ruined the notion of condominium property, which had not had a stronghold in the previous system as well.

The lack of clear concept in the development of a legal system is very often complemented with “errors in translation”. This is most apparent in countries which have already become part of the EU – Slovenia and Croatia. Numerous directives and regulations were translated by translators who know perfectly the language they translated from, but do not know legal terminology and frequently do not understand legal institutions in question. I will give example of the Croatian translation of the Financial Collateral Directive.⁵ We translate the English word collateral as “subject of security“

⁴ See: Law on commercial companies, Off. Gazz R.M. no 28/04, 84/05, 25/07, 87/08, 42/10, 48/10, 24/11, 166/12.

⁵ Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements, (English and Croatian translation of the Directive)
http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX_SESSIONID=zxlQTwmLK6t8ph545YY4yrQwv

prema "subjektivnom kriterijumu" (registracija u trgovačkom registru – slično nemačkom pristupu).⁴ Ali taj je zakon ostao usamljen u tome. Nakon prebacivanja trgovačkih registra iz sudova u neki poseban trgovački registar (koji je umaskirani deo bivše Službe za društveno knjigovodstvo) došlo je do neverovatnih obrta. Danas se u zemlji realno ne zna ko je trgovac i kako se on definiše. Posebnim zakonima se kao trgovci računaju primerice zanatlije, arhitekti, knjigovođe, geodete, ponekad lekari i farmaceuti, pa nekad čak i umetnici. Tačna definicija trgovca je na primer potrebna da se zna koje lice ide u stečaj (trgovac), a koje podpada pod redovna pravila građanskog izvršnog postupka (građanin). Ali propisima o stečaju ili propisima o izdavanju i realizaciji platnog naloga se jasno vidi da zemlja nije imala jasnu pretstavu o tome. Trgovci idu u stečaj, nad građanima se sprovodi građanski izvršni postupak. Ali ako imate platni nalog i tražite od banke klasičnog trgovca naplatu, ako on nema novca na računu retko kada se otvara stečajni postupak, nego poverioc veoma često produžava izvršenje kao da ja reč o najobičnijem građaninu. Na taj način je ružniran ceo sistem obezbeđenja i prioriteta naplate i zemlja je opet došla u fazu da prikriva postojanje Službe društvenog knjigovodstva, sa njenim posebnim metodama rada, umesto da rešava probleme. Kada se u sve to umeša politika i njeni prioriteti "ko treba da bude spašen, a ko treba da propadne", dobija se sve samo ne pravna država i tržišna ekonomija.

Pored Službe društvenog knjigovodstva, druga institucija koja je zamaskirano preživela svih ovih godina u svim bivšim republikama je bivši SIZ za stanovanje (Samoupravna interesna zajednica za stanovanje). Stanovi su bili i ostali bitna stvar i nije bilo vlasti koja se nije dokopala tih institucija. Ali potrebe privatizacije stanova i raznih malverzacija prilikom tog procesa dovele su do ružniranja pojma etažnog vlasništva, koji ni u bivšoj državi nije imao nekog jakog uporišta.

Nedostatak jasne koncepcije u razvoju pravnog sistema veoma često se dopunjava sa "greškama u prevodu". To se naročito može videti u zemljama koje su već postale članice Evropske unije kao što su Slovenija i Hrvatska. Brojne direktive i propise su prevodili prevodioci, koji znaju odlično jezik sa kojeg su prevodili, ali ne poznaju pravnu terminologiju i veoma često potpuno ne razumeju pravne institucije o kojima je reč. Kao primer samo navodim hrvatski prevod direktive o finansijskom obezbeđenju.⁵ Engleska reč "collateral" kod nas bi se prevela kao "predmet obezbeđenja" ili predmet

4 Pogledaj Zakon o trgovačkim društvima, Službeni list R.M. broj 28/04, 84/05, 25/07, 87/08, 42/10, 48/10, 24/11, 166/12.

5 Directive 2002/47/EC of the European Parliament and of the Council od 6 June 2002 on financial collateral arrangements, (engleski i hrvatski prevod direktive)

http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX_SESSIONID=zxLQTwmLK6t8ph545YY4yrQwvX7cFLgnGjCVH1lHchpyv8hl2p3D!2061451643?uri=CELEX:32002L0047

or a good subject of security. The insertion of the word collateral into the domestic vocabulary is totally unnecessary. But in article 2 of the Directive, the Croatian translation missed the topic. The English version relates to two situations: 1. Title transfer (ownership or possession or another form of possession) of subject of security and 2. security purposes transfer. Since the English word security is also used for *Wertpapier* (in Anglo-Saxon sense of the word) the translator translated “financial collateral security arrangement” as “contract for financial collateral in securities - *Wertpapier*”, whereby the meaning of the entire directive was lost.

This is further complicated by the problem stemming from the time of the former Yugoslavia. In all former republic the term “thing” in property law meant only “corporeal thing” as part of material nature. Within that concept, claims are not things because they are incorporeal. Someone may be owner and have property rights over something defined as a “thing”. If a claim is incorporeal, it is not a thing and consequently our vocabulary did not use the terminology “ownership of claims” but “I have claims” (in the sense “I have a right”). It was a result of the situation in which a property right did not exist in respect of something that was not material (“thing”). But in the Law on Obligations of the former SFRY, there was a reverse conception (division of things into material and non-material, corporeal and incorporeal) where we encounter the notion of “sale of rights”. In order to sell something, I have to own a thing I am selling or at least to have authorization to do so by the owner. If a claim is not a thing according to property law, then I could not sell it because I did not own claims. But this was not the case in the Law on Obligations and that dual “thing” regime was in place all the way. If an unclear concept of cession is added to that situation, one may imagine how it all function in practice.

If we again revert to the Croatian translation of the Financial Collateral Directive, we may follow the whole problem. Article 2, paragraph 1(b) of the English version speaks about “title transfer” and the exact translation would be “title transfer financial collateral arrangement” what means an arrangement, including repurchase agreements, under which a collateral provider transfers full ownership of financial collateral to a collateral taker for the purpose of securing or otherwise covering the performance of relevant financial obligation“. The phrase “title transfer” itself is unknown to lawyers from the former republics and is rarely used in continental European legal systems because it is a concept with specific meaning is common law systems. Title is any legal grounds on the basis of which a person holds a thing: ownership, lease, possession, fiduciary (trust) etc. So it is apparent that the term “title transfer” was the minimum agreement” among various legal sy-

nad kojim se kreira razlačno pravo. Samo unošenje reči “kolateral“ u domaći vokabular je sasvim nepotrebno. Ali u članu 2 direktive hrvatski prevod je promašio temu. Engleski tekst se odnosi na dve situacije: 1. situacija u kojoj se prenosi titula (vlasništvo ili vladanje ili neki drugi osnov držanja predmeta) nad predmetom obezbeđenja i 2. situacija u kojoj se predmet prenosi kao obezbeđenje. Ali pošto se engleska reč “security“ koristi za označavanje obezbeđenja isto kao i za označavanje “hartija od vrednosti“ (u anglo-saksonskom smislu te reči), prevodioc je “aranžman za prenos finansiskog predmeta kao obezbeđenje“ preveo kao “ugovor o finansijskom kolateralu u vrijednosnim papirima“ čime se izgubio sav smisao direktive.

Ovome ćemo dodati problem koji se vuče još iz vremena bivše Jugoslavije. U svim bivšim republikama u stvarnom pravu pod terminom “stvar“ se podrazumevala samo “telesna stvar“ kao deo materijalne prirode. U toj koncepciji na primer potraživanja nisu stvar, jer su bestelesna. Neko može biti vlasnik i imati vlasničko pravo samo nad nečim što je definisano kao “stvar“. Ako je potraživanje bestelesno, ono nije “stvar“, te prema tome u našem se rečniku nije koristila terminogija “vlasništvo nad potraživanjem“, nego “imam potraživanje“ (u smislu “imam neko pravo“). To je bilo zbog toga što pravo vlasništva nije moglo da postoji nad nečim što nije materijalno (“stvar“). Ali u Zakonu o obligacionim odnosima bivše SFRJ postojala je obrnuta koncepcija (podela stvari na materijalne i nematerijalne) i susrećemo pojam “prodaja prava“. Da bih nešto prodao, moram biti vlasnik stvari koju prodajem ili bar da imam ovlašćenje za to od vlasnika. Ako potraživanje prema stvarnom pravu nije bilo “stvar“ onda njega nisam mogao ni da prodajem, zato što nisam imao vlasništvo nad potraživanjem. Ali to nije bio slučaj u Zakonu o obligacionim ili obveznim odnosima i taj dupli režim “stvari“ se vukao svo vreme. Ako se na to doda nejasna koncepcija “cesije“ u to vreme, može se zamisliti kako je sve to funkcionisalo u praksi.

Ako se sad vratimo na hrvatski prevod direktive o “finansijskom kolateralu“ možemo da pratimo ceo problem. U članu 2 stav 1(b) engleskog previda je reč o “prenosu titule“ i tačan prevod bi bio: “aranžman za prenos titule finansiskog predmeta obezbeđenja“ znači aranžman, uključujući i ugovor o ponovnom otkupu, sa kojim lice koje je obezbedilo predmet obezbeđenja prenosi puno vlasništvo nad finansijskim obezbeđenjem na primaoca obezbeđenja sa ciljem obezbeđivanja ili drugačijeg vida pokrivanja (pokriha) ispunjavanja relevantnih finansijskih obaveza (obligacija). Sama reč “prenos titule“ je nepoznata pravnicima iz bivših republika i ona se retko koristi u kontinentalno-evropskim sistemima zbog toga što je koncepcija koja ima specifično značenje u *common law* sistemu. Titula je bilo koji pravni osnov na osnovu čega neko drži neku stvar: vlasništvo, zakup, vladanje, fiducijarni odnos (trust) itd. Te je očigledno da je ovde sam termin

stems to describe a transaction under which “title” is transferred to someone else (what may also mean a relevant change in the registries, for instance registry of the owner of the thing).

An entirely different situation is described in paragraph 1(c) of Article 2 which defines collateral transfer for security purposes as a concept not including “title” transfer. Since the notion financial collateral implies high liquidity things, that is to say something that may easily be converted into money, I will give two examples. If a subject of collateral is a security (*Wertpapier*) and if collateral relates to “title transfer”, that means that a collateral taker steps into the shoes of a collateral giver. If a collateral giver was an owner of securities, then a creditor is registered as owner in securities register. If a collateral giver held securities in another capacity, then a collateral taker would assume the same position instead of his legal predecessor (in legal possession on a legal basis and alike). In the second situation, a security is transferred as collateral, but if the giver is an owner, the taker does not become an owner of the security.

If the subject of collateral is a claim, in the first case, cession or sale of claims would apply in systems in which claims are considered “things”, while in the second case claims would be transferred as collateral, the claimant keeping the claim in respect of the debtor. However, the entire situation was lost in translation. To make it even more ridiculous, amendments to the Bankruptcy Law were made in Macedonia on the basis of that directive and the Law provides different definitions for the notions “subject of collateral” and “financial collateral” totally unrelated. It even provides three definitions for the notion “settlement” as a translation of the English term netting.⁶

There is an endless number of such examples in almost all translations of directives and regulations of the European Union into Slovenian and Croatian. Furthermore, one must take into account that different notions do not have a universal meaning in all legal systems. Basic notions such as ownership, possession, mortgage, contract, transfer, collateral, security etc may have a totally different interpretation depending on a country’s specific legal system and therefore they should not be taken for granted. Therefore, people who carry out corrections of translations must have basic knowledge of comparative law or otherwise legal texts become incomprehensible.

If one examines European law curricula of law faculties in countries of Western Europe, they study law as defined by European institutions, but more frequently they focus on comparative law of different member states (mainly German, French, British, Dutch, Italian and alike). Legal expertise does not concentrate only on European law in literal sense (directives, re-

6 See: Insolvency Law, Off. Gazz R.M. no 34/06, 126/06, 84/07, 47/11 and Decisions of the Constitutional Court U no. 63/06, 11/09.

“prenos titule“ bio “minimalna tačka saglasnosti“ između raznih pravnih sistema da se opiše transakcija u kojoj se prenosi “titula“ na drugoga (što može značiti i relevantna izmena u registrima primer vlasnika te stvari).

Sasvim je druga situacija opisana u tački 1(v) člana 2 gde je definisan prenos stvari kao obezbeđenje, kao koncepcija u kojoj ne dolazi do prenosa “titule“. Pošto se pod pojmom “finansijski predmet obezbeđenja“ (finansijski kolateral) podrazumevaju stvari sa velikom likvidnošću, to jest nešto što se lako može pretvoriti u novac daću dva primera. Ako je predmet obezbeđenja hartija od vrednosti i ako se pri obezbeđenju “prenosi titula“, to znači da različni poverioc stupa na mesto lica koje je dalo obezbeđenje. Ako je davalac bio vlasnik hartije od vrednosti onda u registre gde se registruju hartije od vrednosti kao vlasnik hartije navodi se poverioc. Ako je davaoc držao hartiju u nekom drugom svojstvu, onda će i primalac obezbeđenja biti u tom svojstvu umesto svog pravnog prethodnika (u zakonitom vladanju zbog nekog pravnog osnova i sl.). U drugoj situaciji hartija od vrednosti se prenosi kao obezbeđenje, ali ako je prenosioc vlasnik, poverioc ne postaje vlasnik hartije od vrednosti.

Ako je predmet obezbeđenja potraživanje, u prvom slučaju bi se dogovorila cesija ili prodaja potraživanja u sistemima u kojima je potraživanje “stvar“, a u drugom slučaju bi došlo do prenosa potraživanja kao obezbeđenje, pri čemu imaoc potraživanja i dalje ima to potraživanje u odnosu na dužnika. Međutim cela se ta situacija “izgubila u prevodu“. Da stvar bude smešnija u Makedoniji je neko na osnovu te direktive na primer vršio izmene u Zakonu o stečaju, pa je u definicijama dao različite definicije za pojam “predmet obezbeđenja“ i za pojam “finansijski kolateral“ koje su međusobno totalno nepovezane ili čak tri definicije za pojam “saldiranje“ (poravnanje) kao prevod engleskog termina netting.⁶

Takvih primera ima bezbroj u skoro svakom prevodu direktiva i propisa Evropske unije na hrvatskom ili slovenačkom jeziku. Na to se mora dodati da različiti pojmovi nemaju univerzalno značenje u svim pravnim sistemima. Bazični pojmovi vladanje, hipoteka, ugovor, prenos, obezbeđenje, hartija od vrednosti itd. mogu imati sasvim različito tumačenje u zavisnosti od konkretnog pravnog sistema zemlje, pa zato nijedan pojam ne treba uzimati zdravo za gotovo. Upravo zbog toga, ljudi koji vrše korekcije prevoda tih direktiva moraju da imaju elementarna poznavanja uporednog prava, jer bez toga su tekstovi tih akata nerazumljivi.

Ako se pogledaju kurikulumi pravnih fakulteta u zemljama Zapadne Evrope na kojim se izučava Evropsko pravo, to su kurikulumi koji ili proučavaju pravo onako kako ga definišu evropske institucije ili mnogo češće

⁶ Pogledaj Zakon o stečaju. Službeni list R.M. broj 34/06, 126/06, 84/07, 47/11 i odluke Ustavnog suda broj 63/06, 11/09.

gulations, EU treaties etc.) but also on areas where there is no harmonization, because you cannot understand European legal rules if there is no prior knowledge on what has been harmonized, that is to say which were the “minimum points of common grounds and harmonization”. That tendency has become more notable after the adoption of directives and regulations on recognition of diplomas and qualifications and on possibility for attorneys from one member state to practice law in another EU member state.⁷

All law faculties in the territory of the former Yugoslavia are far behind. They do not manage to define their legal systems not to mention to engage in comparative law. This is additionally complicated by the fact that universities in almost all these countries lost their importance (“pestering politicians too much”).

My own experience in trying to changes something made me conclude the following: first, in no country originating from the former Yugoslavia, transformation of law was a coordinated activity aimed at creation of a coherent and correctly classified legal system. It was an activity to meet the needs of the day and financial difficulties of the countries. Second, all of these countries accepted various legal solutions from different legal systems frequently contradictory in full, what created a specific legal chaos. Apparently politicians contributed to the chaos for the purpose of easier implementation of privatization and other fraudulent activities. That tendency today spreads to criminal and criminal procedure regulations, what is by far more dangerous situation (privatized property must be “guarded”). In this context, we witness an inflow of “US rules” into domestic criminal procedure, what produces totally meaningless situations and arbitrary conduct by the government. Third, despite formal acceptance of various solutions contained in European directives and regulations, all these solutions float in the air and are decorations on a Christmas tree placed there for holidays, not to be really applied. Various government bodies established on the basis of these directives and regulations (in the area of competition, protection of consumers, social rights etc.) may be heard only in pre-election campaigns and no living soul knows what they are engaged in and what they really do. Fourth, when a country is to be admitted to the EU, headlines for politicians are “big topics”: delineation between Croatia and Slovenia, the issue of Kosovo, the Deyton agreement, country’s name (in Macedonia) and alike, while European Union law is of secondary importance. When the entire circus of a “big topic” leaves the town, ordinary people remain to live with

⁷ See: Aalt Willem Heringa, Bram Akkermans (editors), *Educating European Lawyers*, Intersentia, 2011 and A. Uzelac, C.H. van Rhee (editors), *The Landscape of Legal Professions in Europe and the USA: Continuity and Change*, Intersentia, 2011.

izučavaju uporedno pravo različitih zemalja članica (uglavnom nemačko, francusko, englesko, holandsko, taljansko i slično). To jest ekspertiza pravnik se ne zadržava samo na ono što je “evropsko pravo” u bukvalnijem smislu (direktive, propisi, ugovor o EU itd.) nego i na oblasti gde nema harmonizacije, jer se i sami evropski propisi ne mogu razumeti ako ne postoji predznanje za ono “što je bilo harmonizovano”, to jest za ono o čemu su nalažene “minimalne tačke spajanja i usaglašavanja”. Ta je tendencija naročito naglašena nakon donošenja direktiva i propisa o priznavanju diploma i kvalifikacija i mogućnosti advokata iz jedne zemlje članice da obavlja advokatski rad u drugoj zemlji članici Evropske Unije.⁷

Svi pravni fakulteti na prostorima bivše Jugoslavije su danas još uvek daleko od toga. Oni još uvek ne mogu da definišu vlastite pravne sisteme, a kamo li da se bave uporednim pravom. Sve je to dodatno komplikovano sa gubljenjem značaja univerziteta u skoro svim tim zemljama (“jer previše zanovetaju političarima”).

Iz vlastitog iskustva pokušaja da se nešto promeni mogu da izvučem sledeće zaključke. Prvo, da ni u jednoj državi nastaloj na teritoriji bivše Jugoslavije transformacija prava nije predstavljala koordinisanu aktivnost usmerenu prema stvaranju koherentnog i korektno klasifikovanog pravnog sistema, nego je bila aktivnost koja je odgovarala trenutnim potrebama i finansijskim poteškoćama tih zemalja. Drugo, da su sve te zemlje prihvatale različita rešenja iz različitih pravnih sistema, koja su često totalno međusobno neusaglašena, čime je stvoren svojevrsni pravni haos. Svi su izgledi da su političari i sami doprinosili tom haosu, zbog lakšeg sprovođenja privatizacije i raznih malverzacija. Danas se ta tendencija proširuje i na krivične propise i propise o krivičnom postupku, što je mnogo opasnija tendencija (privatizovano se mora “sačuvati”), te smo svedoci uplivu “američkih pravila” u domaće krivične postupke, što dovodi do totalnog besmisla i samovolje vlasti. Treće, i pored formalnog prihvatanja različitih rešenja evropskih direktiva ili propisa, sva ta rešenja lebde u vazduhu i predstavljaju lampione na novogodišnjoj jelki, koja je tu zbog praznika, a ne zbog njihove realne primene. Razna vladina tela koja su formirana na osnovu tih direktiva i propisa (u sferi konkurencije, zaštite potrošača, socijalnih prava itd.) možemo da čujemo samo u predizbornim kampanjama, i niko živ u zemlji nema pojma čime se oni bave i šta oni realno rade. Četvrto, pri prijemu neke zemlje u Evropsku Uniju političari u prvi plan ubacuju neku “veliku temu”: razgraničenje Hrvatske i Slovenije, problem Kosova, Dejtonski sporazum, ime zemlje (u Makedoniji) i slično i u drugi plan stavljaju sve ono što predstavlja

⁷ Pogledaj: Aalt Willem Heringa, Bram Akkermans (editors), *Educating European Lawyers*, Intersentia, 2011 i A. Uzelac, C.H. van Rhee (editors), *The Landscape of Legal Professions in Europe and the USA: Continuity and Change*, Intersentia, 2011.

“what is of lesser importance”, and what is actually of vital meaning for them. Are they going to live in a state governed by the rule of law in which human rights and freedoms are respected and market economy is operating? And naturally the answer is – no. Citizens of Croatia and Slovenia (as EU member states) are well aware of this, but I will provide an example for better understanding by candidate countries. All of them ratified the European Convention of Human Rights of the Council of Europe. We may ask ourselves what were the changes in our human rights situations since its application. Rather insignificant, if anything. In some countries originating from the former Yugoslavia the situation is even worse. The same goes for the application of European law. It is like “waiting for Tito’s letter” we all know will not change anything.

My experience so far prompt me recommend the following: Building a consistent and harmonized legal system is a long-term and painstaking work. It requires much effort and time. This process must be carried out by countries themselves because answers cannot be found in European directives and regulations. One should also have in mind that Eastern European law was and is still different and that it is hard if not almost impossible to accept everything offered today as the academic common ground of European law (“common core” or “*ius commune europaeum*”), simply because Eastern countries did not go through that type of feudalism. We cannot change that, as the time cannot be reverted. But each and every country must understand that without the rule of law, it sinks deeper, leaving politicians to occasionally “put up fires” here and there, acting normal, pretending to defend the rule of law and market economy. That is hard part of the work. Building your own legal system which is coherent and is not an “intentional creation of legal chaos” to fish in the dark. The transformation which distorted all normal legal notions about possession, ownership, urban planning, banking system, insurance and everything else has taken too much time.

Another matter is the study of law of the European institutions and of comparative law. Without knowledge of comparative law, all EU directives and regulations will be misinterpreted and will have no effect. But that is also a difficult and hardworking process that lasts for years and no one is grateful for your work, including your own students. It must, however, be done. And not much effort is invested in that.

In one word, rely on yourself. The work on building your own legal system which will not deviate much from your own legal tradition is yet to come for the countries originating from the former Yugoslavia. Much time has been lost in vain. And none of them achieved the progress necessary and what was the cause for dissolution of the former state: rule of law, market economy and respect for human rights and freedoms. A glance on their laws

pravo Evropske Unije. Kad celi cirkus “velike teme“ prođe, običan narod ostaje da živi sa onim “što je bilo manje bitno“, a što svima njima život znači. Da li će živeti u normalnoj pravnoj državi u kojoj se poštuju ljudska prava i slobode i postoji tržišna privreda. I normalno odgovor je – ne. Ako to sad dobro zna narod u Hrvatskoj i Sloveniji (kao zemlje članice Evropske Unije), da damo samo jedan primer koji bolje mogu da razumeju zemlje-kandidati. Sve te zemlje su ratifikovale Evropsku konvenciju za ljudska prava Saveta Evrope. Ostaje da se zapitamo što se to u vezi naših ljudskih prava i sloboda promenilo od primene te konvencije. Mnogo malo, čak ništa. U nekim državama bivše Jugoslavije stanje je još i gore nego pre. Isto je i sa primenom “evropskog prava“. To je kao čekanje “pisma druga Tita“ za koje svi znamo da neće ništa rešiti.

Zato iz dosadašnjeg ličnog iskustva mogu da poručim sledeće. Da je izgradnja konzistentnog i usaglašenog pravnog sistema dugotrajan i mukotrpan proces koji traži mnogo napora i vremena. To mora da završi svaka zemlja za sebe, jer se odgovori na ta pitanja ne nalaze po evropskim direktivama i propisima. Pri tome se mora imati u vidu da je pravo Istočne Evrope bilo i ostalo različito i da je teško i skoro nemoguće prihvatiti sve ono što se danas nudi kako akademska “zajednička osnova“ evropskog prava, iz prostog razloga što istočne zemlje nisu prošle taj tip feudalizma. To mi sada ne možemo da vratimo, jer se vreme ne može vratiti unazad. Ali svaka zemlja mora razumeti da bez pravne države samo tone sve dublje i dublje, ostavljajući političarima da s vremena na vreme “gase požare“ tu i tamo, glumeći normalnost, pravnu državu i tržišnu privredu. To je teži deo posla. Izgradnja vlastitog pravnog sistema koji je koherentan i nije “namerno kreiranje pravnog haosa“ u zemlji da bi se lovilo u mutnom. Predugo traje ta transformacija koja je izvitoperila sve normalne pravne pojmove o vladanju, vlasništvu, urbanizmu, bankarskom sistemu, osiguranju i svemu ostalome.

Druga je stvar izučavanje prava evropskih institucija i uporednog prava. Bez osnovnog znanja uporednog prava sve te direktive i propisi Evropske unije će biti sasvim pogrešno protumačene i neće imati nikakvog efekta. Ali i to je težak i mukotrpan posao koji traje godinama i za koji Vam niko nikad neće reći hvala, čak ni vaši vlastiti studenti, ali se mora završiti. A na tome se veoma malo radi.

Jednom rečju “u se i svoje kljuse“. Rad na izgradnji vlastitog pravnog sistema koji neće mnogo odstupati od onoga što predstavlja vlastita pravna tradicija još čeka sve zemlje bivše Jugoslavije, koje su izgubile mnogo vremena nizašta. Nijedna od njih nije došla do onoga zbog čega se raspala i prethodna država: do pravne države, tržišne ekonomije i poštovanje ljudskih prava i sloboda. Samo površan prelaz njihovih zakona dovoljno govore o tome. Razne maske i maskiranja ranije postojećih institucija koje su kočile

suffices as a testimony to that. Various masks and masquerades of former institutions which hindered progress and sufficient development of the state are an indicator that their basic systems of work and thinking did not change much.

European directives and regulations do not interfere into the core of material legal notions and concepts: ownership and all other property rights, contracts, possession, collateral rights, court procedures (both (civil and criminal), urban planning, construction etc. Everyday life of people in a country is depending on these issues. That is why every state must work on them on its own without waiting somebody else to finish the work instead. Foreign consultants and various projects for advancement of law in certain areas have only made things worse. Because if a country does not have a precise concept about the development of a coherent legal system, the extraction of different solutions from different legal systems (depending on a preference of a foreign consultant) only makes things worse. Solutions contained in the EU directives and regulations are just minimum harmonization points, but if you want to harmonize, you need to have something to be harmonized. A hope that everything will settle fine with the accession to the EU is a self-deception. The same as advancement of human rights and freedoms with the ratification of the European Convention of Human Rights or of any other international treaty or instrument.

Politicians in all countries established after the dissolution of the former Yugoslavia have become quite skilled in using “harmonization” as an excuse to settle things. Moreover, they ever more frequently use various “European justifications” to ruin the existing legal system and create legal chaos on the “way to a brighter future” on which they insist for more than 70 years. As we may see, they are quite skillful at that. Law applies to people. And all people in the world know that Christmas decorations are placed for a week and all the remaining time is life. In this story, law and legal system must not turn into Christmas decorations for a much worse reality.

CONCLUSION

Countries of Eastern Europe and particularly the Balkan countries (among which those established following a dissolution of the former Yugoslavia), as countries with a specific legal tradition may align with what has been offered today as “common grounds” of European law, which is basically relying on Western Feudal tradition, or may go their own way by advancing and developing their own legal tradition. For the time being, the first option is prevailing, but no one knows how things would develop in the future. Sometimes it is perhaps recommendable to pursue own tradition, something

državu da ide napred i da se razvija dovoljno govore da se njihovi osnovni sistemi poslovanja i razmišljanja nisu mnogo promenili.

Evropske direktive i propisi ne zadiru u srž materijalno-pravnih pojmova i koncepcija: u vlasništvo i sva ostala stvarna prava, ugovore, vladanje, prava obezbeđenja, sudske postupke (građanske i krivične), urbanizam, građenje itd. A sve su to stvari od kojih zavisi svakodnevni život ljudi u nekoj zemlji. Iz tih razloga svaka država mora da poradi na tome i ne može čekati da im neko drugi to završi. Strani konsultanti i razni projekti za poboljšanje prava u nekim oblastima samo su pogoršale stvari. Jer ako zemlja nema preciznu koncepciju o razvoju koherentnog pravnog sistema, čupanje raznih rešenja iz različitih pravnih sistema (u zavisnosti od preferencija stranog konsultanta) samo pogoršava stvari. Rešenja iz direktiva i propisa Evropske Unije su samo minimalne tačke harmonizacije, ali da bi nešto harmonizovali morate imati šta da harmonizujete. Nada da će se sve to srediti ulaskom u Evropsku Uniju je samo-zavaravanje. Isto kao i poboljšanje ljudskih prava i sloboda ratifikacijom Evropske konvencije o ljudskim pravima ili bilo kojim međunarodnim aktom ili instrumentom.

Političari u svim zemljama nastalim raspadom bivše Jugoslavije su se prilično izveštili u korišćenju "harmonizacije" kao izgovor za sređivanje stanja. Još više, sve češće koriste razne "evropske izgovore" za ružiranje kakvog-takvog pravnog sistema i kreiranje pravnog haosa na "putu u svetliju budućnost" na kome uporno istrajavaju već više od sedamdeset godina. Kako svi vidimo, tu su se baš izveštili. Pravo se odnosi na ljude. A svi ljudi na svetu znaju da se lampioni kače samo na nedelju dana, a ostalo je život. U celoj toj priči pravo i pravni sistem ne smeju postati lampioni i ukrasi za neku mnogo lošiju realnost.

ZAKLJUČAK

Zemlje Istočne Evrope, a naročito zemlje Balkana (među kojima i države nastale nakon raspada SFRJ), kao zemlje sa posebnom pravnom tradicijom mogu se prikloniti onome što se danas nudi kao "zajednička osnova" evropskog prava, koja u osnovi baštini zapadnu feudalnu tradiciju ili može krenuti svojim putem, usavršavanja i razvoja vlastite pravne tradicije. Zasad se čini da preovladava prva opcija, ali niko ne zna kako će se sve to razvijati u budućnosti. Možda ponekad i nije loše ustrajati na onome što je vlastito i što je nekako uhvatilo korena na nekom tlu kao pravno rešenje koje je poznato običnim ljudima. To ne znači da te zemlje ne trebaju da transformišu svoj pravni sistem i da ne treba da konačno izvedu tržišne reforme, jer jedno je pravna država, a nešto sasvim drugo faktička ravnoteža sila u nekom društvu. U suprotnom prihvatanje rešenja iz "evropskog prava" samo kao

that has taken root in your soil as a legal solution known to your people. This does not mean that these countries should not transform their legal systems and finally carry our market reforms, because the rule of law and factual balance of power in a society are two different things. Otherwise, acceptance of solutions of European law, only as a condition for EU accession, will not bring any special results, and expectations of ordinary people will be failed as always. Lack of motivation is the worst kind of illness in today's world. We all remember it from the time of dissolution of the former state.

This paper deals with general issues of harmonization of law of EU candidate countries and the author's experience in that regard. The author tries to show that development of a coherent legal system of a country is the best way to establish the rule of law. If this is achieved, it is much easier to fulfill "conditions" for EU accession than to take a different path. Therefore, law faculties must engage more in studying European Union and comparative law, but also in building their own legal systems. The weak side of this approach is that almost all law faculties gradually lose their power in society, relinquishing their position to those who emerged from various privatizations with "money filled brains".

REFERENCES

1. Aalt Willem Heringa, Bram Akkermans (editors), *Educating European Lawyers*, Intersentia, 2011
2. A. Uzelac, C.H. van Rhee (editors), *The Landscape of Legal Professions in Europe and the USA: Continuity and Change*, Intersentia, 2011
3. Brigitta Lurger, Wolfgang Faber, *Acquisition and Loss of Ownership of Goods, Principles of European Law*, Study Group on a European Civil Code, European Law Publishers, 2011
4. Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements
5. Insolvency Law, Off. Gazz R.M. no 55/97
6. Insolvency Law, Off. Gazz R.M. no 34/06, 126/06, 84/07, 47/11 and Decisions of the Constitutional Court U no. 63/06, 11/09
7. Law on commercial companies, Off. Gazz R.M. no 28/04, 84/05, 25/07, 87/08, 42/10, 48/10, 24/11, 166/12
8. Law on Central Registry, Off. Gazz R.M. no 50/01, 49/03, 109/05, 88/08, 35/11
9. Regulation (EC) 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating the European order for payment procedure, OJ L 399 30/12/2006
10. Sjeff (JHM) van Erp, Bram Akkermans (editors), *Cases, Materials and Text on National, Supranational and International Property Law*, Ius Commune Casebooks for the Common Law of Europe, Hart Publishing, 2012
11. Walter van Gerven, Jeremy Lever, Pierre Larouche (editors), *Tort Law, Common Law of Europe Casebooks*, Hart Publishing, 2000
12. Walter van Gerven (editor), *Cases, Materials and Text on Contract Law*, Ius Commune Casebooks for the Common Law of Europe, Hart Publishing, 2010

uslova za ulazak u EU neће dovesti do nekih naročityh rezultata, a obyčny ljuđi će kao i uvek ostati iznevereni u svojim očekivanjima. A gubitak motivacije je nastrašnija bolest današnjice. Svi je pamtimo iz vremena raspada bivše države.

Ovaj rad se bavi nekim opštim pitanjima harmonizacije prava zemalja kandidata za članstvo u Evropskoj uniji i dosadašnjim iskustvima na tom putu iz vlastitog iskustva autora. Autor nastoji da pokaže da je izgradnja koherentnog pravnog sistema jedne zemlje najbolji put za kreiranje pravne države. Ako se to postigne, ispunjavanje “uslova” za ulazak u Evropsku Uniju je daleko lakše, nego poći obrnutim putem. Zato pravni fakulteti moraju mnogo više da rade na izučavanju prava Evropske unije i uporednog prava, ali i na izgradnji vlastitog pravnog sistema u zemlji. Slaba strana tog pristupa je što skoro svi takvi fakulteti postepeno gube moћ u društvu, prepustajući je onima koji su isplivali iz raznih privatizacija “sa parama prepunim mozgom”.

LITERATURA

1. Aalt Willem Heringa, Bram Akkermans (editors), *Educating European Lawyers*, Intersentia, 2011
2. A. Uzelac, C.H. van Rhee (editors), *The Landscape of Legal Professions in Europe and the USA: Continuity and Change*, Intersentia, 2011
3. Brigitta Lurger, Wolfgang Faber, *Acquisition and Loss of Ownership of Goods, Principles of European Law*, Study Group on a European Civil Code, European Law Publishers, 2011
4. Directive 2002/47/EC of the European Parliament and of the Council od 6 June 2002 on financial collateral arrangements
5. Zakon o stečajju, Službeni list R.M. broj 55/97
6. Zakon o stečajju, Službeni list R.M. broj 34/06, 126/06, 84/07, 47/11 i odluke Ustavnog suda broj 63/06, 11/09
7. Zakon o trgovačkim društvima, Službeni list R.M. broj 28/04, 84/05, 25/07, 87/08, 42/10, 48/10, 24/11, 166/12
8. Zakon o centralnom registru, Službeni list R.M. broj 50/01, 49/03, 109/05, 88/08, 35/11
9. Regulation (EC) 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating the European order for payment procedure, OJ L 399 30/12/2006
10. Sjef (JHM) van Erp, Bram Akkermans (editors), *Cases, Materials and Text on National, Supranational and International Property Law*, Ius Commune Casebooks for the Common Law of Europe, Hart Publishing, 2012
11. Walter van Gerven, Jeremy Lever, Pierre Larouche (editors), *Tort Law, Common Law of Europe Casebooks*, Hart Publishing, 2000
12. Walter van Gerven (editor), *Cases, Materials and Text on Contract Law*, Ius Commune Casebooks for the Common Law of Europe, Hart Publishing, 2010

THE EUROPEAN UNION BRAND IN SERBIA¹

Aleksandra Plazinić²; Mitar Božić³

Abstract

This paper is based on the communication strategy of Serbia and the European Union, aimed to create positive EU perception among the citizens of Serbia, in order to accept general decision for entering the European Union and to perform preparations for entering of Serbia as the full member of the European Union. Starting from company's marketing communication strategy, company's brand and brand of its products, as important elements to acquire customers, in the same rationale, the European Union as the particular organization also communicates brand of its organization and its values, which are important to present its target group, stakeholders, or in this case, this paper aims to determine whether European Union can be regarded as the brand in Serbia. Therefore, it examines brand of the European Union, testing it in the outlook of marketing academic references and examines it in terms of: identity, characteristics and elements, which determine brand of a company (organization). Also, this paper aims to assess the perception of the features and peculiarities of the European Union brand, also in regard to marketing treatment, or used brand management by the European Union in Serbia. The final outcome of the research is the determination of the functions of the European Union brand and the used method of the EU brand conversion to EU image in the perception of the stakeholders, citizens of Serbia.

Key words: European Union, EU brand, EU brand management, Serbia, EU image

JEL klasifikacija: F5, H7

INTRODUCTION

The European Union is a specific organization with 28 member states and a constant growth tendency, as evidenced by the enlargement policy

¹ Paper submitted for the International Scientific Conference 'European Union – Challenges of Enlargement and Western Balkans', 29 May 2014, Banja Luka College

² Aleksandra Plazinic, MMA; Master in International Management and Marketing (University of Belgrade, Faculty of Economics), Master of European Studies and International Relations (European Institute, Nice, France), PhD (University Business Academy in Novi Sad, Faculty of Applied Management, Economics and Finance, Belgrade), e-mail: aplazinic@msn.com

³ Mitar Bozic, BSc. Econ. (MA); PhD student (University Business Academy in Novi Sad, Faculty of Applied Management, Economics and Finance, Belgrade; Karl-Franzens Universität Grac, Austria), e-mail: mitarb@hotmail.com

BREND EVROPSKE UNIJE U SRBIJI¹

Aleksandra Plazinić²; Mitar Božić³

Sažetak

Ovaj rad polazi od strategije komunikacije Srbije i Evropske unije, koja ima za cilj stvaranje pozitivne percepcije Evropske unije u svesti građana Srbije, kako bi se prihvatilo opredeljenje za ulazak u Evropsku uniju i izvršila priprema građana za uključivanje Srbije kao punopravnog člana u Evropskoj uniji. Polazeći od tržišnog komuniciranja kompanija, i brenda kompanije i njenih proizvoda, kao važnih elemenata za pridobijanje potrošača; analogno tome, Evropska unija kao organizacija posebne vrste takođe komunicira brend svoje organizacije i vrednosti koje je važno da predstavi svojoj ciljnoj grupi, stejkholderima, u ovom slučaju, građanima Srbije. Polazeći od postulata da se potencijalno sve može brendirati, ovaj rad ima za cilj da utvrdi da li se i Evropska unija može posmatrati kao brend u Srbiji. Tako se ispituje brend Evropske unije, kroz definiciju brenda u marketing literaturi i testira se kroz obeležja identiteta, karakteristike i elemente, koji određuju brend jedne kompanije (organizacije). Takođe, ovaj rad ispituje percepcijska obeležja i osobenosti brenda Evropske unije, u pogledu marketing tretmana, odnosno brend menadžmenta kojim se vodi Evropska unija u Srbiji. Krajnji cilj istraživanja je utvrđivanje funkcije brenda Evropske unije, kao i način konverzije brenda Evropske unije u imidž Evropske unije u svesti njenih stejkholdera, građana Srbije.

KLjučne reči: *Evropska unija, brend EU, EU brend menadžment, Srbija, imidž EU*

JEL klasifikacija: F5, H7

UVOD

Evropska unija je specifična organizacija 28 zemlja članica sa konstantnom tendencijom rasta, što potvrđuje politikom proširenja usmerenoj na zemlje Zapadnog Balkana. Tako je i Srbija jedna od zemalja u fokusu, koja danas

1 Rad dostavljen za Međunarodnu naučnu konferenciju 'Evropska unija - izazovi proširenja i Zapadni Balkan', 29. maj 2014., Banja Luka College

2 Aleksandra Plazinić, MMA; Master međunarodnog menadžmenta i marketinga (Univerzitet u Beogradu, Ekonomski fakultet), Master evropskih studija i međunarodnih odnosa (Evropski Institut, Nica, Francuska), Doktorant (Univerzitet Privredna Akademija u Novom Sadu, Fakultet za primenjeni menadžment, ekonomiju i finansije, Beograd), e-mail: aplazinic@msn.com

3 Mitar Božić, dipl. oec. (MA); Doktorant (Univerzitet Privredna Akademija u Novom Sadu, Fakultet za primenjeni menadžment, ekonomiju i finansije, Beograd; Karl-Franzens Universität Grac, Austrija) e-mail: mitarb@hotmail.com

aimed at the countries of the Western Balkans. Thus Serbia is one of the countries in focus, which now has the candidate status for EU membership and which has already started negotiations for membership in the European Union. The strategic preference of Serbia is accession to the European Union. However, as in any process of change, it is necessary to properly prepare the general public. In this process, the European Union, as an organization of special kind, communicates the brand and values of the organization, for which it is important to be presented to its interest groups, in this case the citizens of Serbia. Consequently, this paper aims to examine the European Union brand through the identity features, characteristics, and elements, and in this way, to determine the perceptual characteristics and particularities of the European Union brand in terms of marketing treatments, i.e. brand management, by which the European Union is guided in Serbia.

THE EUROPEAN UNION BRAND – IDENTITY CHARACTERISTICS AND SPECIFICITY OF THE BRAND

The European Union is defined as an organization of a special kind, and represents a unique political entity, which is today comprised of 28 sovereign European countries that have joined the government in key areas. On the other hand, what is unique about the EU is a supranational character, which is reflected in the functioning of some of its most important institutions, where the member states have waived their individual powers and transferred them to the EU.⁴ The European Union is different from other international organizations, such as the United Nations, the Council of Europe, or NATO, and therefore it has the characteristics of both a country and an international organization. The format of the European Union is between a complete federal structure, which exists in the United States, and the structure of intergovernmental cooperation, which can be found in the United Nations.⁵

The American Marketing Association (AMA) defines brand as a “name, term, design, symbol, or any other feature that identifies one seller’s good or service as distinct from those of other sellers.” Thus, using the AMA definition as a basis, the European Union brand starts from the name, where usually the full name of the European Union is used, or the abbreviated name EU. The goal of creating a name is to separate the brand from the others, in this case, international organizations. In order for a name to be the holder of a successful brand, it should be simple, short, memorable, and with good

⁴ EU Institutions: www.euinfo.rs

⁵ European Commission (2013), *Information on the European Union: How the European Union Works, Your Guide to the EU Institutions*, p. 3

ima status kandidata za članstvo u EU i koja je već otvorila pregovore o članstvu u Evropskoj uniji. Strateško opredeljenje same Srbije je pridruživanje Evropskoj uniji. Ipak, kao i u svakom procesu promena, potrebno je na pravi način pripremiti širu javnost. U tom procesu, Evropska unija, kao organizacija posebne vrste, komunicira brend svoje organizacije i vrednosti, koje je važno da predstavi svojim interesnim grupama, u ovom slučaju građanima Srbije. Zbog svega toga, ovaj rad ima za cilj da ispita brend Evropske unije kroz obeležja identiteta, karakteristike i elemente i tako utvrdi percepcijska obeležja i osobenosti brenda Evropske unije u pogledu marketing tretmana, odnosno brend menadžmenta kojim se vodi Evropska unija u Srbiji.

BREND EVROPSKE UNIJE- IDENTITETSKA OBELEŽJA I SPECIFIČNOST BREND

Evropska unija se definiše kao organizacija posebne vrste i predstavlja jedinstven politički entitet koga čini danas 28 suverenih evropskih država, koje su udružile vlast u ključnim oblastima. Sa druge strane, ono što je jedinstveno za EU je nadnacionalni karakter, koji se ogleda u funkcionisanju nekih od njenih najvažnijih institucija, gde su se države članice odrekle pojedinih ovlašćenja i prenele ih na EU⁴. Evropska unija se razlikuje od ostalih internacionalnih organizacija kao što su Ujedinjene nacije, Savet Evrope ili NATO, te zato ima obeležja i države i međunarodne organizacije. Sam format Evropske unije je između potpune federalne strukture, koja postoji u Sjedinjenim Američkim Državama i strukture međuvladine saradnje, kakav se može pronaći u Ujedinjenim nacijama⁵.

Američka asocijacija za marketing (AMA) definiše brend kao ime, termin, znak, simbol ili dizajn, kako bi se identifikovali proizvodi i usluge određenog proizvođača ili diferencirali od konkurencije. Tako, koristeći AMA definiciju kao osnovu, brend Evropske unije počinje od imena, gde se koristi uglavnom puno ime Evropska unija, ili skraćeno EU. Cilj kreiranja imena je da se brend izdvoji iz gomile⁶, u ovom slučaju međunarodnih organizacija. Da bi ime bilo nosilac uspešnog brenda, trebalo bi da bude jednostavno, kratko, pamtljivo i sa dobrim komunikativnim potencijalom.⁷ Stoga, ime Evropska unija, sa skraćenicom EU ili na nekim jezicima UE, je lako izgovorljivo i jasno ukazuje na geografsko područje- Evropu, što je sugestivno i lako pamtljivo čak i u međunarodnoj sferi.

4 Institucije EU: www.euinfo.rs

5 Evropska komisija (2013), *Informacije o Evropskoj uniji: Kako funkcioniše Evropska unija, Vaš vodič kroz institucije EU*, str. 3

6 Lifland, S. (2002): *Effective Branding- bMore than just a name*, American Managment Asociation

7 Rakita B. (2007) *Brend menadžment*, Savremena administracija, str. 29

communicative potential.⁶ Therefore, the name of the European Union, with the abbreviation EU or in some languages UE, is easy to pronounce and clearly indicates the geographic area – Europe, which is suggestive and memorable, even in the international sphere.⁷

Furthermore, the European Union has its own identity characteristics, in the form of a recognizable symbol, the flag with a blue background with 12 gold stars, which represents the unity, solidarity and harmony among the people of Europe.⁸ The flag as a symbol is almost always used when presenting the European Union, and in this way, it represents its standardized logo.



Picture 1: The European Union flag

The European Union communicates its values through a short associative sentence, i.e. its motto *United in diversity*. This motto, which is also the slogan in the marketing sense, clearly reflects the values on which the European Union is based: *united Europeans in the EU, a community of peace and well-being enriched by the diversity of their cultures, traditions and languages*.⁹ Also, part of the identity of the European Union is its anthem, the melody of Beethoven's ninth symphony. According to Keller, almost anything can be branded, and lately major events and manifestations have attracted much media attention, as recognized by the European Union, which celebrates Europe Day on May 9th, when for the first time, in 1950, Robert Schuman presented ideas on which the European Union is based today.¹⁰

Looking at the characteristics of the European Union, through the AMA definition, it can be concluded that the European Union has certain *services and products*, which it offers to its members, and even potential members. In the policy of enlargement, the European Union activities are related to preparations for EU membership, while the member states find benefits, inter alia, in economic and political stability. In the end, what really identifies the

6 Lifland, S. (2002): *Effective Branding-B, More than just a name*, American Management Association

7 Rakita B. (2007) *Brend menadžment*, Savremena administracija, p. 29

8 The official webpage of the European Union, EU symbols, http://europa.eu/about-eu/basic-information/symbols/index_hr.htm

9 The official webpage of the European Union, EU symbols, EU anthem, and The official webpage of the European Union, EU symbols, http://europa.eu/about-eu/basic-information/symbols/index_hr.htm

10 Rakita B. (2007) *Brend menadžment*, Savremena administracija, p. 7

Dalje, Evropska unija ima svoje identitetsko obeležje, u formi prepoznatljivog simbola, zastave sa na plavoj pozadini sa 12 zlatnih zvezdica, koje predstavlja jedinstvo, solidarnost i sklad među evropskim narodima⁸. Zastava kao simbol se skoro uvek koristi prilikom predstavljanja Evropske unije i tako predstavlja njen standardizovan logo.



Slika 1: Zastava Evropske unije

Evropska unija komunicira svoje vrednosti kroz kratku asocijativnu rečenicu odnosno njen moto *Ujedinjeni u različitosti*. Ovaj moto, koji je ujedno i slogan u marketinškom smislu, vrlo jasno odražava vrednosti na kojima počiva Evropska unija: *ujedinjene Evropljane u EU, zajednicu za mir i blagostanje obogaćenu različitostu svojih kultura, tradicija i jezika*⁹. Takođe, deo identita Evropske unije predstavlja i njena himna, melodija devete Beethovenove simfonije. Prema Kelleru, gotovo sve može biti brendirano, te u poslednje vreme veliki događaji i manifestacije imaju veliku medijsku pažnju, što je prepoznato i od strane Evropske unije, koja slavi Dan Evrope- 9. maja, kada je prvi put 1950. godine Rober Šuman predstavio ideje na kojima danas počiva Evropska unija¹⁰.

Posmatrajući karakteristike Evropske unije, kroz definiciju AMA, može se zaključiti da Evropska unija ima određenje *usluge i proizvode* koje nudi svojim članicama ali čak i potencijalnim članicama. U politici proširenja aktivnosti Evropske unije su vezane za pripreme za članstvo u EU, dok zemlje članice nalaze benefit, između ostalog, u ekonomskoj i političkoj stabilnosti. Na kraju, ono što zaista identifikuje Evropsku uniju kao brend, jeste to da je ona je veoma drugačija od ostalih *konkurenata*- međunarodnih organizacija, pre svega zbog svog jedinstvenog političkog entiteta, pri čemu se uvek predstavlja kao međunarodna organizacija posebne vrste, što je čini prepoznatljivim, specifičnim brendom sa jedinstvenim identitetom.

8 Zvanična vebstranica Evropske unije, Simboli EU , http://europa.eu/about-eu/basic-information/symbols/index_hr.htm

9 Zvanična vebstranica Evropske unije , Simboli EU, himna EU Zvanična vebstranica Evropske unije, Simboli EU http://europa.eu/about-eu/basic-information/symbols/index_hr.htm

10 Rakita B. (2007) *Brend menadžment*, Savremena administracija, str. 7

European Union as a brand is that it is very different from other *competitors* – international organizations, primarily because of its unique political entity, whereby it always presents itself as an international organization of a special kind, which makes it a distinctive, specific brand with a unique identity.

THE EUROPEAN UNION IN SERBIA – BRAND IDENTITY AND IMAGE

The brand also represents a market term that has its value and recognition, by which one may identify specific companies or institutions. This means that the brand is more than a name or basic characteristics, because the brand has to motivate, promote action, cause emotions and certain associations, and create confidence.¹¹ Also, the brand represents a seal or guarantor of partnerships on the market between a company and consumers. In the case of the European Union in Serbia, it represents the relation between the citizens of Serbia and the European Union, just like consumers decide to purchase a particular product, in the same way the citizens decide on Serbia's accession to the European Union.

As defined by the American Marketing Association, *a brand is a customer experience represented by a collection of images and ideas, while brand recognition and other reactions are created by the accumulation of experiences with the specific product or service, both directly relating to its use, and through the influence of advertising, design, and media commentary.* It also implies the brand values, ideas, and even personality.¹² The aim of the EU in Serbia is to brand its product, i.e. accession of Serbia to the European Union and the necessity of reforms, in a way where the experience of the citizens of Serbia will be accompanied by positive ideas and associations, not only because ultimately the citizens will vote on a referendum regarding Serbia's membership in the EU, but also because of simpler and painless implementation of reforms. For all these reasons, the European Union, as any organization or company, aims to convert the identity of the European Union brand into the image in the minds of consumers, or to make a communication bridge that connects this unique organization with the citizens of Serbia.

BRAND IDENTITY OF THE EUROPEAN UNION IN SERBIA

Starting from the European Union identity, this organization in Serbia primarily communicates its policy of enlargement and accession, together with the specifics that are characteristic for Serbia. On the official website

¹¹ Ibid, p.29

¹² American Marketing Association, dictionary: brand, branding

EVROPSKA UNIJA U SRBIJI- BREND IDENTITET I IMIDŽ

Brend predstavlja i tržišni izraz koji ima svoju vrednost i prepoznatljivost, po kome se može prepoznati određena kompanija ili institucija. To znači da je brend više od imena ili osnovnih obeležja, jer brend mora da motiviše, pokreće na akciju, izazove emocije, određene asocijacije i kreira poverenje¹¹. Takođe, brend predstavlja pečat, odnosno garant partnerskih odnosa na tržištu između kompanije i potrošača. U slučaju Evropske unije u Srbiji, to predstavlja odnos građana Srbije i Evropske unije, jer kao što se potrošači odlučuju za kupovinu određenog proizvoda, tako i građani odlučuju o pristupanju Srbije Evropskoj uniji.

Prema definiciji Američke asocijacije za marketing, brend je iskustvo potrošača predstavljen slikama i idejama, dok se brend prepoznaje reakcijama koje su kreirane akumulacijom iskustva sa specifičnim proizvodom ili uslugom, direktno ili kroz uticaj oglašavanja, dizajna ili medija. Takođe, brend implicira vrednosti, ideje, čak i personaliti.¹² Cilj Evropske unije u Srbiji je da brendira svoj proizvod, odnosno pristupanje Srbije Evropskoj uniji i neophodnost reformi, na način gde će iskustvo građana Srbije biti praćeno pozitivnim idejama i asocijacijama, ne samo zato što se ultimativno građani izjašnjavaju na referendumu o članstvu Srbije u EU, već i zbog jednostavnijeg i bezbolnijeg sprovođenja reformi. Zbog svega toga, Evropska unija, kao i svaka organizacija ili kompanija, ima za cilj da konverzuje identitet brenda Evropske unije u imidž u svesti potrošača, odnosno da napravi komunikacioni most koji povezuje ovu jedinstvenu organizaciju sa građanima Srbije.

BREND IDENTITET EVROPSKE UNIJE U SRBIJI

Polazeći od identiteta Evropske unije, ova organizacija u Srbiji pre svega komunicira svoju politiku proširenja i pridruživanja, zajedno sa specifičnostima koje su karakteristične za Srbiju. Na zvaničnom sajtu Evropske komisije mogu se naći opšti uslovi za članstvo u Evropskoj uniji, kao i posebni uslovi predviđeni za zemlje Zapadnog Balkana. Prema Osnivačkom ugovoru Evropske unije, bilo koja evropska zemlja može aplicirati za članstvo ako poštuje demokratske vrednosti Evropske unije i posvećena je promociji istih. Opšti uslovi koje jedna zemlja mora da zadovolji da bi pristupila Evropskoj uniji su: ispunjenje EU standarda i pravila, ima pristanak EU institucija i EU zemalja članica i ima saglasnost svojih građana- koja je ispoljena u nacionalnom parlamentu ili referendumom. Prvi korak u pristupanju jedne zemlje Evropskoj uniji je ispunjavanje ključnih kriterijuma, koji su definisani u Kopenhagenu 1993. godine i nazivaju se popularno *kriterijumi iz Kopenha-*

11 Ibid, str.29

12 Američka asocijacija za marketing, dictionary: brand, branding

of the European Commission, there can be found general conditions for membership in the European Union, as well as the special conditions laid down for the countries of the Western Balkans. According to the Founding Treaty of the European Union, any European country may apply for membership if it respects the democratic values of the European Union and is committed to promoting them. General conditions that a country must meet in order to join the European Union are: meeting the EU standards and rules, having the consent of the EU institutions and EU member countries, and having the consent of its citizens, which is displayed through the national parliament or on a referendum. The first step in the accession of a country to the European Union is to meet the key criteria, which were defined in Copenhagen in 1993 and have been popularly known as *the Copenhagen criteria*. Countries that wish to join the European Union must have stable democratic institutions, the rule of law, have to respect and protect minorities and human rights; a market economy with the capacity to cope with competitive and market pressure in the EU; and the ability to take and effectively implement the membership obligations, including adherence to political and economic goals, and the objectives of the monetary union. Also, the European Union has to integrate new members, which means that in the case of the Western Balkan countries (where Serbia belongs), it is necessary to establish additional requirements for membership, which have been defined in the so-called Stabilization and Association Process, relating to regional cooperation and good neighborly relations.¹³

Serbia was granted candidate status on March 1st 2012 and officially started negotiations with the European Union at the first intergovernmental conference on January 21st 2014.¹⁴ The terms and time for Serbia to access the European Union as a full member have been determined by the adoption and implementation of all existing EU regulations (i.e. the EU *acquis*). These regulations have been divided into 35 negotiation chapters and refer to various areas to be regulated, such as the rule of law, transportation, environmental protection, etc. and they have to be specifically negotiated. Examining further the process of negotiations, the European Commission, in presenting their identity, clearly states that the regulations cannot be negotiated about (*They are not negotiable*), but the candidate countries essentially agree on how and when they will adopt and implement regulations, and the European Union receives assurances from the country regarding the date and effectiveness of measures of each candidate to do so.¹⁵ Further, in the

13 Conditions for membership, http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm

14 Serbia, membership status, http://ec.europa.eu/enlargement/countries/detailed-country-information/serbia/index_en.htm

15 Conditions for membership, <http://ec.europa.eu/enlargement/policy/conditions-membership/>

gena. Zemlje, koje žele da pristupe Evrpskoj uniji, moraju imati: stabilne demokratske institucije, vladavinu prava, da poštuju i štite manjine i ljudska prava; tržišnu ekonomiju sa kapacitetom da se nosi sa konkurencijom i tržišnim pritiscima u EU; i sposobnost da preuzmu i efektivno sprovedu obaveze članstva, uključujući i pridržavanje političkih i ekonomskih ciljeva, kao i ciljeva monetarne unije. Takođe, Evropska unija mora da integriše nove članove, što znači da u slučaju zemalja Zapadnog Balkana (gde pripada i Srbija) potrebno je da se uspostave dodatni uslovi za članstvo, koji su definisani u tzv. Procesu stabilizacije i pridruživanja, koja se odnose na regionalnu saradnju i dobre susedske odnose¹³.

Srbija je dobila status kandidata još 1. marta 2012. godine i zvanično otpočela pregovore sa Evropskom unijom prvom međuvladinom konferencijom 21. januara 2014. godine¹⁴. Uslovi i vreme pristupa Srbije kao punopravnog člana Evropske unije određeni su usvajanjem i sprovođenjem svih postojećih EU propisa (tzv. EU *acquis-a*). Ovi propisi su podeljeni u 35 pregovaračkih poglavlja i odnose se na različite oblasti koje treba regulisati, kao što su vladavina prava, saobraćaj, zaštita životne sredine itd, i koji se posebno pregovaraju. Ispitujući dalje proces pregovora, Evropska komisija u prezentovanju svog identiteta jasno navodi da se o propisima ne pregovara (*They are not negotiable*), već se zemlje kandidati suštinski slažu kako i kada će ih usvojiti i sprovesti, i da Evropska unija dobija garancije od zemlje o datumu i efektivnosti mera svakog kandidata da to uradi¹⁵. Dalje, u procesu pregovora, uloga Evropske komisije je da prati napredak zemlje kandidata u sprovođenju zakonodavstva Evropske unije i ispunjenju drugih uslova, uključujući i obavezna merila. Komisija o napretku informiše Savet i Evropski parlament o tom procesu kroz redovne izveštaje i strateška dokumenta. Kada je konkretno reč o procesu pregovora sa Srbijom, kao predstavništvo Evropske unije i glavni komunikator identiteta je Delegacija Evropske komisije u Beogradu. Njena uloga je da promoviše i širi vrednosti i interese Evropske unije, i prati odnose Srbije i EU. Takođe, otvaranjem pregovora o pridruživanju Delegacija je angažovana u procesu skrininga pregovaračkih poglavlja i podrške pregovaračkom procesu praćenja politike EU. Prioritet je dat pružanju pomoći i uspešnoj primeni Sporazuma o stabilizaciji i pridruživanju. Važna uloga Delegacije Evropske unije jeste i upravljanje programima finansijske pomoći (tzv. IPA fondovima). Na kraju, jedan od važnih

13 Conditions for membership, http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm

14 Serbia, membership status, http://ec.europa.eu/enlargement/countries/detailed-country-information/serbia/index_en.htm

15 Conditions for membership, http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm

negotiation process, the role of the European Commission is to monitor the progress of the candidate countries in the implementation of EU legislation and the fulfillment of other conditions, including the mandatory criteria. The Commission informs the Council and the European Parliament on the progress regarding this process through regular reports and strategic documents. When specifically talking about the process of negotiations with Serbia, a representative of the European Union and the main communicator of identity is the Delegation of the European Commission in Belgrade. Its role is to promote and spread the values and interests of the European Union, and follow the relationship between Serbia and the EU. Also, when opening accession negotiations, the Delegation was engaged in the process of screening negotiating chapters and supporting the negotiation process of monitoring the EU policies. Priority was given to providing assistance and successful implementation of the Stabilization and Association Agreement. An important role of the European Union is the management of financial assistance programs (i.e. the IPA funds). Finally, one of the important tasks is also informing the citizens, government, institutions and the media on the integration process, as well as the institutions and policies of the European Union.¹⁶

From the aspect of analysis of European Union identity in the accession process and negotiations, the brand is defined by the general conditions for membership, stemming from the Treaty, *the Copenhagen criteria*, and for the Western Balkans countries, additional criteria have been established in the Stabilization and Association Process. Furthermore, the accession of any country to the European Union will be precisely determined after the closing of the 35 so-called negotiating chapters. The Delegation of the European Union supports the communication of the entire brand identity from the values and institutions of the European Union to the process of negotiations for Serbia's membership in the European Union and the management of financial assistance. In short, the main elements of the brand identity that the European Union wants to communicate are: the conditions for Serbia's EU membership, the progress and the current status of the negotiation process and the provision of financial assistance to Serbia in order to regain public support for Serbia's membership in the European Union. This means communicating the necessary reforms and harmonization with the European Union regulations that Serbia should implement as soon as possible in order to become a full member of the European Union.

index_en.htm

¹⁶ The mission of the European Union, www.europa.rs

zadataka je takođe i informisanje građana, vlasti, institucija i medija o procesu integracija kao i institucijama i politikama Evropske unije¹⁶.

Sa aspekta analize identiteta Evropske unije u procesu pristupanja i pregovaranja, brend je definisan opštim uslovima za članstvo, koji proizilaze iz Osnivačkog ugovora, *kriterijumima iz Kopenhagena*, a za zemlje Zapadnog Balkana dodatni kriterijumi su utvrđeni i u procesu stabilizacije i pridruživanja. Dalje, pristupanje bilo koje zemlje Evropskoj uniji će biti tačno utvrđeno po zatvaranju svih 35 tzv. pregovaračkih poglavlja. Delegacija Evropske unije podržava komuniciranje celokupnog brend identiteta od vrednosti, institucija Evropske unije do procesa pregovora Srbije za članstvo u Evropskoj uniji i upravljanju finansijske pomoći. Ukratko, glavni elementi brend identiteta koji Evropska unija želi da komunicira su: uslovi za članstvo Srbije u EU, napredak i trenutno stanje procesa pregovora i pružanje finansijske pomoći Srbiji, u cilju pridobijanja podrške građana za članstvo Srbije u Evropskoj uniji. To praktično znači komuniciranje neophodnih reformi i usklađivanja sa propisima Evropske unije, koje Srbija treba da sprovede kako bi što pre postala punopravna članica Evropske unije.

IMIDŽ BREND A EVROPSKE UNIJE

Dok identitet brenda predstavlja način na koji organizacija vidi sebe, imidž (brenda) predstavlja način na koji je entitet (organizacija i institucija) percipirana od strane drugih¹⁷. Tako imidž Evropske unije se može posmatrati kroz istraživanje stavova i percepcija građana Srbije o procesu reformi, faze pregovora, procesa komunikacije Evropske unije i brend menadžmenta, odnosno konverzije identiteta u imidž. Ovdje će dalje biti analizirana konverzija brenda Evropske unije u odnosu na podršku reformama, članstvu u EU, informisanost o procesu pregovora i informisanost o pružanju finansijske pomoći Srbiji, na osnovu publikacije *Istraživanje javnog mnjenja: Evropska orijentacija građana Srbije*, objavljenog od strane Vlade Republike Srbije, Kancelarija za evropske integracije u junu 2014. godine.

Važno pitanje koje se postavlja građanima Srbije u vezi podrške članstvu, koje se može posmatrati kao merilo i imidža Evropske unije je *Ukoliko bi sutra bio raspisan referendum sa pitanjem „Da li podržavate učlanjenje naše zemlje u Evropsku uniju?“*, kako biste glasali. Posmatrajući rezultate odgovora na ovo pitanje javnog mnjenja u periodu oktobra 2009. do juna 2014. godine, procenat građana koji bi glasao *za* je varirao od 64% do 46% (jun 2014), dok je najveći procenat od 73% zabeležen u novembru 2009. godine, a najniži procenta podrške u decembru 2012. godine od svega 41%. U osta-

16 Misija Delegacije Evropske unije, www.europa.rs

17 Rakita B. (2007) *Brend menadžment*, Savremena administracija, str. 58

BRAND IMAGE OF THE EUROPEAN UNION

While brand identity is the way in which the organization sees itself, the (brand) image is the way in which the entity (an organization and institution) is perceived by others.¹⁷ Thus, the image of the European Union can be seen through the exploration of attitudes and perceptions of the citizens of Serbia on the reform process, the negotiation phase, the communication process of the European Union and brand management, i.e. the conversion of identity into the image. Here the conversion of the European Union brand in relation to reform support, EU membership, information on the negotiation process and information on the provision of financial assistance to Serbia on the basis of the publication *Public Opinion Survey: European orientation of Serbian citizens*, the Government of the Republic of Serbia, European Integration Office, June 2014, will be further analyzed.

The important question to ask the citizens of Serbia in respect of membership support, which can be seen as a measure of the European Union image is: *If there were a referendum tomorrow with the question "Do you support the membership of our country in the European Union?", what would you reply?* Looking at the results of answers to this public opinion question in the period from October 2009 to June 2014, the percentage of citizens who would reply *yes* varied from 64% to 46% (June 2014), while the largest percentage of 73% was in November 2009, and the lowest percentage of support was in December 2012, only 41%. In the other months in the period of three years, the percentage of citizens who would reply *yes* was mostly above 50%. On the other hand, looking at respondents who would reply *no*, a third of them said the reason for it was because *the EU would not bring us anything good, it would be even worse for Serbia*. Also, almost every third inhabitant of Serbia thought that he himself would benefit from Serbia's accession to the European Union, while two in five respondents claimed that Serbia would feel the benefits of membership.¹⁸ Although it can be concluded that the support to Serbia's membership in the European Union is positive with respect to an average of 50% of citizens who would vote for Serbia's entry into the European Union in a referendum, the results of research of the reactions that the European Union caused in the citizens of Serbia in June 2014, showed that 43% of citizens said that the current image of the European Union was neither positive nor negative, while in 33% of citizens, it caused a negative reaction. A similar response can be found to the question *"Is Serbia's entry into the European Union a good or bad thing?"* where 35% of respondents think that it is a good thing, while 43% of them are in-

17 Rakita B. (2007) *Brend menadžment*, Savremena administracija, p. 58

18 Istraživanje javnog mnjenja, jun 2014: *Evropska orijentacija građana Srbije*, Republika Srbija, Vlada, Kancelarija za evropske integracije

lim mesecima u periodu od tri godine, procenat građana koji bi glasao za je uglavnom bio iznad 50%. Sa druge strane, posmatrajući ispitanike koji bi glasali protiv, trećina njih navodi razlog da *EU nam ne donosi ništa dobro, Srbiji bi bilo još gore*. Takođe, skoro svaki treći stanovnik Srbije misli da bi on sam imao koristi od ulaska Srbije u Evropsku uniju, dok dva od pet ispitanika tvrdi da bi Srbija osetila koristi članstva.¹⁸ Iako se može zaključiti da je podrška članstvu Srbije u Evropskoj uniji pozitivna s obzirom da bi u proseku 50% građana glasalo za ulazak Srbije u Evropsku uniju na referendumu, rezultati istraživanja reakcija koju Evropska unija izaziva kod građana Srbije u junu 2014. godine, pokazuju da 43% građana smatra da je postojeća slika Evropske unije za njih *ni pozitivna, ni negativna*, dok kod 33% građana izaziva negativnu reakciju. Sličan odgovor se može naći na pitanje „*Da li je ulazak Srbije u Evropsku uniju dobra ili loša stvar?*“, gde 35% ispitanih smatra da je dobra stvar, dok 43% njih je indiferentno. Kao rezultat građani imaju indiferentnu asocijaciju, odnosno niti pozitivne niti negativne stavove prema članstvu Srbije u Evropskoj uniji. S obzirom, da brend treba da izazove pozitivne reakcije, i asocira na poverenje, brend Evropske unije u Srbiji za sada ne uspeva u tome u potpunosti. Što se tiče informisanosti građana Srbije o Evropskoj uniji, zainteresovanosti za proces evropskih integracija i tako proces pregovaranja (o identitetu Evropske unije), rezultati istraživanja pokazuju da više od trećine građana zna koji je trenutni status Srbije u pregovorima sa Evropskom unijom. Sa druge strane 48% njih ne zna da navede najznačajniji događaj u procesu pristupanja Srbije EU u poslednjih godinu dana, što je skoro polovina građana, dok svega 13% njih navodi da su to bili pregovori o Kosovu, odnosno Briselski sporazum. U načelu, opšta informisanost građana je pozitivna, odnosno oni su upoznati da se Srbija nalazi u procesu pregovora sa Evropskom unijom, što znači da je brend Evropske unije u Srbije prepoznatljiv, ali detaljnijom analizom zainteresovanost i time iskustva i interakcija građana sa Evropskom unijom veoma niska, s obzirom da građani ne mogu da navedu konkretne karakteristike, u ovom slučaju događaje, identiteta Evropske unije u Srbiji (proces pregovora). Prilog u tome govore i rezultati istraživanja javnog mnjenja oko informisanosti o procesu pristupanja Srbije Evropskoj uniji iz 2011. godine, koji pokazuju da građanima Srbije nisu još dovoljno poznati ključni aspekti procesa pristupanja Srbije Evropskoj uniji. S obzirom na nedovoljno poznate činjenice građani imaju podvojene stavove, i stoga opada procenat građana koji bi sigurno podržali članstvo Srbije u Evropskoj uniji¹⁹. Međutim, s

18 Istraživanje javnog mnjenja, jun 2014: *Evropska orijentacija građana Srbije*, Republika Srbija, Vlada, Kancelarija za evropske integracije

19 Strategija komunikacije Vlade Republike Srbije o procesu pristupanja Srbije Evropskoj uniji, 2011, str.10

different. As a result, the citizens have an indifferent association, i.e. neither positive nor negative attitudes towards Serbia's membership in the European Union. Given that the brand should elicit positive reactions, and be associated with trust, the brand of the European Union in Serbia has not been successful at it entirely for now. Regarding informing the citizens of Serbia on the European Union, interest in the European integration process and thus the negotiation process (on the identity of the European Union), the survey results show that more than a third of citizens knows what the current status of Serbia in negotiations with the European Union is. On the other hand, 48% of them do not know about the most important event in the process of Serbia's accession to the EU in the past year, which is almost half of the population, while only 13% of them stated that those were Kosovo negotiations or the Brussels Agreement. In principle, the citizens are generally informed, and they are aware that Serbia is in the process of negotiations with the European Union, which means that the brand of the European Union in Serbia is recognizable, but a more detailed analysis shows that the citizens' interest in, experience and interaction with the European Union are very low, given that the citizens cannot specify the features, in this case events, of the identity of the European Union in Serbia (the negotiation process). The findings of a public opinion survey in 2011 on whether the citizens were informed on the process of Serbia's accession to the European Union showed that the citizens of Serbia were not yet completely familiar with the key aspects of the process of Serbia's accession to the European Union. Regarding less known facts, the citizens had ambivalent attitudes, and therefore the percentage of citizens who would support Serbia's membership in the European Union declined.¹⁹ However, given that the European Union's enlargement policy communicates reforms, the positive aspect of the survey shows that the citizens understand the necessity of reforms. Thus, most of the respondents claimed that the reforms necessary for Serbia's EU accession should be carried out even if they were not a condition for Serbia joining the EU.²⁰

The examination of the citizens' general attitudes towards the European Union showed that the majority primarily stated the path to a better future for young people, then more employment opportunities, a possibility to travel wherever they wanted within the European Union as the third attitude, a possibility to improve the situation in Serbia as the fourth attitude; further, the risk of losing their own cultural identity, vast bureaucracy, waste of time and money, only a dream, a utopian idea, as the eighth attitude – the guarantee of lasting peace in the European Union was stated, and at the end,

¹⁹ Strategija komunikacije Vlade Republike Srbije o procesu pristupanja Srbije Evropskoj uniji, 2011, p.10
²⁰ Ibid, p.11

obzirom da Evropska unija svojom politikom proširenja komunicira reforme, pozitivan aspekt istraživanja javnog mnjenja pokazuje da građani razumeju neophodnost reformskih procesa. Tako većina ispitanika tvrdi da bi reforme neophodne za pristupanje Srbije EU trebalo sprovesti čak i ako nisu uslov Srbije za ulazak u EU²⁰.

Uvidom u opšte stavove građana o Evropskoj uniji, većina na prvom mestu navodi put ka boljoj budućnosti mladih ljudi, zatim više mogućnosti zapošljavanja, na trećem mestu mogućnost putovanja gde god želi unutar Evropske unije, na četvrtom mogućnost da se uredi stanje u našoj državi, dok dalje rizik gubljenja sopstvenog kulturnog identiteta; glomazni birokratski aparat, gubitak vremena i novca, samo san, utopijska ideja; na osmom mestu se navodi garancija dugotrajnog mira u Evropskoj uniji, i na kraju način da se zaštita prava građana i sredstvo poboljšanja ekonomske situacije²¹. Analizom ovih stavova može se zaključiti da je većina navodi pozitivne stavove i asocijacije u vezi sa Evropskom unijom, dok tek na petom mestu se navodi gubljenje sopstvenog kulturnog identiteta. Ipak, tek na osmom mestu se navode i vrednosti na kojima počiva Evropska unija kao što su mir i zaštita prava građana. Sa druge strane, zabrinjavajući su rezultati da većina populacije Srbije ne zna koliko Srbija dobija iz EU fondova na godišnjem nivou, a dvoje od petoro građana bi volelo da se informiše o projektima. Takođe, manje od polovine građana smatra Rusiju kao najvećeg donatora u poslednjih petnaest godina, iako bespovratna pomoć Evropske unije od 2000. godine do danas iznosi preko 2 milijarde evra, u proseku 200 miliona godišnje²².

Na osnovu gore pomenutog, može se zaključiti da Evropska unija predstavlja jedinstven brend u Srbiji, na osnovu uspostavljenog identiteta, koji se ogleda u promovisanju procesa pregovora i sprovođenju neophodnih reformi. Međutim, imajući u vidu istraživanja javnog mnjenja, koji ne pokazuju dovoljno dobru informisanost, kao ni potpuno pozitivne stavove i percepcije prema brendu Evropske unije, Evropska unija u Srbiji i dalje pokušava da na pravi način upravlja svojim brendom, odnosno da ga profilise i prevede u željeni imidž, kako bi se ostvarilo puno poverenje građana Srbije. Tako, Evropska unija u Srbiji predstavlja brend, ali nema još uvek potpuno uspešan brend menažment. Jedan od mogućih razloga gde se može pronaći i rešenje za percepcije građana koja je različita od identiteta Evropske unije, može da bude i nedovoljno jasno određivanju nosioca brenda, što predstavlja neizostavni element brenda. Nije uvek jasno precizirano ko

20 Ibid, str.11

21 Istraživanje javnog mnjenja, jun 2014: *Evropska orijentacija građana Srbije*, Republika Srbija, Vlada, Kancelarija za evropske integracije

22 Delegacija Evropske unije u Srbiji, www.europa.rs

a way to protect the rights of citizens and the means of improving the economic situation.²¹ By analyzing these attitudes, it can be concluded that most of them are positive attitudes and associations related to the European Union, while losing Serbian cultural identity has been stated only as the fifth attitude. However, the values on which the European Union is based, such as peace and the protection of citizens' rights have been stated as only the eighth. On the other hand, it is worrisome that the majority of the population does not know how much money Serbia receives from the EU funds annually, and two in five citizens would like to be informed about the projects. Also, less than a half of the citizens consider Russia as the largest donor in the last fifteen years, although grants from the European Union since 2000 till today amount to over 2 billion Euros, an average of 200 million per year.²²

Based on the above, it can be concluded that the European Union is a unique brand in Serbia, on the basis of the established identity, which is reflected in promoting the negotiations and implementation of necessary reforms. However, taking into account public opinion surveys, which show that the citizens are not enough informed, and do not have completely positive attitudes and perceptions towards the brand of the European Union, the European Union in Serbia is still trying to properly manage their brand, i.e. to profile it and transform into a desired image, to gain full trust of the citizens of Serbia. Thus, the European Union in Serbia is a brand, but it still does not have fully successful brand management. One of the possible reasons, where a solution can be found for the perception of citizens that is different from the identity of the European Union, can be insufficiently clear determination of the brand holder, which is an essential element of the brand. It is not always clear who exactly communicates the EU brand, identity and, thus, values that the European Union wants to communicate in Serbia, as well as the conditions for Serbia's membership in the European Union. Basically, in the negotiation process, it is the European Commission in Brussels, i.e. its representative – Commissioner Štefan Füle, who is in charge of EU enlargement. Also, in Serbia, the European Commission is represented by the Delegation of the European Union, headed by Head of the Delegation, Michael Davenport. Further, in the negotiation process, the brand holder is often Catherine Ashton – the High Representative of the European Union, especially in the process of normalization of relations between Serbia and Kosovo. Lately, a representative of the European Union has often been Jelko Kacin, as rapporteur of the European Parliament for

21 Istraživanje javnog mnjenja, jun 2014: *Evropska orijentacija građana Srbije*, Republika Srbija, Vlada, Kancelarija za evropske integracije

22 The Delegation of the European Union in Belgrade, www.europa.rs

tačno komunicira brend EU, identitet i time vrednosti koje Evropska unija želi da komunicira u Srbiji, kao ni uslove za članstvo Srbije u Evropskoj uniji. Načelno u procesu pregovora to je Evropska komisija u Briselu odnosno njen predstavnik- komesar Štefan File koji je zadužen za proširenje EU. Takođe, u Srbiji Evropska komisija je predstavljena Delegacijom Evropske unije na čelu sa šefom Delegacije Majkl Devenportom. Dalje, u procesu pregovora kao nosilac brenda se često javlja i Ketrin Ešton- Visoki predstavnik Evropske unije, posebnu u procesu *normalizacije odnosa Srbije i Kosova*. U prethodnom periodu predstavnik Evropske unije je često bio i Jelko Kacin, kao izvestilac Evropskog parlamenta za Zapadni Balkan. S obzirom da Evropsku uniju čini 28 zemalja članica, svaki od predsednika država članica Evropske unije komunicira identitet Evropske unije, uslove za članstvo i podršku Srbiji prilikom evropskih integracija. Usled nejasne ili spore komunikacije, brend imidž značajno opada.²³ Nekonzistentnost i različito interpretiranje brend identiteta od različitih učesnika, negativno utiču na brend imidž među potrošačima, u ovom slučaju građana Srbije²⁴. Stoga, unutar organizacije treba posebno obratiti pažnju na brend kulturu, i kako se aktivnosti same organizacije slažu sa vrednostima brenda, odnosno kako navodi Schroeder, da li organizacija *živi brend*²⁵. *U tom svetlu, nosioci i komunikatori brenda Evropske unije bi trebalo da postupaju, imajući u vidu vrednosti Evropske unije koji se promovišu.*

OD BRENDA DO JAKOG BRENDA EVROPSKE UNIJE U SRBIJI

Evropska unija u Srbiji ima za cilj da postane jak brend. Da bi brend Evropske unije zaista bio jak, treba uvek imati u vidu da je brend više od proizvođača. Proizvod je nešto što se može ponuditi na tržištu da izazove pažnju, da zadovolji određenu potrebu, dok brend prevodi kupoprodajni odnos u partnerski²⁶. Time brend u stvaru komunicira misiju jednog entita ili organizacije. Stoga, analizirajući brend menadžment Evropske unije u Srbiji, komuniciranjem uslova za članstvo, procesa pregovora Evropska unija u Srbiji se više fokusira na *proizvod*, izostavljajući da predstavi svoj brend. Evropska unija je više od samog procesa pregovora i usvajanje pravnih tekovina EU, i uslova za članstvo. Ona predstavlja organizaciju koja pre svega

23 Hagen P., Burcă C., 2011, European Union: Which brand image, str.11

24 Kay M., (2005) *Strong brands and corporate brands*, Montclair State University, Montclair, New Jersey, USA, str. 747

25 Schroeder, J.E. (2014), Brands And Branding, in *Wiley-Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J. Ryan, New York: Wiley And Sons, str.4

26 Kotler, P. (1991), *Marketing Management-Analysis, Planning, Implementation and Control*, 7th Edition, Prentice Hall, New York, str. 429

the Western Balkans. Given that the European Union is comprised of 28 member states, every President of a member state communicates the identity of the European Union, the conditions of membership and support to Serbia in European integration. Due to unclear or slow communication, the brand image significantly decreases.²³ Inconsistency and different interpretations of the brand identity by different participants have a negative effect on the brand image among consumers, in this case the citizens of Serbia.²⁴ Therefore, within the organization, particular attention should be paid to brand culture, and whether the activities of the organization suit the brand values, or as Schroeder states, *whether the organization lives brand*.²⁵ In this light, the holders and communicators of the European Union brand should act, taking into account the values of the European Union that are promoted.

FROM A BRAND TO A STRONG BRAND OF THE EUROPEAN UNION IN SERBIA

The European Union aims to become a strong brand in Serbia. In order for the European Union brand to become really strong, it should always bear in mind that the brand is more than the product. The product is something that can be offered in the market to attract attention, to meet a specific need, while the brand transforms the purchase relation into a partnership.²⁶ In this way, the brand communicates the mission of an entity or organization. Therefore, by analyzing brand management of the European Union in Serbia, communicating the requirements for membership, the process of negotiations, the European Union in Serbia is more focused on the *product*, without representing its brand. The European Union is more than just a process of negotiation and adoption of EU acquis, and the conditions for membership. It is an organization that primarily promotes united European states, Partnership for Peace, democratic values that protect human rights, and economic and political stability. In Serbia, the European Union is too narrowly oriented to the conditions that are required to be met in order for Serbia to become a full member, leaving insufficient space for presentation of its brand identity with the elements and symbols, and thus come closer to the concept of the European Union in Serbia.

23 Hagen P., Burcă C., 2011, European Union: Which brand image, p.11

24 Kay M., (2005) *Strong brands and corporate brands*, Montclair State University, Montclair, New Jersey, USA, p. 747

25 Schroeder, J. E. (2014), Brands And Branding, in *Wiley Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J. Ryan, New York: Wiley And Sons, p.4

26 Kotler, P. (1991), *Marketing Management-Analysis, Planning, Implementation and Control*, 7th Edition, Prentice Hall, New York, p. 429

promoviše ujedinjene evropskih država, partnerstvo za mir, demokratke vrednosti, koje štite ljudska prava, kao i ekonomsku i političku stabilnost. U Srbiji Evropska unija se previše usko orijentiše na uslove koji su potrebni da se ispune kako bi Srbija postala punopravna članica, ne ostavljajući dovoljno prostora da predstavi svoj brend identitet sa elementima i simbolima, i tako približi koncept Evropske unije Srbiji.

Iako postoje različite perspektive o karakteristikama jakog brenda, ono sa čim se autori slažu jeste da jak brend je onaj koji je kulturološki značajan i koji postaje neodvojivi deo identiteta kupaca. Takođe, značenje brenda se može predstaviti iz različitih izvora poput sociologije, popularne kulture, studija kulture i slično. Tako i Holt dolazi do zaključka da su jaki brendovi slični mitovima da oni snažno utiču na formiranje identiteta²⁷. Takođe, Schroeder navodi kao značajnu i kulturološku perspektivu brenda, jer kao kulturna forma, brend evolviru u skladu sa istorijskim, geografskim i društvenim promenama²⁸. Evropska unija mora postati kulturno značajan brend, sa kojim se građani Srbije identifikuju, koji smatraju kao svojim. Pri tome Evropska unija ima dobre perspektive, jer je njen cilj da okupi demokratske evropske države, a Srbija to jeste. Isto tako, Evropska unija može iskoristiti evropsko i kulturno nasleđe koje deli sa Srbijom i tako bolje komunicira svoj brend, kao što je zajednička istorija, geografski prostor Evrope... Tako bi brend Evropske unije mogao da izazove pozitivne reakcije, koje bi izazvale osećaj pripadnosti građana Srbije Evropskoj uniji.

Pored toga, jaki brendovi moraju biti veoma diferencirani i jedinstveni, pa tako i Evropska unija mora da diferencira svoj brend od Rusije, koju građani Srbije percipiraju kao najvećeg donatora, iako podaci pokazuju drugačije. Jedno od rešenja je da se težište komunikacione poruke premesti na finansijki doprinos koji daje Evropska unija Srbiji, prilikom pristupanja Srbije Evropskoj uniji što može biti predstavljeno u formi da je Srbija već dobila značajne koristi od početka procesa pristupanja i interakcije sa Evropskom unijom. Evropska unija može postati jak brend u Srbiji ukoliko, kroz proces pregovara, približi građanima Srbije vrednosti na kojima počiva, poveže ih sa sličnim kulturološkim i istorijskim nasleđem Srbije, i predstavi svoj finansijkih doprinos podrške reformi.

ZAKLJUČAK

Evropska unija predstavlja jedinstvenu organizaciju na svetu, koja ima karakteristike federalne države, ali takođe daje pravo svim članicama da

27 Kay M.,(2005) Strong brands and corporate brands, Montclair State University, Montclair, New Jersey, USA, str. 746

28 Schroeder, J.E.(2014), Brands And Branding, in *Wiley--Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J.Ryan, New York:Wiley And Sons, str. 6

Although there are different perspectives on the characteristics of a strong brand, the authors agree that a strong brand is one that is culturally significant, that becomes an integral part of the identity of customers. Also, the meaning of the brand can be presented from different sources, such as sociology, popular culture, cultural studies, and the like. Holt comes to the conclusion that strong brands are similar to myths in the sense that they strongly influence the formation of identity.²⁷ Also, Schroeder states the cultural perspective of the brand as important, since as a cultural form, the brand evolves in accordance with the historical, geographical and social changes.²⁸ The European Union has to become a culturally important brand, with which the citizens of Serbia identify, which they consider as their own. In addition, the European Union has a good perspective, since it aims to bring together the democratic European countries, and Serbia is one of them. In the same manner, the European Union can use the European cultural heritage, which it shares with Serbia, such as common history, the geographical area of Europe... and thus communicate its brand better. In this way, the brand of the European Union can elicit a positive response, causing the citizens of Serbia to feel that they belong to the European Union.

In addition, strong brands have to be very differentiated and unique, and therefore the European Union needs to differentiate its brand from Russia, that is perceived by the citizens of Serbia as the biggest donor, although the data suggest otherwise. One solution is to move the communication message focus to the financial contribution made by the European Union to Serbia at Serbia's accession to the European Union, which can be presented in the form that Serbia has already received significant benefits from the beginning of the process of accession and interaction with the European Union. The European Union can become a strong brand in Serbia if, through the negotiation process, it brings closer the values on which it is based to the citizens of Serbia, connecting them with similar cultural and historical heritage of Serbia, and present its financial contribution to reform support.

CONCLUSION

The European Union is a unique organization in the world, which has the characteristics of a federal state, but also entitles all member states to retain their sovereignty. The European Union has its own brand identity, with its elements that promotes the values on which it is based. In Serbia, the brand of the European Union is represented through the process of acces-

27 Kay M.,(2005) *Strong brands and corporate brands*, Montclair State University, Montclair, New Jersey, USA, p. 746

28 Schroeder, J. E.(2014),*Brands And Branding*, in *Wiley--Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J. Ryan, New York: Wiley And Sons, str. 6

zadrže svoj suverenitet. Evropska unija ima svoj brend identitet, sa svojim elementima, kojim promoviše vrednosti na kojima počiva. U Srbiji, brend Evropske unije je predstavljen kroz prosek pridruživanja i proširanja. Danas se posebno brend Evropske unije u Srbiji može posmatrati kroz pristupne pregovore, odnosno reforme. Ultimativni cilj konverzije brend identiteta u imidž brend Evropske unije u Srbiji među građanima Srbije, jeste prihvatanje reformi i ultimativno pozitivno izjašnjenje na referendumu prilikom ulaska Srbije u Evropsku uniju. Analizom brend menadžmenta Evropske unije u Srbiji, može se zaključiti da Evropska unija jeste brend, s ozbirom da je jedinstven i prepoznatljiv među građanima Srbije, ali da Evropska unija ne izaziva pozitivno očekivane reakcije među građanima, koji nisu dovoljno informisani o celokupnom brendu Evropske unije. Takođe, kako bi Evropska unija postala jak brend u Srbiji, potrebno je na bolji način da profiliše svoj brend i poveže ga sa vrednostima koje promoviše i zajedničkim činionicima sa građanima Srbije.

LITERATURA

1. Američka asocijacija za marketing, Dictionary: brand, branding
2. Evropska komisija (2013), *Informacije o Evropskoj uniji: Kako funkcioniše Evropska unija, Vaš vodič kroz institucije EU*
3. Hagen P, Burcă C.,(2011): *European Union: Which brand image*
4. Kancelarija za evropske integracije, Istraživanje javnog mnjenja, (jun, 2014) *Evropska orijentacija građana Srbije*, Republika Srbija
5. Kay M.,(2005) *Strong brands and corporate brands*, Montclair State University, Montclair, New Jersey, USA
6. Kotler, P. (1991), *Marketing Management-Analysis, Planning, Implementation and Control*, 7th Edition, Prentice Hall, New York
7. Lifland, S.(2002) *Effective Branding- More than just a name*, American Management Association
8. Rakita B. (2007) *Brend menadžment*, Savremena administracija
9. Schroeder, J.E. (2014), *Brands And Branding*, in *Wiley-Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J. Ryan, New York: Wiley And Sons
10. Strategija komunikacije Vlade Republike Srbije o procesu pristupanja Srbije Evropskoj uniji, 2011

Internet:

11. EU Info centar www.euinfo.rs
12. Zvanična vebstranica Evropske unije, <http://europa.eu>
13. Zvanična vebstranica Evropske komisije <http://ec.europa.eu>
14. Delegacija Evropske unije u Srbiji www.europa.rs

sion and EU enlargement. Today especially the brand of European Union in Serbia can be viewed through the accession negotiations or reforms. The ultimate aim of converting the brand identity into the brand image of the European Union in Serbia, among the citizens of Serbia, is the acceptance of reforms and an ultimately positive statement on the referendum during Serbia's accession to the European Union. By the analysis of brand management of the European Union in Serbia, it can be concluded that the European Union is a brand, considering that it is unique and recognizable among the citizens of Serbia, but that the European Union does not produce the expected positive reactions among the citizens, who are not sufficiently informed about the overall brand of the European Union. Also, in order for the European Union to become a strong brand in Serbia, it is necessary for it to profile its brand in a better way and connect it with the values that it promotes and with the factors it has in common with the citizens of Serbia.

REFERENCES

1. American Marketing Association, Dictionary: brand, branding
 2. The European Commission (2013), *Information on the European Union: How the European Union Works, Your Guide to the EU Institutions*
 3. Hagen P., Burcă C.,(2011): *European Union: Which brand image*
 4. Kancelarija za evropske integracije, Istraživanje javnog mnjenja, (jun,2014) *Evropska orijentacija građana Srbije*, Republika Srbija
 5. Kay M.,(2005) *Strong brands and corporate brands*, Montclair State University, Montclair, New Jersey, USA Kotler, P. (1991), *Marketing Management-Analysis, Planning, Implementation and Control*, 7th Edition, Prentice Hall, New York
 6. Lifland, S.(2002) *Effective Branding-More than just a name*, American Management Association
 7. Rakita B. (2007) *Brend menadžment*, Savremena administracija
 8. Schroeder, J. E. (2014),*Brands And Branding*, in *Wiley-Blackwell Concise Encyclopedia Of Consumption and Consumer Studies*, Edited by Dan Cook and Michael J. Ryan, New York: Wiley And Sons
 9. Strategija komunikacije Vlade Republike Srbije o procesu pristupanja Srbije Evropskoj uniji, 2011
 10. Strategija komunikacije Vlade Republike Srbije o procesu pristupanja Srbije Evropskoj uniji, 2011
- The Internet:**
11. EU Info center www.euinfo.rs
 12. The official website of the European Union, <http://europa.eu>
 13. The official website of the European Commission <http://ec.europa.eu>
 14. The Delegation of the European Union in Serbia www.europa.rs

STABILIZATION AND ACCESSION AGREEMENT AS REGULATORY INSTRUMENT OF POLITICAL AND ECONOMIC REFORMS BETWEEN THE EUROPEAN UNION AND BOSNIA AND HERZEGOVINA¹

Zoran Kalinić²

Abstract

This paper discusses the Stabilisation and Association Agreement, a preferential trade agreement that has political elements. The author deals with EU policy towards the Western Balkans defined in the framework of the Stabilisation and Association Process. The subject of discussion is the bilateral cooperation that the contractual relationship is binding, with the aim of fulfilling the rights and obligations arising from the third-generation European agreements. Objective of this paper is to highlight the mechanism initiating changes that used by the European Union to the interested country to help build capacity for adaption and enforcement of laws and standards the EU. In, the analysis will be discussed status of Bosnia and Herzegovina in the period between the signing of the SAA and the Interim agreement. Emphasising that integration of the Western Balkans into the EU is essential for the European project of peace, in which the contractual relationship through the Stabilization and Association Agreement is used for the fulfillment of political goals that include a wide range of reforms.

Key words: *Stabilisation and Association Agreement, contractual obligations, reforms, mechanisms of the European Union*

JEL classification: F1, F5, F3

INTRODUCTION

Looking at the process of European integration, as main topic and priority of foreign policy of west Balkans countries³, we can notice different

¹ Paper submitted for the International Scientific Conference 'European Union – Challenges of Enlargement and Western Balkans', 29 May 2014, Banja Luka College

² Prof. Zoran Kalinić, PhD, extraordinary professor at 'Nezavisni univerzitet Banja Luka', zk@nubl.org

³ West Balkans (Bosnia and Herzegovina, Croatia, Monte Negro, Albania and Republic of Macedonia)

SPORAZUM O STABILIZACIJI I PRIDRUŽIVANJU KAO REGULATORMI INSTRUMENT POLITIČKIH I EKONOMSKIH REFORMI IZMEĐU EVROPSKE UNIJE I BOSNE I HERCEGOVINE¹

Zoran Kalinić²

Sažetak

U radu se razmatra Sporazum o stabilizaciji i pridruživanju, preferencijalno trgovinski sporazum koji ima političke elemente. Autor se bavi politikom Evropske unije prema zemljama zapadnog Balkana definisanom u okviru Procesu stabilizacije i pridruživanja. Predmet rasprave je bilateralna saradnja koja kroz ugovorni odnos ima obavezujući karakter, s ciljem ispunjavanja prava i obaveza koja proizilaze iz treće generacije evropskih sporazuma. Cilj rada je da se istakne mehanizam pokretanja promjena koje koristi Evropska unija da se zainteresovanoj zemlji pomogne u izgradnji kapaciteta za usvajanje i primjenu zakona i standarda EU. U središtu analize biće razmatran status Bosne i Hercegovine, u periodu između potpisivanja SSP-a, i primjene Privremenog sporazuma. Naglašavajući da je integracija zapadnog Balkana u EU od suštinskog značaja za evropski projekat mira, u kojem se ugovorni odnos preko Sporazuma o stabilizaciji i pridruživanju koristi radi ispunjavanja političkih ciljeva koji uključuju širok raspon reformi.

Ključne riječi: Sporazum o stabilizaciji i pridruživanju, ugovorne obaveze, reforme, mehanizmi Evropske unije

JEL klasifikacija: F1, F5, F3

UVOD

Posmatrajući proces evropskih integracija, kao glavnu temu i prioritet spoljne politike zemalja zapadnog Balkana³, primjećujemo različite raspone

1 Rad dostavljen za Međunarodnu naučnu konferenciju 'Evropska unija-izazovi proširenja i Zapadni Balkan', 29. maj 2014., Banja Luka College

2 prof.dr Zoran Kalinić, vanredan profesor, Nezavisni univerzitet Banja Luka, zk@nubl.org

3 Zapadni Balkan (Bosna i Hercegovina, Srbija, Hrvatska, Crna Gora, Albanija i Republika Makedonija)- je politička tvorevina osmišljena da bi se ova grupa država jasno razlikovala od država u region koje su

ranges in their advance. The country mostly staying behind on the road to European Union is Bosnia and Herzegovina. The border of EU has approached, and yet it seems so far away. European perspective for the countries of former Yugoslavia is confirmed in official documents of the CoE and EC⁴, with the fact that to date each of the countries showed its readiness and capacity for reforms and set political conditions in the aim of advance towards the membership, at different intensities and modalities. Bosnia and Herzegovina signed the SAA on 16 June 2008 in Luxembourg, getting the status of a potential candidate, which remained to present time. As long as obligations undertaken by SAA are met in full, the Provisional agreement (of 1 July 2008) remains in power. The reason for stagnation are the criteria and political conditions set by the EU, which proved to be a complicated, long and difficult process for the complex internal structure of the country.

However, bearing in mind that BaH established a contractual relation with the EU for the first time, producing obligations but also benefits, we stress that the process of European integration is voluntary and that Brussels can be negotiated only about the deadlines for the fulfillment of the SAA conditions. The signatory country has to accept the whole set of laws of the EU as a part of *acquis communautaire* and to fully implement them. The task of BaH is to complete the reforms, as quickly as possible, and the strongest leverage of internal reforms is the striving of political parties towards the membership of the EU, i.e. establishing appropriate structures for the implementation and application, which appeared as a difficult task. Hence, bearing in mind the advance we established on the road to European integration in the period since 2008, it seems that BaH will remain only in perspective a modern European state, for some time in the future.

In the desire to recognize the principles and values of good practice of the countries members of the EU, the author stresses the benefits of reforms in the areas that the Agreement treats within the SAA process, envisaged for the countries of SE Europe. The SAA as the main instrument presents a significant source of communitarian law, intended for the west Balkans countries. The SAA process is particularly designed strategic approach of the EU for the region, where signing the SAA gives a status of associated

– is a political creation designed to clearly differentiate this group of countries from other countries in the region that have already established relations with the EU, but also to establish one regional approach that is at the same time adjusted to the situation in each of those countries. The term was defined in documents created at the summit of the EU Ministers in Feira in 1997, and it was officially presented in Zagreb summit in 2000, and then also in Thessaloniki summit in 2003.

⁴ The EU, on the EC summit in Santa Maria de Fiera, held on 19 and 20 June 2000, gave a European perspective to the west Balkans countries in a way that each country will be considered a potential candidate for the full membership in the EU. Zagreb summit of November 2000 had a great impact on further clear perspective proclaimed in S.M. de Fiera. “Thessaloniki program for the west Balkans” – moving towards the European integration, summit in Thessaloniki, 16 June 2003.

u njihovom napretku. Zemlja koja najviše zaostaje na putu ka Evropskoj uniji je Bosna i Hercegovina. Granica Evropske unije se toliko približila, a ipak, se čini tako daleko. Evropska perspektiva za zemlje bivše Jugoslavije se potvrđuje u zvaničnim dokumentima Savjeta Evrope i Evropske komisije,⁴ s činjenicom da je do danas svaka od njih u različitim intezitetima i modalitetima pokazala spremnost i kapacitet za reforme i postavljene političke uslove u cilju napretka ka članstvu. Bosna i Hercegovina je potpisala Sporazum o stabilizaciji i pridruživanju 16.juna 2008.godine u Luksemburgu, čime je stekla status potencijalnog kandidata, u kojem se nalazi i danas. Sve dok obaveze preuzete SSP-om ne budu ispunjene u cjelosti, na snazi je Privremeni sporazum (01.jula 2008.godine). Povod stagnacije su kriterijumi i politički uslovi koje postavlja Evropska unija, a koji su za usložnjenu unutrašnju strukturu, komplikovan, dug i težak proces.

Ipak, uzme li se u obzir da je Bosna i Hercegovina po prvi put sa Evropskom unijom stupila u ugovorne odnose, koji svakako nose obaveze ali i korist, ističemo da je proces evropskih integracija dobrovoljan i da se sa Briselom može pregovarati samo oko rokova do kojih ćemo ispuniti uslove iz SSP-a. Zemlja potpisnica mora da prihvati cijeli set zakona Evropske unije kao dio *acquis communautaire* i da ih u potpunosti implementira. Zadatak BiH je da što brže i kvalitetnije dovrši reforme, a kao najsnažnija poluga unutrašnjih reformi ostaje stremljenje političkih partija ka članstvu u EU, odnosno uspostavljanje odgovarajućih struktura za implementaciju i primjenu, što se pokazalo kao težak zadatak. Dakle, imajući u vidu napredak koji smo ostvarili na putu evropskih integracija u periodu od 2008.godine do danas, čini se da će Bosna i Hercegovina do daljnjeg samo u perspektivi biti moderna evropska država.

U želji da se prepoznaju principi vrijednosti i dobre prakse zemalja koje su članice EU, autor naglašava koristi od reformi u oblastima koje Sporazum tretira u okviru Procesu stabilizacije i pridruživanja, osmišljenog za zemlje Jugoistočne Evrope. Sporazum o stabilizaciji i pridruživanju, kao glavni instrument spada u veoma značajne izvore komunitarnog prava, namjenjen za zemlje Zapadnog Balkana. Proces stabilizacije i pridruživanja predstavlja posebnu osmišljenu vrstu strateškog pristupa Evropske unije regionu, gdje se potpisivanjem SSP-a daje status pridruženog člana, te joj potvrđuje status

već uspostavile odnose sa EU, ali i da bi se ustanovio jedan regionalni pristup koji je istovremeno prilagođen situaciji u svakoj od zemalja. Termin je definisan dokumentima nastalim na Samitu Savjeta ministara EU u Feiri 1997.godine, a zvanično predstavljen na Samitu u Zagrebu 2000.godine, a zatim na samitu u Solunu 2003.godine.

4 Evropska unija je na samitu Evropskog savjeta u Santa Marija de Fjeri 19. i 20. juna 2000.godine dala evropsku perspektivu državama Zapadnog Balkana na način da će svaka zemlja smatrati potencijalnim kandidatom za punopravno članstvo u EU. Zagrebački samit iz novembra 2000.godine je bitno uticao na dalju i jasniju perspektivu proklamovanu na samitu u Santa Marija de Fjeri. „Solunski program za Zapadni Balkan“ -kretanje prema evropskim integracijama, Samit u Solunu, 16.06.2003.godine.

members, confirming the status of a potential candidate for the membership in the EU⁵, followed by individual monitoring of their advance. The goal of the SAA is to create certain preconditions for accession to membership, i.e. to prepare a country for the membership.

In the first part of this paper we shall say something about the mechanisms of the Stabilization and Accession Process (SAP) and its three main instruments, the SAA, economic measures and financial aid. Second part of the paper is dedicated to the achieved advance of BaH, while the Conclusion brings some lessons learned from the experience thus far.

I

The SAP is the framework agreement between the EU countries and countries of the SE Europe. For the needs of realization of the goals of SAP the EU designed and applied a number of instruments, transferred but also amended from the earlier experience with the countries of Central and Eastern Europe. Basic elements of the SAP are:

1. Contractual relations – the SAA, as a new kind of contractual relations (so called third generation associating);
2. Development of the economic relations – asymmetric liberalization of trade through introducing autonomous trading measures;
3. Financial aid – the Community program for reconstruction and development – CARDS (2000 – 2006); Instruments of pre-accession aid – IPA I (2007-2013) and IPA II (2014 – 2020).

The politics of the EU towards the west Balkans countries is realized within the SAP initiated in 1999, and improved with the Thessaloniki Declaration of 2003⁶, using for the first time the term ‘perspective of expansion of the region’, which is the main means for fulfillment of goals, such as strengthening democracy and rule of law, respect of human rights and minority rights, achieving the peace and stability in the region and sustainable economic development. The essence of this approach to politics of expansion was mainly necessary for the security stabilization of the region, which is taken as a precondition for any future cooperation. The SAA represents the first serious step of economic relations of a pre-candidate country and the EU. It is an international contract, regulating political, economic and trade relations between the EU and the country intending to join.

⁵ The Agreement comes into power after being confirmed, i.e. after ratification in the signatory country, European parliament, and all member states of the European Union.

⁶ Thessaloniki summit, held in July 2003, gave basis for the agreement of 33 European countries about solving the problem of the west Balkans and confirmed in its Conclusion that the map of the EU cannot be complete without the countries of this region.

potencijalnog kandidata za članstvo u EU⁵, a zatim pojedinačno prati njihov napredak. Cilj Sporazuma o stabilizaciji i pridruživanju jeste da stvori određene preduslove za prijem u članstvo, odnosno da se zemlja pripremi za članstvo.

U prvom dijelu rada govorićemo o mehanizmima Procesu stabilizacije i pridruživanja (PSP) i njegova tri glavna instrumenta Sporazumu o stabilizaciji i pridruživanju (SSP), ekonomskim mjerama i finansijskoj pomoći. Drugi dio rada će biti posvećen ostvarenom napretku Bosne i Hercegovine (BiH), dok ćemo u zaključku navesti pouke iz dosadašnjeg iskustva.

I

Proces stabilizacije i pridruživanja je okvir odnosa između Evropske unije i zemalja Jugoistočne Evrope. Za potrebe ostvarivanja ciljeva Procesu, Evropska unija je osmislila i primjenila čitav niz instrumenata, koji su preneseni, ali i dopunjeni iz ranijih iskustava sa zemljama Centralne i Istočne Evrope. Kao osnovne elemente Procesu stabilizacije i pridruživanja (eng. Stability and Association Process) navodimo:

1. ugovorni odnosi - Sporazum o stabilizaciji i pridruživanju, kao nova vrsta ugovornih odnosa (tzv. sporazum o pridruživanju treće generacije);
2. razvoj ekonomskih odnosa - asimetrična liberalizacija trgovine kroz uvođenje autonomnih trgovinskih mjera;
3. finansijska pomoć - program Zajednice za obnovu i razvoj-CARDS (200.-2006.); Instrument pretpristupne pomoći-IPA I (2007-2013) i IPA II (2014-2020).

Politika Evropske unije prema državama zapadnog Balkana se odvija u okviru Procesu stabilizacije i pridruživanja, koji je pokrenut 1999.godine, a unapređen Deklaracijom iz Soluna 2003.godine⁶, kada je prvi put upotrebljen termin „perspektiva proširenja regiona“, koja je glavno sredstvo za ispunjenje ciljeva poput jačanje demokratije i vladavine prava, poštovanje ljudskih i manjinskih prava, postizanje mira i stabilnosti u regionu i održivog ekonomskog razvoja. Suština ovog pristupa u politici proširenja je prevashodno bila u potrebi bezbjedonosnog stabilizovanja regiona, što se uzima kao preduslov svake buduće saradnje. Sporazuma o stabilizaciji i pridruživanju (eng. SSP – Stabilization and Association Agreement) predstavlja prvi ozbiljan korak ekonomskog povezivanja države pretkandidata i Evropske unije. To je među-

5 Sporazum stupa na snagu nakon potvrđivanja, odnosno ratifikacije u zemlji potpisnici, Evropskom parlamentu, i u svim državama članicama Evropske unije.

6 Solunski samit, održan u julu 2003.godine, dao je osnovu za dogovor 33 evropske zemlje o rješavanju problema zapadnog Balkana i zaključkom potvrdio da mapa EU ne može biti potpuna bez zemalja ovog regiona.

The Agreement is the third generation of agreements on accession to the EU, offered exclusively to the countries enclosed by the SAP, which enables them the establishing of a close and lasting relation with the EU, and a prospective membership in the EU. Along with accession, these agreements contain stabilization elements (security, political and economic stability), as well as parts of regional cooperation. From the legal point of view, it has been signed between Bosnia and Herzegovina and the EU (member states), and it regulates within all three pillars of the European Union: The European Communities, common foreign and security policy, and cooperation in judiciary and internal affairs.

In relation to domestic legislation, its regulations are directly applied and have a direct impact. It institutionalized the relations between BaH and the EU for the first time, while the advance in its implementation will be assessed based on the fulfillment of criteria, general and specific conditions directed to each country individually.

The primary goal is the accession, over a certain period during which legislation is gradually adjusted to the most significant standards and rules of the internal market, which is made easier by introducing the institutionalized framework for political dialogue, gradual creating of free trade zone, liberalization of road transportation, etc. The Agreement is divided to 10 chapters and it is comprised of seven annexes and seven protocols.

By signing the Agreement, BaH entered into a reforming phase of adjusting to legal, economic and political standards of the EU, and phase of comprehensive preparation for obligations that will bring the candidate status. All these demand full engagement of state and entity institutions, NGO and society as a whole.

Thessaloniki agenda introduced additional elements of the Process: European partnership⁷, cooperation in common foreign and security policy, parliamentary cooperation (deepening political dialogue), TAIEX and Twinning, Communities program, increasing the CARDS budget to Process SAP countries and planning of new instrument of aid in financial perspective 2007-2013. Basic characteristics of the SAP is the conditioning and individual approach to assessment of the advance and 'own achievements'.

⁷ European partnership is a political instrument first time handed to the BaH on 30 March 2004. Mid-term priorities regarding preparations of BaH for further integration to the EU, enclose, among other: Rule of law (preparation of elections, improvement of public administration, strengthening the judiciary, reform of the police, fight against corruption, improvement of human rights and protection of minorities), regional cooperation and efficient processing of war crimes, existence of free market, development of small and mid-size companies, management of public finances, solving the internal debt, integrated energy market, border management, fight against organized crime, asylum and migration). European partnership has been established with each country of the west Balkans, according to the EC Decree 533/2004, of 22 March 2004. The European Council adopted the second partnership with BaH in 2005 and the third partnership in 2007.

narodni ugovor, koji reguliše političke, ekonomske i trgovinske odnose između Evropske unije i zemlje koja joj želi pristupiti.

Sporazum spada u treću generaciju sporazuma o pridruživanju EU koji su ponuđeni isključivo državama obuhvaćenim Procesom stabilizacije i pridruživanja i koji im omogućuje uspostavu bliskog i trajnog odnosa s EU, te izgledno članstvo u EU. Uz pridruživanje ovi sporazumi sadrže stabilizacijske dijelove (bezbjedonosna, politička, i ekonomska stabilizacija), kao i dijelove regionalne saradnje. S pravnog aspekta je sklopljen između Bosne i Hercegovine i Evropskih zajednica i njihovih država članica i njime se uređuju odnosi unutar sva tri stuba Evropske unije: Evropskoj zajednici, zajedničkoj spoljnoj i bezbjedonosnoj politici i saradnji u pravosuđu i unutrašnjim poslovima.

U odnosu na domaće zakonodavstvo, njegove se odredbe direktno primjenjuju i imaju direktan učinak. Njime se po prvi put institucionalizuju odnosi između BiH i EU, a napredak u njenoj provedbi bit će ocjenjivan na temelju ispunjenih kriterijuma, zatim opštih i posebnih uslova usmjerenih prema svakoj zemlji pojedinačno.

Primarni cilj jeste pridruživanje, za određeni period tokom kojeg se postepeno prilagođava zakonodavstvo najznačajnijim standardima i pravilima unutrašnjeg tržišta, što je olakšano uvođenjem institucionalnog okvira za politički dijalog, postepenim stvaranjem zone slobodne trgovine, liberalizacijom cestovnog prometa itd. Sporazuma je podijeljen na 10 glava i čini ga sedam dodataka i sedam protokola.

Potpisivanjem Sporazuma, Bosna i Hercegovina je ušla u reformsku fazu prilagođavanja pravnim, ekonomskim i političkim standardima Evropske unije, te fazu sveobuhvatne pripreme za obaveze koje će joj donijeti status kandidata. Sve to zahtijeva puni angažman državnih i entitetskih institucija, nevladinog sektora i društva u cjelini.

Solunskom agendom uvedeni su dodatni elementi Procesu: Evropsko partnerstvo⁷, saradnja u zajedničkoj spoljnoj i bezbjedonosnoj politici, parlamentarna saradnja (čime se produbljuje politički dijalog), TAIEX i Twinning, programi Zajednice, povećanje budžeta programa CARDS zemljama Procesu i planiranje novog instrumenta pomoći u finansijskoj perspektivi 2007-

⁷ Evropsko partnerstvo je politički instrument koji je BiH prvi put uručeno 30. marta 2004. godine. Srednjoročni prioriteti u vezi sa pripremama BiH za dalje integrisanje u EU, između ostalog obuhvataju: vladavinu prava (priprema izbora, unapređenje javne uprave, jačanje pravosuđa, reforma policije, borba protiv korupcije, unapređenje ljudskih prava i zaštita manjina), regionalnu saradnju i djelotvorno procesuiranje ratnih zločina, postojanje slobodnog tržišta, razvoj malih i srednjih preduzeća, upravljanje javnim finansijama, rješenje unutrašnjeg duga, integrirano tržište energije, upravljanje granicama, borba protiv organizovanog kriminala, azil i migracija). Evropsko partnerstvo uspostavljeno je sa svakom zemljom zapadnog Balkana Uredbom Savjeta EU-e (EC) br. 533/2004, 22. marta 2004. godine. Savjet EU-e usvojilo je drugo Evropsko partnerstvo s Bosnom i Hercegovinom 2005. godine i treće 2007. godine.

In order to facilitate the road towards capacity building that would support European integration, the EU has foreseen financial instruments. Presenting CARDS for the period 2000-2006 (Community Assistance for Reconstruction, Development and Stabilization) divided to regional and national, with the goal to enable stabilization and recuperation of west Balkans region, with particular emphasis on: creating institutional-legal environment for improvement of democracy and rule of law, respect of human rights, rise of the role of civil society organizations, free and independent media, and fight against organized crime.

Since 2007 CARDS has been replaced by per-accession aid – IPA. Possibility to use IPA funds was conditioned by the status of a potential candidate or a candidate. Its specifics are reflected particularly in the fact that the available quantity of financial means is measured by individual advance of the country in the process of European integration. The goal of the pre-accession aid instrument is to ease economic and social transformation. IPA fund is comprised of 5 components and it may be used by countries with candidate status and accredited decentralized system of management of EU funds, while countries potential candidates and those without accredited system of management of EU funds may use means from the first and second component. IPA II (for the period 2014-2020) available for west Balkans countries envisaged 14,1 billion Euros (2,6 billion more compared to the pervious budget period).

The last one in a line of instruments of the SAP are the regional agreements on free trade among the countries of west Balkans, concluded within Stability pact for SE Europe. This agreement created an economic space where almost 90% of the mutual exchange of goods among the SE European countries is realized without limitations. Complete agreements on free trade were replaced by CEFTA in 2006 (Central Europe Free Trade Agreement).

Based on the previous contents, we can conclude that the SAP is long, precise and detailed process, that European integrations are very logical process with the primary goal of establishing a common market. Therefore, if you wish to trade, you have to do it by European standards. One manages to achieve European standards gets into the market with 500 million people. What is the main source of power today is the flow of capital. Capital by itself does not represent power, but a key factor in determining the relation of power in the present time economic order. Capital explains how power is used as a capacity for acting and how it is used in interaction with other actors. In the background of new powers is not only the size of their economies and the volume of their activity, nor the growth of their GDP, but accumulation of capital and ability to transfer it across the borders. There-

2013. Osnovne karakteristike Procesu stabilizacije i pridruživanja jeste uslovljenost i individualni pristup u ocjenjivanju napretka „vlastitih zasluga“.

Da bi olakšala put u izgradnji kapaciteta koji bi podržali evropske integracije, Evropska unija je predvidjela i finansijske instrumente. Navodimo, CARDS za period od 2000.-2006.godine (eng. Community Assistance for Reconstruction, Development and Stabilisation) podijeljen na regionalni i nacionalni, s ciljem da omogući stabilizaciju i oporavak regiona zapadnog Balkana sa naročitim naglaskom na: stvaranje institucionalnog-pravnog okruženja za unapređenje demokratije i vladavine prava, poštovanja ljudskih prava, unapređenje uloge organizacije civilnog društva, slobodnih i nezavisnih medija, kao i borbe protiv organizovanog kriminala.

Od 2007.godine CARDS je zamijenjen predpristupnom pomoći (IPA). Mogućnost korištenja IPA fondova je uslovljeno statusom potencijalnog kandidata ili kandidatskog statusa. Njegova specifičnost se ogleda u tome što se dostupna količina finansijskih sredstava mjeri pojedinačnim napretkom države u procesu evropskih integracija. Cilj Instrumenta za pretpristupnu pomoć jeste da se olakša ekonomska i društvena transformacija. IPA fond se sastoji od 5 komponenti i mogu ga koristiti zemlje sa kandidatskim statusom i akreditovanim decentralizovanim sistemom upravljanja EU fondovima, dok za zemlje potencijalne kandidate i one koje nemaju akreditovan sistem upravljanja EU fondovima mogu koristiti sredstava iz prve i druge komponente. IPA II (za period 2014-2020) dostupan za zemlje zapadnog Balkana predviđa 14,1 milijardi eura (za 2,6 milijardi više u odnosu na prethodni budžetski period).

Zadnji u nizu instrumenata Procesu stabilizacije i pridruživanja jesu regionalni sporazumi o slobodnoj trgovini država zapadnog Balkana zaključeni u okviru Pakta Stabiliteti Jugoistočne Evrope. Ovim sporazumom je stvoren ekonomski prostor u kome se skoro 90% međusobne robne razmjene država JE odvija bez ograničenja. Kompletni sporazumi o slobodnoj trgovini su zamjenjeni sa Sporazumom o slobodnoj trgovini u Centralnoj Evropi (CEFTA 2006).

Na osnovu prethodnog sadržaja, zaključujemo da je Proces stabilizacije i pridruživanja dug, precizan i detaljan, da su evropske integracije vrlo logičan proces, čiji je primarni cilj zajedničko tržište. Dakle, ako hoćete da trgujete, morate po evropskim standardima. Ko uspeva da dostigne evropske standarde, on izlazi na tržište kojeg čini 500 miliona ljudi. Ono što je danas glavni izvor moći je protok kapitala. Kapital sam po sebi ne predstavlja moć, već ključni faktor u određivanju odnosa moći u današnjem ekonomskom poretku. On objašnjava kako se moć kao kapacitet za djelovanje primjenjuje i kako se koristi u interakciji sa drugim akterima. Iza pojave novih sila, ne leži samo veličina njihovih ekonomija i razmjer njihovih aktivnosti, niti rast

fore, the lesson is that the trade is a foreign policy, and the foreign policy impacts the lives of all of us.

If we ask ourselves whether we have good argumentation for positive acceptance of political and economic reforms that derive from contractual relation as an obligation, we can mention the following: free access to the EU market under more beneficial conditions and lower prices, increase of competitiveness of domestic exporting sector and growth of investments, employment and productivity in that sector, while creating the free trade zone means advantage on macroeconomic plan, for it contributes to the stability of prices in the country, quicker restructuring of the company, transfer of technology and knowledge from abroad, increase of foreign direct investments, acceleration of economic growth in the future period and use of significant financial means from EU funds. If we take Serbia with its candidate status as an example, the indicators say that the EU is the most important foreign trade partner realizing 64.3% of foreign trade exchange in the first six months of 2014, bearing in mind that the SAP came to power on 1 September 2013. The noticed growth is 16.1%, coverage of imports by exports with the EU is 44.4%, while the trade deficit was decreased by 21.7% compared to 2013.

On the other hand, in the case of not adjusting to the European standards, the consequences are: disadvantaged business conditions for domestic producers due to the increased competition, growth of unemployment (due to liquidation of non-competitive companies), loss of a part of customs income, increased foreign trade deficit (due to the increased import of foreign products), loss of EU funds and available grants, and new loan indebtedness. To be ready for the European rules of the game means to be ready for harmonization, which is certainly the most rational form of politics. It is not only about the number of adopted laws, it is much more important how are those laws implemented and to what extent they enable the citizens to call upon them.

II

The SAP remains the framework of the European road of the countries of west Balkans until their future accession. Priorities identified for Bosnia and Herzegovina relate to its criteria defined by the EC in Copenhagen in 1993⁸, criteria from Madrid of 1995⁹ and conditions determined in the SAP

⁸ The Copenhagen criteria are the following: politically stable institutions, guaranteeing democracy, rule of law, respect of human rights and minority rights, and accepting political goals of the Union: economically - efficient market; legally – adopting the law legacy of the European Communities.

⁹ The Madrid criteria: A candidate state has to create conditions for integration through adjusting administrative structures. That understands a firm obligation to successfully implement the EU legislation

njihovog BDP-a, već akumulacija kapitala i sposobnost da ga transferiraju preko svojih granica. Dakle, pouka glasi trgovina je spoljna politika, a spoljna politika utiče na život svih nas.

Postavimo li pitanje imamo li dovoljno dobru argumentaciju za pozitivno prihvatanje političkih i ekonomskih reformi koji proizilaze iz ugovornog odnosa kao obaveza, navodimo sljedeće: slobodan pristup tržištu Unije pod povoljnijim uslovima i nižim cijenama, povećanje konkurentnosti domaćeg izvoznog sektora i rast investicija, zaposlenost i produktivnost u tom sektoru, dok stvaranje zone slobodne trgovine znači prednost na makroekonomskom planu, jer doprinosi stabilnosti cijena u zemlji, bržem restrukturiranju preduzeća, prenosu tehnologije i znanja iz inostaranstva, povećanju stranih direktnih investicija, ubrzanju privrednog rasta u budućem periodu i korištenje značajnih finansijskih sredstava iz EU fondova. Uzmemo li Srbiju za primjer sa kandidatskim statusom, pokazatelji kažu da je Evropska unija najvažniji spoljnotrgovinski partner sa kojim se obavlja 64.3% spoljnotrgovinske razmjene u prvi šest mjeseci 2014.godine, uzimajući u obzir da je 01.septembra 2013.godine SSP-e stupio na snagu. Zabilježeni rast je 16.1%, pokrivenost uvoza izvozom robe sa EU je 44.4%, a trgovinski deficit smanjen za 21.7% u poređenju sa 2013.godinom.

S druge strane, u slučaju neprilagođavanja evropskim standardima troškovi su: otežani uslovi poslovanja domaćih proizvođača zbog pojačane konkurencije, rast nezaposlenosti (zbog likvidacije nekonkurentnih firmi), gubitak dijela carinskih prihoda, povećan spoljnotrgovinski deficit (zbog rasta uvoza starnih proizvoda), gubitak sredstava iz EU fondova i dostupnih grantova i nova kreditna zaduženja. Biti spreman za pravila igre na evropskom tržištu, znači biti spreman na usaglašavanje, što je svakako racionalniji oblik politike. Nije važan samo broj usvojenih zakona, mnogo važnije je kako se ti zakoni sprovede i koliko građanima omogućavaju da se na njih pozovu.

II

Proces stabilizacije i pridruživanja ostaje okvir evropskog puta zemalja zapadnog Balkana sve do njihovog budućeg pridruživanja. Prioriteti identifikovani za Bosnu i Hercegovinu odnose se na njenu sposobnost da ispuni kriterije koje je definisalo Evropsko vijeće u Kopenhagenu 1993. godine⁸, kriterije iz Madrida 1995.godine,⁹ te uslove utvrđene u procesu stabilizacije

8 Kopenhaški kriteriji su sljedeći: politički: stabilne institucije koje garantuju demokratiju, vladavinu prava, poštivanje ljudskih prava i prava manjina i prihvatanje političkih ciljeva Unije; ekonomski: djelotvorno tržište; prvani: usvajanje pravne stečevine EZ-a.

9 Madridski kriteriji: Država kandidatkinja mora stvoriti uslove za integraciju kroz prilagođavanje administrativnih struktura. To podrazumijeva čvrstu obavezu da uspješno provodi i zakonodavstvo EU

process, (key element regional cooperation) especially the conditions defined by the EC in its conclusions of 29 April 1997 and 21 and 22 June 1999, Final Declaration of the summit in Zagreb of 24 November 2000¹⁰, and Thessaloniki agenda.

Goals of the SAA signed between BiH and the EU are the following:

1. Supporting the BaH efforts in strengthening democracy and human rights;
2. contribution to political, economic and institutional stability of BaH, as well as stabilization of the region;
3. providing appropriate framework for political dialogue, to enable development of close political ties between the sides;
4. Supporting BaH efforts to develop economic and international cooperation, inter alia, through harmonization of own legislation with that of the EU;
5. supporting BaH efforts to complete the transition and functional market economy;
6. improvement of economic relations and gradual creating of the free trade zone between the EU and BaH;
7. encouraging regional cooperation in all areas enclosed by this Agreements.

Bosnia and Herzegovina is a country moving towards the candidate status for a long time, although, for the sake of honesty, it would be more realistic to say that the process is in stagnation, considering that we have not moved since November 2012, when the Dialogue on high level on accession process was held. The problem occurred with fulfillment of essential conditions for the SAA and submitting the membership request. Bearing in mind that the report on BaH advance is a cross section of what was done over a year by the EC, the marks for 2013 were not so bad. The commission concluded that a limited advance had been made in fulfillment of political criteria, which is a consequence of the lack of joint vision of political leaders on the future of the country and its functioning, which is a result of lack of coordination mechanism of European issues among different levels of power.

The Europeanization process demands implementation of internal reforms, which will initiate the rule of law and enable stable and democratic institutions, market economy where competition is the basic postulate, thus fulfilling conditions set for the membership in the EU. The goal of harmonizing

through appropriate administrative and judicial structures.

¹⁰ The Zagreb summit of November 2000 had a significant impact on further and clear European perspective proclaimed on the Summit of Santa Maria de Fiera: the five countries of the process will deepen regional cooperation to supporting the political dialogue, regional area of free trade and close cooperation in the field of judiciary and internal affairs, particularly strengthening justice and its independence, fight against organized crime, corruption and money laundering, illegal immigration and all other forms of human trafficking.

i pridruživanja (ključni element regionalan saradnja), posebno uslove koje je definisalo Vijeće u svojim zaključcima od 29. aprila 1997. godine i 21. i 22. juna 1999. godine, Završnoj Deklaraciji Samita u Zagrebu od 24. novembra 2000. godine,¹⁰ te Solunskoj agendi.

Ciljevi Sporazuma o stabilizaciji i pridruživanju potpisanog između BiH i Evropske unije su sljedeći:

1. podržavanje napora Bosne i Hercegovine u jačanju demokratije i vladavine prava;
2. doprinos političkoj, privrednoj i institucionalnoj stabilnosti u BiH, kao i stabilizaciji regiona;
3. obezbjeđivanje odgovarajućeg okvira za politički dijalog, da bi se omogućio razvoj bliskih političkih veza između strana;
4. podržavanje napora BiH da razvije privrednu i međunarodnu saradnju između ostalog i kroz usklađivanje svog zakonodavstva sa zakonodavstvom EU;
5. podržavanje napora BiH da završi tranziciju u funkcionalnu tržišnu privredu;
6. unapređenje skladnih ekonomskih odnosa i postepeno stvaranje zone slobodne trgovine između EU i BiH;
7. podsticanje regionalne saradnje u svim oblastima obuhvaćenim ovim Sporazumom.

Bosna i Hercegovina je zemlja koja se već dugo vremena kreće ka kandidatskom statusu, iako bi istini za volju, realnije bilo napisati da je proces u stagnaciji, s obzirom da se nismo pomjerali od novembra 2012.godine kada je održan sastanak Dijaloga na visokom nivou o procesu pristupanja. Problem je nastao kod ispunjavanja suštinskih uslova za stupanje na snagu SSP-a i podnošenja zahtjeva za članstvo.Imajući u vidu da je Izvještaj o napretku Bosne i Hercegovine presjek stanja šta je urađeno za godinu dana od strane Evropske komisije, ocjene za 2013.godinu su bile loše. Komisija je zaključila da je ostvaren ograničen napredak u ispunjavanju političkih kriterija što je posljedica izostanka zajedničke vizije političkih lidera o budućnosti zemlje i njenom funkcionisanju, što je rezultat izostanka mehanizma koordinacije evropskih pitanja između različitih nivoa vlasti.

Proces evropeizacije zahtijeva sprovođenje unutrašnjih reformi, koje će pokrenuti vladavinu prava i osposobiti stabilne i demokratske institucije, tržišnu ekonomiju u kojoj je osnovni postulat konkurencija, a time ispuniti

kroz odgovarajuće administrativne i pravosudne strukture.

¹⁰ Zagrebački samit iz novembra 2000.godine je bitno uticao na dalju i jasniju evropsku perspektivu proklamovanu na samitu u Santa Marija de Fjeri: pet zemalja Procesu će produbiti regionalnu saradnju na podržavanje političkog dijaloga, regionalno područje slobodne trgovine i blisku saradnju na području pravosuđa i unutrašnjih poslova, posebno za jačanje pravde i njenu nezavisnost, za borbu protiv organizovanog kriminala, korupcije, pranje novca, ilegalne imigracije i svih drugih oblika trgovine ljudima.

the legislation of countries potential candidates and candidates with the legislation of the EU is the establishment of a unique legal system. If we simplify the formulation, harmonizing the legislation would mean bring together the regulations of the member countries by taking over the regulations of the EU into the domestic laws. We differ three kinds of the legal harmonization:

1. unification - domestic laws are replaced by the EU laws in certain areas where the EU has full authority. The main instruments are the Orders / Decrees.
2. harmonization – domestic regulations are harmonized with the goals set in the EU regulations. The main instrument are the Directives.
3. Coordination – certain legal acts of the EU coordinate activities, exchange of information and signing of the agreements on certain issues between the member states.

Reports of the EC at state level are the main documents that have cognitive and symbolic functions, since they are the source of information on the state of politics and economy of the relevant country, its advance or lack of advance. The second characteristic of the Reports is that they are a strategy for additional pressure on the conditions and obligations that are not fulfilled and they represent an important indicator for international factor and its engagement. The third characteristic is that they reflect a proof of regional differences and bilateral differentiation.

Therefore, considering that the report on advance of BaH said that lacking of the coordination mechanism is one of conditions for advance, it is important to point that Bosnia and Herzegovina, since 2000 to the signing of the SAA on 16 June 2008, has been voluntarily harmonizing domestic legislation, assuming the contractual obligation after signing to implement it. The advance was measured based on decisions made, legislation adopted and measures implemented, and based on that it could be said that there were no major steps forward in fulfilling political and economic criteria, since the set conditions are being repeated year after year. In this case, of course, we cannot say that 'repetitio est mater studiorum', since for every failure to meet the obligations we decrease the possibility of advance, and with that availability to financial means, loss in 2013 was 47 million Euros from IPA funds. The EC regularly gives recommendations to continue with political and economic reforms, to invest extra efforts in implementation. We cannot say that BaH did not fulfill a part of obligations that were in the way to European integration, in the period since 1 July 2008, such as adopting the Law on state aid, Law on Census, Environment protection law, Law on transport of dangerous matters, set of laws related to energy, BiH Law on public procu-

uslove koji se postavljaju za članstvo u EU. Cilj približavanja zakonodavstva država potencijalnih kandidata i kandidata zakonodavstvu EU je uspostavljanje jedinstvenog pravnog sistema. Pojednostavimo li formulaciju, približavanje zakonodavstva značilo bi približiti propise država članica preuzimanjem odredbi prava Evropske unije u domaće pravo. Razlikujemo tri vrste pravnog približavanja:

1. unifikacija-domaće propise zamjenjuju propisi EU u određenim oblastima u kojima EU ima potpunu nadležnost. Glavni instrument su Uredbe.
2. usklađivanje (harmonizacija) – domaći se propisi usklađuju s ciljevima postavljenim u propisima EU. Glavni instrument su Direktive.
3. koordinacija-određenim pravnim aktima EU propisuje se koordinacija aktivnosti, razmjena informacija kao i zaključivanje sporazuma o određenim pitanjima između članica.

Izvještaji Evropske komisije na godišnjem nivou su glavni dokumenti koji imaju kognitivne i simboličke funkcije, jer su izvor informacija o stanju politike i ekonomije zemlje kojoj je upućen o njenom napretku ali i nedostatku napretka. Druga karakteristika Izvještaja je da su oni strategija za dodatni pritisak na uslove i obaveze koji nisu ispunjeni i predstavljaju važan indikator za međunarodni faktor i njegov angažman. Treća karakteristika je da su dokaz regionalne različitosti i bilateralne diferencijacije.

Dakle, s obzirom da je u Izvještaju o napretku Bosne i Hercegovine navedeno da izostaje mehanizam koordinacije kao jedan od uslova za napredak, važno je napomenuti da je Bosna i Hercegovina od 2000. godine do potpisivanja Sporazuma o stabilizaciji i pridruživanju 16.06.2008. godine, provodila dobrovoljno usklađivanje domaćeg zakonodavstva, nakon čega je preuzela ugovornu obavezu o njenom izvršenju. Napredak je mjeran na osnovu donijetih odluka, usvojenog zakonodavstva i sprovedenih mjera, te se na osnovu toga može zaključiti da nije bilo većih pomaka u ispunjavanju političkih i ekonomskih kriterija, jer se postavljeni uslovi ponavljaju iz godine u godinu. Naravno da u ovom slučaju ne važi poslovice, „da je ponavljanje majka znanja“ jer za svako neispunjenje obaveza, smanjujemo mogućnost napretka, a samim tim i dostupnost finasijskim sredstvima, koja su nas u 2013. godini koštala 47 miliona eura iz IPA fondova. Evropska komisija redovno daje preporuke da se političke i ekonomske reforme nastave, da se ulaže dodatni napor za provođenje. Ne može se reći da Bosna i Hercegovina nije ispunila dio obaveza koje su stajale na putu evropskih integracija, u periodu od 01. jula 2008. godine, poput usvajanja Zakona o državnoj pomoći, Zakona o popisu stanovništva, Zakonu o zaštiti okoliša, Zakona o prevozu opasnih materija, set propisa u oblasti energije, Zakona o javnim nabavkama BiH i entitetskih zakona o javnim preduzećima i mnogih drugih, zatim libe-

rement and entity laws on public companies and many other, followed with VISA liberalization, but what hindered the BaH accession road was failure to implement them and high politization of the following:

1. Execution of the ruling of European court of human rights in the case Sejdic – Finci, regarding discrimination of citizens based on their national background;
2. Coordination mechanism for European issues between different levels of power;
3. Failure to adopt legal regulations relating to EU issues;
4. Restructuring the Federation BiH Government;
5. Public administration reform process;
6. Ombudsman of Bosnia and Herzegovina – lack of human and financial resources;
7. Council for state aid has been formed, but technical adjustment of the provisional agreement has not been made; and
8. Fight against corruption and organized crime.

If Bosnia and Herzegovina intends to get the candidate status, there are two most important things to keep in mind, that the BaH took by signing the SSA:

1. establishing the free trade zone – abolishing all customs and quantity limitations, and other measures;
2. Harmonization of BaH legislation with the legal legacy of the EU in certain fields: Competition and state aid, right of intellectual property, public procurement, standardization, metrology, accreditation and assessment of harmony, protection of consumers and equal possibilities for men and women.

CONCLUSION

Travelling on 'potential' for membership to the EU of the west Balkans countries is paved with intensive conditioning and demanding criteria, regularly followed by creation of Reports and strategic documents. The EU is using its normative power in the attempt to convince the west Balkans region into the correctness of criteria it poses. It is interfering to internal affairs of local self-governance with legitimacy, as an administrator, an arbiter and bearer of moral values. Its second goal is bringing together, political transformation from functional and practical perspective, through adopting the rules and procedures and creating institutions and state administration, capable of efficient solving the political issues imposed through *acquis*. The term 'functional' stands for sustainable, and fights off the dysfunctional.

ralizacija viznog režima, ali ono što je otežavalo put pridruživanja Bosne i Hercegovine jeste, njihovo nesprovođenje i visoka politizacija problema koje ćemo pobrojati:

1. izvršenje presude Evropskog suda za ljudska prava u predmetu Sejdić-Finci u pogledu diskriminacije građana na osnovu nacionalne pripadnosti;
2. mehanizam koordinacije evropskih pitanja između različitih nivoa vlasti;
3. Izostanak usvajanja zakonskih propisa vezanih za pitanja EU;
4. prekomponovanje Vlade Federacije BiH;
5. proces reforme javne uprave;
6. Ombudsman Bosne i Hercegovine- nedostatak ljudskih i finansijskih resursa;
7. Savjet za državnu pomoć je osnovan ali nije izvršeno tehničko prilagođavanje Privremenog sporazuma; i
8. borba protiv korupcije i organizovanog kriminala.

Ukoliko Bosna i Hercegovina ima namjeru da dobije status kandidata, treba imati u vidu dvije najvažnije stvari koje je BiH preuzela Sporazumom o stabilizaciji i pridruživanju:

1. uspostavljanje zone slobodne trgovine- ukidanjem svih carina i količinskih ograničenja, kao i drugih mjera;
2. usklađivanje zakonodavstva Bosne i Hercegovine sa pravnim tekovinama Evropske unije u određenim oblastima: konkurencija i državna pomoć, pravo intelektualne svojine, javne nabavke, standardizacija, metrologija, akreditacija i ocjena usklađenosti, zaštita potrošača i jednake mogućnosti za žene i muškarce

ZAKLJUČAK

Putovanje na "potencijal" za članstvo u EU zemalja zapadnog Balkana je popločan intezivnim uslovljavanjem i zahtjevnijim kriterijima, koje redovno prati izrada Izvještaja i strateških dokumenata. Evropska unija koristi normativnu moć u nastojanju da region zapadnog Balkana uvjeri u pravednost kriterijuma i uslova koje postavlja. Ona se legitimno miješa u unutrašnje poslove lokalne samouprave, kao administrator, arbitar i nosilac moralnih vrijednosti. Njen drugi cilj je približavanje i politička transformacija iz funkcionalne i praktične perspektive, kroz usvajanje pravila i procedura i stvaranje institucija i državne uprave, koje su u stanju da efikasnije rješavaju politička pitanja nametnuta kroz *acquis*. Iza riječi funkcionalno krije se održivost, a suzbijanje disfunkcionalnog. Zapravo radi se o logici funkcionalnosti koja nastoji da riješi probleme slabih državnih struktura i institucija koje su pro-

Actually, it is about the logics of functionality that attempts to solve problems of weak state structures and institutions deriving from post-communist countries and ethnic conflicts. Weak states are a challenge for the regional politics and the challenge relates to the lack of the rule of law, blooming of organized crime and corruption. Most countries of the west Balkans are weak states with strong national identities, unresolved borders, inexperienced and enormous administration apparatus, and high degree of dependency on the international factor.

The EU integration process of BaH concerns all of us. It is a long term and difficult process, representing not only the goal, but also the means for realization of inner peace and stability, strengthening democracy and rule of law, and economic prosperity. The reason more to speed-up the process is the poll conducted in February 2014¹¹, which stated that 85% of the BaH citizens support accession to the EU. What needs to be done is measured by its difficulty, and in our case it is called mechanism of coordination and functionality of the process. Process of European integration require the strength of politicians who promote European values, who will lead real internal and foreign politics, with the primary goal of healthy economy, investments to energy, agriculture, education and other sectors.

The statistics says that the EU is the largest economy in the world, with over 500 million inhabitants, that the GDP is over 13 billion Euros (25.700 Euros per capita). It is also evident that there are significant differences in the standards between the member states, from Luxembourg with 83.400 Euros per capita (15 times more than the last one) to Bulgaria with 5.500 Euros per capita. Unemployment is stable at 10,9%. The lowest unemployment among the member states is in Austria (4,8%), Germany (5,2%) and Luxembourg (6,1%), and highest in Greece (27,4%) and Spain (26,7%).

After stabilization and adjusting to the standards and values of the EU, and all obstacles hindering the BaH advance, it should be said that, with varying frequency, problems occur within the EU and they cause lowering of pressure to political structures in Bosnia and Herzegovina. One of them is the economic crisis that directed the focus to solving the problems within the Union, followed by the elections for the European parliament and crisis in Ukraine, which will increase the pressure to the west Balkans countries. On the other hand, BaH awaits the general elections of 2014.

The European integration, therefore, work on improvement of a business environment and the implementation of the SAA will certainly contribute to that aim, foreseeing internal reforms that should kick start the economy, rule of law, respect of human and minority rights, or, as we said in the title

¹¹ Public opinion poll, February 2014, www.dei.gov.ba/As

izašle iz postkomunističkih zemalja i etničkih ratova. Slabe države jesu izazov za regionalnu politiku i odnosi se na nedostatak vladavine prava, procvat organizovanog kriminala i korupcije. Većina država zapadnog Balkana su slabe države sa jakim nacionalnim identitetima, nerješenim granicama, sa neiskusnim upravama i ogromnim administracijama, te visokim stepenom zavisnosti od međunarodnog faktora.

Proces evropskih integracija Bosne i Hercegovine se tiče svih nas. To je dugotrajan i težak proces, koji ne predstavlja samo cilj, već i sredstvo za ostvarenje unutrašnjeg mira i stabilnosti, jačanja demokratije i vladavine prava, i ekonomskog prosperiteta. Razlog više za ubrzanje procesa jeste ispitivanje obavljeno u februaru 2014. godine¹¹ koje kaže da 85% građana u Bosni i Hercegovini, podržava pristupanje Evropskoj uniji. Ono što se treba činiti, cijeni se po težini stvari, što se u našem slučaju zove mehanizam koordinacije i funkcionalnost procesa. Za proces evropskih integracija je potrebna snaga političara koji promovišu evropske vrijednosti, koji će voditi realnu, unutrašnju i spoljnu politiku interesima, čiji je primarni cilj zdrava ekonomija, ulaganja u energetiku, poljoprivredu, obrazovanje i druge sektore.

Statistika kaže da je Evropska unija najveća ekonomija u svijetu, da u njoj živi više od 500 miliona stanovnika, da društveni bruto proizvod premašuje 13 biliona eura (25.700 eura po glavi stanovnika). Takođe je evidentno da postoje značajne razlike u standardu među zemljama članicama, od Luksemburga koji sa 83.400 eura ima 15 puta veći BDP po glavi stanovnika do posljednje plasirane Bugarske (BDP 5.500 eura po stanovniku). Nezaposlenost je stabilna i iznosi 10,9%. Najmanja nezaposlenost među zemljama članicama je u Austriji (4,8%), Njemačkoj (5,2%) i Luksemburgu (6,1%), a najviša je u Grčkoj (27,4%) i Španiji (26,7%).

Nakon stabilizacije i prilagođavanja standardima i vrijednostima Evropske unije, i svih smetnji koje ometaju napredak Bosne i Hercegovine, treba napomenuti da se oscilirajućim intenzitetom pojavljuju problemi unutar Evropske unije koji dovode do smanjenja pritiska na političke strukture u Bosni i Hercegovini. Jedna od njih jeste ekonomska kriza koja je očekivano usmjerila pažnju na rješavanje problema unutar Unije, nakon toga su nastupili izbori za Evropski parlament i neizostavna ukrajinska kriza, koja će svakako pojačati pritisak na zemlje zapadnog Balkana. S druge strane, Bosnu i Hercegovinu očekuju Opšti izbori 2014.

Dakle, evropske integracije rade na poboljšanju poslovnog ambijenta, čemu će sigurno doprinijeti sprovođenje Spoprazuma o stabilizaciji i pridruživanju koje predviđa unutrašnje reforme koje treba da pokrenu ekonomiju, vladavinu prava, poštivanje ljudskih i manjinskih prava, odnosno kao

¹¹ Ispitivanje javnog mijenja, februar 2014., www.dei.gov.ba

of this paper, serve as a regulatory instrument of political and economic reforms. And that is its essence.

REFERENCES

1. Dinan, Dezmon, *Sve bliža unija Uvod u evropsku integraciju*, Službeni glasnik, 2009
2. Fuše, Mišel, *Evropska unija pola veka kasnije: stanje i scenariji obnove*, Službeni glasnik, Beograd, 2009
3. Hiks, Sajmon, *Politički sistem Evropske unije*, Službeni glasnik, Beograd, 2007
4. Hix, Samon, i Goetz, Klaus H., *Introduction: European Integration and National Political System*, West European Politics, 2003
5. Janjević, Milutin, *Spoljna politika Evropske unije*, Službeni glasnik, 2007
6. Olsen, Johan P., *Europeanization*, Oxford University Press, Oxford, 2003
7. Samardžić, Slobodan, *Evropska unija kao model nadnacionalne zajednice*, Institut za evropske studije, Beograd, 1998
8. Samardžić, Slobodan, *Srbija u procesu pridruživanja Evropskoj uniji*, Službeni glasnik, Beograd, 2009
9. Špirić, Nikola, *Evropska unija uslovi i uslovljavanja*, Ekonomski fakultet Banja Luka, Grafid, 2010
10. Vukadinović, Radovan, Lidija Čehulić, *Politika evropskih integracija*, Ljevak, Zagreb, 2011
11. Vukmirica, Vujo i Nikola, Špirić, *Ekonomska monetarna integracija Evrope*, Ekonomski fakultet u Banjoj Luci, 2005
12. Report from the Commission The Stabilisation and Association process for South East Europe Third Annual Report, Brussels, COM(2004) 202 final, 30.3.2004
13. Communication from the Commission to the European parliament and the Council, Western Balkans: Enhancing the European perspective, Brussels, COM(2008) 127 final 5.3.2008
14. Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, Luxembourg, 16 June 2008
15. Godišnjak foruma za međunarodne odnose Evropskog pokreta u Srbiji, Službeni glasnik, Beograd, 2010
16. Progress report 2013, Bosnia and Herzegovina, Communication from the commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2013-2014, Brussels, 16.10.2013, SWD(2013) 415 final
17. Communication from the commission to the European Parliament and the Council, Western Balkans: Enhancing the European perspective, COM(2008) Brussels, 5.3.2008.

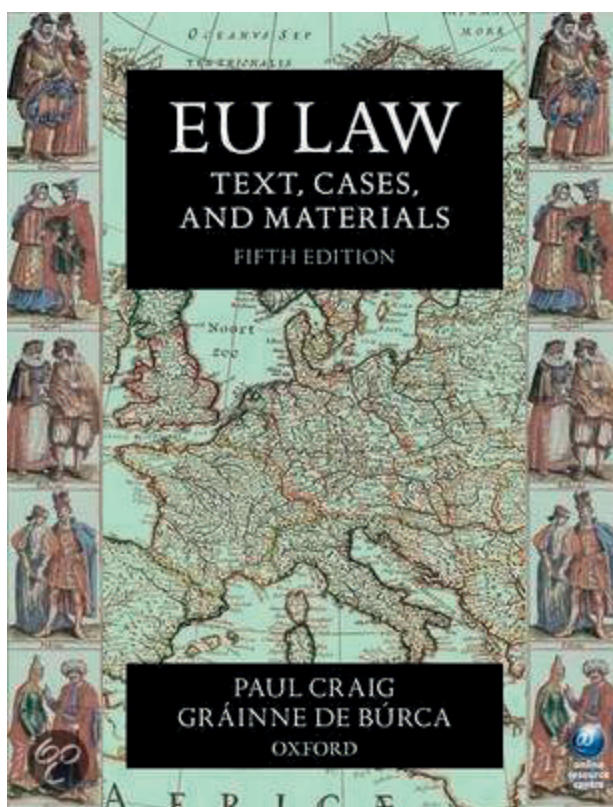
što smo naveli u samom naslovu rada kao regulatornom instrumentu političkih i ekonomskih reformi. A to i jeste njegova suština.

LITERATURA

1. Dinan, Dezmon, *Sve bliža unija Uvod u evropsku integraciju*, Službeni glasnik, 2009
2. Fuše, Mišel, *Evropska unija pola veka kasnije: stanje i scenariji obnove*, Službeni glasnik, Beograd, 2009
3. Hiks, Sajmon, *Politički sistem Evropske unije*, Službeni glasnik, Beograd, 2007
4. Hix, Samon, i Goetz, Klaus H., *Introduction: European Integration and National Political System*, West European Politics, 2003
5. Janjević, Milutin, *Spoljna politika Evropske unije*, Službeni glasnik, 2007
6. Olsen, Johan P., *Europeanization*, Oxford University Press, Oxford, 2003
7. Samardžić, Slobodan, *Evropska unija kao model nadnacionalne zajednice*, Institut za evropske studije, Beograd, 1998
8. Samardžić, Slobodan, Srbija u procesu pridruživanja Evropskoj uniji, Službeni glasnik, Beograd, 2009
9. Špirić, Nikola, *Evropska unija uslovi i uslovljavanja*, Ekonomski fakultet Banja Luka, Grafid, 2010
10. Vukadinović, Radovan, Lidija Čehulić, *Politika evropskih integracija*, Ljevak, Zagreb, 2011
11. Vukmirica, Vujo i Nikola, Špirić, *Ekonomska monetarna integracija Evrope*, Ekonomski fakultet u Banjoj Luci, 2005
12. Report from the Commission The Stabilisation and Association process for South East Europe Third Annual Report, Brussels, COM(2004) 202 final, 30.3.2004
13. Communication from the Commission to the European parliament and the Council, Western Balkans: Enhancing the European perspective, Brussels, COM(2008) 127 final 5.3.2008
14. Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, Luxembourg, 16 June 2008
15. Godišnjak foruma za međunarodne odnose Evropskog pokreta u Srbiji, Službeni glasnik, Beograd, 2010
16. Progress report 2013, Bosnia and Herzegovina, Communication from the commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2013-2014, Brussels, 16.10.2013, SWD(2013) 415 final
17. Communication from the commission to the European Parliament and the Council, Western Balkans: Enhancing the European perspective, COM(2008) Brussels, 5.3.2008.

**EU LAW - TEXT, CASES,
AND MATERIALS**
Paul Craig, Gráinne de Búrca, Fifth edition,
Oxford University Press

Jasna Čošabić¹

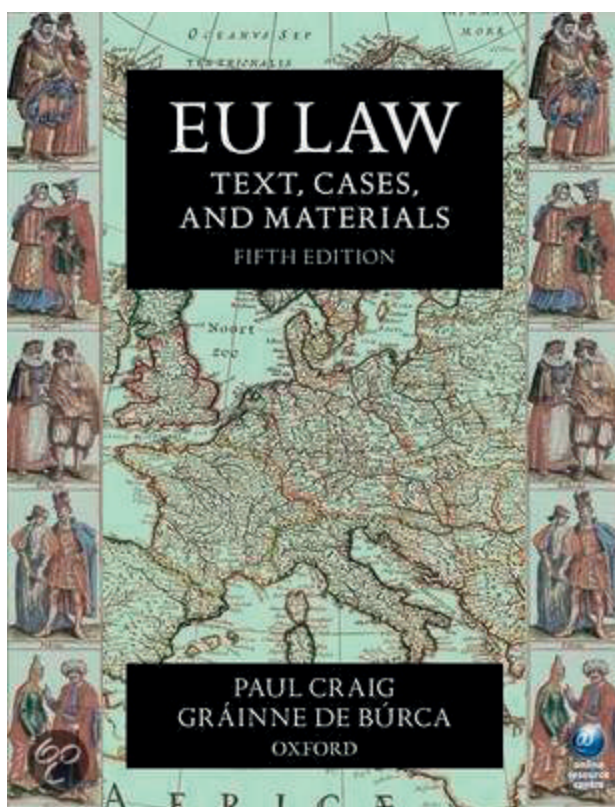


The book 'EU law, text, cases, and materials' is a valuable addition to european libraries. Its fifth edition came in 2011, after the Treaty of Lisbon, and incorporated the major institutional and substantive changes made therein.

¹ Doc. Jasna Čošabić PhD, Banja Luka College

**PRAVO EU - TEKST, PREDMETI, I
MATERIJALI**
**Paul Craig, Gráinne de Búrca, Peto izdanje,
Oxford University Press**

Jasna Čošabić¹



Knjiga 'Pravo EU, text, predmeti i materijali' je vrijedan dodatak evropskim bibliotekama. Peto izdanje ove knjige se pojavilo 2011. godine, nakon Lisabonskog sporazuma, te je uključilo krupne institucionalne i materijalne izmjene učinjene Lisabonom.

¹ Doc. dr Jasna Čošabić, Banja Luka College

The text of the book is spread at 1111 pages divided into 29 chapters. Its importance lies in its overwhelming approach to the EU law, covering both institutional and substantive issues. It thus analyses the history, institutions, doctrines regulating the norms and especially the relationship between the national laws and EU law, human rights in the EU law, the single market and its freedoms as well as the competition law.

It provides for updated and revised chapters on the institutions of the EU, legal instruments and new hierarchy of legal acts, competence, legislation and decision making, human rights including anti-terrorist sanctions cases, citizenship with the recent cases, international relations law, anti-discrimination law and adds a new chapter focusing on EU cooperation in criminal law and justice.²

Explanations of theoretical institutes are followed by a case-law of the Court of Justice of the EU which makes this book comprehensive. The case law is graphically presented in a visually appealing manner and highlighted in such a way to enable the reader to easily grasp the most important parts.

All the cases used in this book are listed at the beginning in the 'Table of cases,' and the legal sources analyzed are enumerated in the 'Table of treaties, instruments and legislation.' It further includes the 'Lisbon table of equivalences' providing for the parallel insight into the old and new numbering of the Treaty on European Union. The book ends with an 'Index,' making any search through the book easy. These data are a valuable asset for any research into this area of law.

Each of the 29 chapters is followed by 'Conclusions' which in few lines provide for a short review of the text presented. After the conclusions the authors suggest 'Further reading' referring to dozen of other authors' editions relating to the substance of the chapter.

The fifth edition of this book is therefore a valuable asset for each law or economic library suitable at the same time for students and for researches and scholars.

² See Preface to the fifth edition, new to this edition, Paul Craig, Gráinne de Búrca

Knjiga obuhvata 1111 stranica teksta podijeljenog na 29 poglavlja. Njen značaj leži u sveobuhvatnom pristupu pravu EU, jer pokriva i institucionalna i materijalna pitanja. Analizira historiju, institucije, doktrine koje regulišu norme a posebno odnos između nacionalnih prava i prava EU, ljudska prava u pravu EU, jedinstveno tržište i njegove slobode kao i pravo konkurencije.

Obuhvata ažurirana i revidirana poglavlja o institucijama EU, pravnim instrumentima i novoj hijerarhiji pravnih akata, nadležnost, zakonodavstvo i donošenje odluka, ljudska prava uključujući predmete o antiterorističkim kaznama i dodaje novo poglavlje koje se fokusira na saradnju EU u krivičnim stvarima i pravdi.²

Objašnjenja teoretskih instituta su praćena izvodima iz predmeta Suda pravde EU, što čini ovu knjigu potpunom. Predmeti su grafički lijepo vizuelno prikazani i naglašeni tako da omogućuju čitaocu da lako pregleda najvažnije dijelove.

Svi predmeti korišteni u knjizi su pobrojani u 'Tabeli predmeta', a analizirani pravni izvori su navedeni u 'Tabeli sporazuma, instrumenata i zakonodavstva'. U 'Lisabonskoj tabeli ekvivalencija' prikazano paralelno staro i novo numerisanje prema Ugovoru o Evropskoj uniji. Knjiga završava sa 'Indeksom', koji olakšava pretraživanje knjige. Ovi podaci su vrijedan dodatak svakom istraživanju ove oblasti prava.

Iza svakog od 29 poglavlja nalaze se 'Zaključci' koji u nekoliko redaka pružaju kratak pregled prezentovanog teksta. Nakon zaključaka autori predlažu 'Dalje čitanje' koje upućuje na nekoliko izdanja drugih autora koje se odnose na materiju pokrivenu u datom poglavlju.

Peto izdanje ove knjige je stoga vrijedna jedinica svake pravne i ekonomske biblioteke, koja je pogodna istovremeno i za studente, kao i za istraživače i naučne radnike.

² Vidi predgovor petom izdanju, novo u ovom izdanju, Paul Craig, Gráinne de Búrca

APPENDIX

INSTRUCTIONS FOR AUTHORS

CALENDAR OF ISSUES

Journal 'Aktuelnosti' issued by Banja Luka College is a scientific journal that is being issued periodically, i.e. quarterly, having its autumn, winter, spring and summer issue. The calendar of issues with the time limits for submitting papers is defined as follows. Autumn edition is being published up to the end of September, the time-limit for papers being the end of June, winter edition is being published up to the end of December, the time-limit for papers being the end of September, spring edition is being published up to the end of March, the time-limit for papers being the end of December and summer edition is being published up to the end of June, the time-limit for papers being the end of March.

Categories of papers

Papers must present original unpublished work which has not been submitted for publication elsewhere.

Papers are to be categorized regarding their structure and content according to following principles:

1) Original scientific paper contains introduction, methods, results and discussion (the IMRAD scheme) and it presents for the first time text on results of author's own research obtained through scientific methods, which can be double-checked.

2) Overview paper is a paper that presents new synthesis made on the grounds of overview of the new issues on certain area, which contains original, detailed and critical overview of a certain research problem, where the author has made a certain contribution.

3) Short or preliminary report is an original scientific paper, but of limited size or preliminary by character where certain elements of IMRAD may be omitted, and which contains a concise presentation of results of completed original paper or a paper which is underway.

4) Scientific critique, or discussion is debate on certain scientific issue, based solely on scientific argumentation, where an author proves viability

DODATAK

UPUTSTVO ZA AUTORE

KALENDAR IZDANJA

Časopis 'Aktuelnosti' u izdanju Banja Luka College-a je časopis naučne orijentacije koji izlazi periodično, i to kvartalno, kao jesenje, zimsko, proljetno i ljetno izdanje. Kalendar izdanja časopisa sa rokovima za dostavu radova je definisan na sljedeći način. Jesenje izdanje izlazi do kraja mjeseca septembra, sa rokom za dostavu radova do kraja mjeseca juna, zimsko izdanje izlazi do kraja mjeseca decembra sa rokom za dostavu radova do kraja mjeseca septembra, proljetno izdanje izlazi do kraja mjeseca marta, sa rokom za dostavu radova do kraja mjeseca decembra, i ljetno izdanje izlazi do kraja mjeseca juna, sa rokom za dostavu radova do kraja mjeseca marta.

Vrste radova

Dostavljeni radovi moraju predstavljati originalan neobjavljen rad koji nije dostavljen za publikaciju na drugom mjestu.

Radovi će biti kategorisani s obzirom na njihovu formu i sadržinu po sljedećim principima³:

1) Originalni naučni rad sadrži uvod, metode, rezultate i raspravu (tzv. IMRAD šema) u kojem se prvi put publikuje tekst o rezultatima sopstvenog istraživanja ostvarenog primjenom naučnih metoda, koje mogu da se provjerere.

(2) Pregledni rad je rad koji donosi nove sinteze nastale na osnovu pregleda najnovijih djela o određenom predmetnom području, koji sadrži originalan, detaljan i kritički prikaz istraživačkog problema ili područja u kome je autor ostvario određeni doprinos.

(3) Kratko ili prethodno saopštenje je originalni naučni rad, ali manjeg obima ili preliminarnog karaktera gdje neki elementi IMRAD-a mogu biti ispušteni, a radi se o sažetom iznošenju rezultata završenog izvornog istraživačkog djela ili djela koje je još u izradi.

(4) Naučna kritika, odnosno polemika ili osvrt je rasprava na određenu naučnu temu, zasnovana isključivo na naučnoj argumentaciji, gdje autor

³ Pravilnik o publikovanju naučnih publikacija, Službeni glasnik RS br. 77/10.

of a certain point of its opinion, i.e. confirms or rejects other authors' findings.

5) Expert paper is such a paper containing experiences useful for improvement of professional praxis, which are not necessarily based on scientific methodology, but on the possibility to use results of original scientific examination and on knowledge dissemination.

6) Information contribution is a presentation, commentary, and alike.

7) Reviews of books, instruments, software, cases, scientific events and alike is a contribution where author gives his/her evaluation and proves viability/non viability of a certain scientific or expert paper, criteria, thesis or starting point, with a special emphasis on the quality of the edition at issue.

Categorization is being done by editorial board of the journal. Every scientific paper is peer reviewed by at least two reviewers, who are not aware of the identity of author, and the author is not aware of the identity of reviewers.

Publishing ethics

Authors must respect ethical rules in publishing, which are available on the web page of the journal.

Conflict of interest

Conflict of interest may appear when an author of an institution where the author is employed, is financially or otherwise connected to other persons or organizations that could improperly impact the work of the author. The conflict of interests may be real or potential. Therefore authors must disclose to the Journal every such connection or relation. The Journal shall decide whether to publish such paper or not.

Submission of papers

Papers may be submitted only through e-mail aktuelnosti@hotmail.com. Papers may be submitted in two copies, one of which contains no author's name. Authors should enclose their CVs. It is recommended that papers are no longer than 12 pages, but exceptions can be made.

Review proceedings

The Journal keeps the list of reviewers and a register of reviews. Each papers shall be subject to two independent reviews. The reviewers shall not be aware of the authors' names, and authors shall not be aware of reviewers' names.

dokazuje ispravnost određenog kriterijuma svoga mišljenja, odnosno potvrđuje ili pobija nalaze drugih autora.

(5) Stručni rad je prilog u kome se nude iskustva korisna za unapređenje profesionalne prakse, ali koja nisu nužno zasnovana na naučnom metodu, već na upotrebljivosti rezultata izvornih istraživanja i na širenju znanja.

(6) Informativni prilog je uvodnik, komentar i slično.

(7) Prikaz knjige, instrumenta, računarskog programa, slučaja, naučnog događaja i slično je prilog u kome autor ocjenjuje i dokazuje pravilnost/nepравilnost nekog naučnog ili stručnog rada, kriterijuma, postavke ili položajšta, uz poseban naglasak na kvalitet ocjenjivanog rada.

Kategorisanje radova vrši uredništvo časopisa. Svaki naučni rad ocjenjuju najmanje dva recenzenta, kojima nije poznat identitet autora, kao što ni autoru nije poznat identitet recenzenata.

Etika u objavljivanju

Autori se moraju rukovoditi etičkim pravilima u publikovanju, koji su dostupni na internet stranici časopisa.

Sukob interesa

Sukob interesa može postojati kada je autor ili institucija u kojoj radi autor u finansijskoj ili drugoj vezi sa drugim licima ili organizacijama koje mogu uticati na neodgovarajući način na rad autora. Sukob interesa može biti stvaran ili potencijalan. Zbog toga autori moraju otkriti Časopisu svaku takvu vezu ili odnos. Časopis će odlučiti da li će objaviti takav rad ili ne.

Dostavljanje radova

Radovi se dostavljaju isključivo putem e-maila na aktuelnosti@hotmail.com. Radovi se dostavljaju u dva primjerka, od kojih jedan ne sadrži ime autora. Uz radove, autori dostavljaju svoju biografiju. Preporuka je da radovi budu do 12 stranica, ali mogu se iznimno razmotriti i duži radovi.

Postupak recenzije

Časopis vodi listu recenzenata i registar recenzija. Svaki rad će biti predmet dvije nezavisne recenzije. Pri tome recenzentima neće biti poznato ime/imena autora, niti će autorima biti poznata imena recenzenata.

Izjava o originalnosti djela

Nakon što je obavješten o prihvatanju rada za objavljivanje u časopisu, autor potpisuje izjavu da je rad njegovo originalno djelo, kao i da nije ranije objavljen niti predat za objavljivanje u drugom naučnom, stručnom časopi-

Originality clause

Upon being informed of the acceptance of the paper for publication, author shall sign a clause, stating that the paper is author's original work, that it has not been published before, and that it has not been submitted for publication in other scientific, or expert journal or internet portal, and that it shall not be so in the future, as well as that the solemn right to publication lies with the journal 'Aktuelnosti'.

DRAFTING OF PAPER

Division of paper

Divide the paper into clearly defined sections. The heading of each section should be written in capital letters Times New Roman bold, 11 pt. Each subsection has a short heading. The heading of subsection should be written in Times New Roman bold, 11 pt, not capital letters. Each heading should be in separate line. Subsections should be referred to in the text. For example, do not cite 'as before mentioned' or 'above cited' but as referred to in 'heading of subsection'.

The front page

The front page must contain: heading of paper, names of authors and their position, address and contact, abstract and keywords.

Heading of paper. Heading of paper is to be placed at the mid top, in capital letters, Times New Roman bold, 14 pt, two lines at the most. The heading of the papers should clearly reflect the content of the paper, and if that is not possible, then the heading should be followed by subheading.

Name and the position of the author/s. Below the heading, name and family name of the author should be placed and it should attach a footnote referring to information on scientific degree and the institution where author is employed, as well as his e-mail address.

Abstract. A short abstract in English language contains between 100 and 250 words. The abstract should refer to: aims of research, methods, results and findings. Abstract should be written in Times New Roman *italic* 11 pt.

Keywords. Below the abstract, up to 10 keywords should be listed. Do not refer to abbreviations. Keywords shall be used for indexing purposes. Keywords should be written in Times New Roman *italic* 11 pt.

Text of the paper

Text of the paper begins from the following page. Text should be written in Times New Roman 11 pt, line spacing: Single, spacing between paragraphs:

su ili internet portalu, i da to neće biti u budućnosti, kao i da isključivo pravo objavljivanja ima časopis "Aktuelnosti".

IZRADA RADA

Podjela rada

Podijelite rad u jasno definisane sekcije. Naslov svake sekcije treba da bude pisan velikim slovima Times New Roman bold, 11 pt. Svaka podsekcija ima kratki naslov. Naslov podsekcije se piše Times New Roman bold, 11 pt, ne velikim slovima. Svaki naslov treba da bude u posebnom redu. Podsekcije treba da se koriste kao referenca u tekstu. Na primjerne navodite "kao gore u tekstu" ili "naprijed navedeno", već, kao u ili prema "naziv podsekcije".

Naslovna stranica

Na prvoj stranici se mora nalaziti: naslov rada, imena autora i zvanje, adresa i kontakt, sažetak/abstract i ključne riječi.

Naslov rada. Naslov rada na sredini u vrhu, velikim slovima, Times New Roman bold, 14 pt, najviše dva reda. Iz naslova rada treba jasno da prozlati sadržaj rada, a ukoliko to nije moguće, tada ispod naslova treba da stoji podnaslov.

Imena autora i zvanje. Ispod naslova ime i prezime autora uz koje je naznačena fusnota koja sadrži podatke o naučnom zvanju i institucija u kojoj radi autor kao i njegova e-mail adresa.

Sažetak/Abstract. Kratak sažetak ili abstract na srpskom/hrvatskom/bosanskom i engleskom jeziku sadrži od 100 do 250 riječi. Sastavni dijelovi sažetka su: cilj istraživanja, metodi, rezultati i zaključak. Sažetak se piše u Times New Roman *italic* 11 pt.

Ključne riječi. Ispod sažetka navedite do 10 ključnih riječi. Ne navodite skraćenice. Ključne riječi će se koristiti za svrhe indeksiranja. Ključne riječi se pišu u Times New Roman *italic* 11 pt.

Tekst rada

Tekst rada počinje od slijedeće stranice. Tekst se piše u Times New Roman, 11 pt, line spacing: Single, razmak između paragrafa: 6 pt. Format stranice je A4. Koristiti margine 2 cm gornja i donja, 2.5 cm lijeva i desna, nema header-a i footer-a.

Skraćenice

Izbjegavajte skraćenice u naslovu i u sažetku. Prvo spominjanje u tekstu treba da sadrži puni naziv i zatim u zagradama (u daljem tekstu: "skraćenica").

6 pt. Size of the page is A4. Margins 2 cm top and bottom, 2.5 cm left and right, no header and no footer.

Abbreviations

Please avoid the use of abbreviations in the heading and abstract. First mention in the text should refer to full wording and then in parenthesis (hereinafter referred to as “the abbreviation”).

Tables/pictures/schemes

Number your tables/pictures/schemes by order of appearance in text. Footnotes on tables/pictures/schemes should appear just below the table, horizontally. Please take care that information from the tables/pictures/schemes is not repeated elsewhere in the paper.

References

Bibliography. Make references by a number exponent in the text by order of appearance of the reference. For example: State¹ is... Reference to bibliography should contain last name and the initial first name of the author, heading of the publication in italic letters, editor, place and year of edition, page cited, for example Fairhurst H., *Law of the European union*, Pearson Education Limited, Essex, 2010, p. 372.

Sources. Reference to sources should contain the heading of the source, official gazette (or if it is not possible then internet page) where the source has been published, number of official gazette, place and year of edition, article, paragraph, point. For example: Treaty on the Functioning of the European union, Official Journal of the European Union, 13 December 2007, 2008/C 115/01

Web references. Please avoid the use of ‘online’ references if possible. If it is still necessary to use such references, then the reference to internet page should contain the web address, as well as the date and time of access to that address, for example www.blc.edu.ba accessed on 14.9.2012. at 12.00. Please take care on the credibility and the permanent accessibility of web addresses.

If you use the reference which is protected by ‘copyright’, then you must possess a permit for use of such material from other sources (including internet pages).

References as explanation of the text should, in principle, be avoided. All references should be written in Times New Roman, pt 10.

At the end of the paper author shall make a list of bibliography and any other used references with last names of authors extracted, in Times New Roman, pt 10, for example:

1. Colgan, F., Ledwith S.: *Diversity and Trade Unions: International Perspectives*, Routledge, 2002;

Tabele/slike/prikazi

Označite brojem tabele/slike/prikaze redom kako se pojavljuju u tekstu. Fusnote na tabelama/slikama/prikazima treba da se nalaze ispod same tabele, horizontalno. Vodite računa da se podaci iz tabele/slika/prikaza ne ponavljaju na drugim mjestima u radu.

Reference

Literatura. Naznačite reference putem eksponenta u tekstu u vidu broja po redu pojavljivanja reference u tekstu. Na primjer: Država¹ je.. Referenca na literaturu trebada sadrži prezime i početno slovo imena autora, naziv publikacije u italic-u, izdavač, mjesto i godina izdanja, oznaka stranice, npr. Kelzen H., *Čista teorija prava*, Gutenbergova Galaksija, Beograd 2000, str. 254.

Izvori. Referenca na izvore treba da sadrži naziv izvora, službeno glasilo (ili ako nije moguće internet adresu) gdje je izvor objavljen, broj službenog glasila, godina izdanja, član, stav, tačka. Na primjer: Zakon o naučnoistraživačkoj djelatnosti, Službeni glasnik Republike Srpske, br. 112/07i 13/10, član 5.

Web reference. Izbjegavajte korištenje "online" referenci ako je moguće. Ako je ipak neophodno korištenje takvih referenci tada referenca na internet stranicu treba da sadrži naziv internet stranice, kao i datum i vrijeme pristupa stranici, npr. www.blc.edu.ba stranici pristupljeno 14. 9. 2012. u 12.00. Svakako vodite računa o kredibilnosti i stalnoj dostupnosti internet adresa.

Ukoliko koristite referencu koja je zaštićena "copyright-om" tada morate imati dozvolu za korištenje takvog materijala sa drugih izvora (uključujući i internet stranicu).

Ukoliko se referenca odnosi na naslov na engleskom jeziku, tada u produžetku citiranog djela na engleskom jeziku po gore navedenim principima, u zagradi treba da stoji prevod navedenog djela, na primjer: Keller H., Stone Sweet A., *A Europe of Rights, The Impact of the ECHR on National Legal Systems*, Oxford University Press, 2008, str. 7 (Keller H., Stone Sweet A., *Evropa prava, Uticaj ECHR na nacionalne pravne sisteme*, Oxford University Press, 2008, str. 7).

Reference kao objašnjenja teksta treba, u principu, da se izbjegavaju. Sve reference se pišu u Times New Roman, pt 10.

Na kraju rada autor navodi literaturu i sve korištene reference sa izvučenim prezimenima autora po abecednom redu, u Times New Roman, pt 10, na primjer:

1. Colgan, F., Ledwith S.: *Gender, Diversity and Trade Unions: International Perspectives*, Routledge, 2002;

2. Harcourt, M., Wood, G.: *Trade Unions And Democracy: Strategies And Perspectives*, Transaction Publishers, New Brunswick, New Jersey, 2006;
3. Jacobi, O., Jessop, B., Kastendiek, H., Regini, M.: *Economic Crisis, Trade Unions and the State*, Biddles Ltd, Guldford and King's Lynn, 1986.

Offprint

Each author shall receive his/her paper upon its publishing, by e-mail in PDF formate with the watermark of the Journal. Authors can receive printed versions of thier paper upon payment.

Editorial board

Editorial board of the scientific journal keeps: register of received papers, register and CVs of authors, instruction for refiewers, list of reviewers and register of reviews that is confidential, as well as other documents submitted by authors, as a permanent archive.

2. Harcourt, M., Wood, G.: *Trade Unions And Democracy: Strategies And Perspectives*, Transaction Publishers, New Brunswick, New Jersey, 2006;
3. Jacobi, O., Jessop, B., Kastendiek, H., Regini, M.: *Economic Crisis, Trade Unions and the State*, Biddles Ltd, Guldford and King's Lynn, 1986.

Offprint

Svaki autor će po objavljivanju časopisa dobiti putem e-maila svoj rad u PDF formatu sa vodenim žigom časopisa. Štampane verzije rada autori mogu dobiti uz naknadu.

Uredništvo

Uredništvo naučnog časopisa vodi: registar prispjelih radova, listu i biografije autora, uputstvo recenzentima, listu recenzenata i registar recenzija koji je povjerljive prirode, te ostalu dokumentaciju koju autori dostave, kao trajnu arhivu.

PUBLISHING ETHICS

Authors must be led by ethical rules in publishing. Author ethics is a necessary segment of quality of author's paper as well as of the journal. Responsibility for respecting ethical rules lies with authors, and with the editorial of the journal, as well as with the reviewers.

Authors' duties

Authors of original papers should present their paper truly and in objective manner. Data used in the paper must contain a truthful source, if not created by author. Paper should contain sufficient detail and references in order to be checkable by others. Fraudulent or inaccurate statements constitute unethical behavior and are unacceptable.

Authors may be asked to provide data that they used as sources for their paper, and they are accordingly advised to keep such data.

Originality and plagiarism

Authors must assure that the paper they wrote is original paper as a whole, and if they have used paper of part of paper of others, they must appropriately cite and quote the text by references, or footnotes.

Plagiarism takes many forms, from 'passing off' another's paper as the author's own paper, to copying or paraphrasing substantial parts of another's paper (without attribution), to claiming results from research conducted by others. Plagiarism in all its forms constitutes unethical publishing behavior and is unacceptable.

Multiple publication

Authors should not publish manuscripts describing essentially the same research in more than one journal. Submitting the same manuscript to more than one journal concurrently constitutes unethical publishing behavior and is unacceptable.

However, later publication of certain papers in more journals may sometimes be justified, provided that certain conditions are met. Authors and editors of journals must agree regarding the secondary publication, that has to contain the same data and interpretation of the primary paper. In that sense primary reference must be cited in secondary publication.

ETIKA U OBJAVLJIVANJU

Autori se moraju rukovoditi etičkim pravilima u publikovanju. Autorska etika je neophodan segment kvaliteta kako autorskog rada tako i časopisa u cjelini. Odgovornost za poštovanje pravila etike je na autorima, ali i na uredništvu časopisa, te recenzentima.

Dužnosti autora

Autori originalnih radova treba da predstave svoj rad istinito i objektivno. Podaci korišteni u radu će sadržavati istinit izvor, ukoliko nisu kreirani od samog autora. Rad treba da sadrži dovoljno detalja i referenci, kako bi bio provjerljiv u naučnom krugu. Pogrešne, i svjesno netačne izjave predstavljaju neetično ponašanje i nisu prihvatljive.

Od autora može biti traženo da dostave podatke koje su koristili kao izvor, te se autorima shodno tome preporučuje da čuvaju date podatke.

Originalnost i plagijat

Autori imaju obavezu da osiguraju da je rad koji su napisali u potpunosti originalan rad, te ukoliko su koristili rad ili dio rada drugih autora, takvo korištenje moraju na adekvatan način citirati u referencama, odnosno u fusnotama.

Plagijat ima mnogo oblika, od 'prenošenja' rada drugog autora kao vlastiti rad autora koji objavljuje, preko kopiranja ili pukog parafraziranja suštinskih dijelova rada (bez doprinosa autora), do preuzimanja rezultata istraživanja koje su proveli drugi autori. Plagijarizam u svim svojim oblicima predstavlja neetično ponašanje i nije prihvatljivo.

Višestruko objavljivanje

Autori ne bi trebalo da objavljuju rukopise koji opisuju suštinsko isto istraživanje u više od jednog časopisa. Dostavljanje istog rukopisa više časopisa istovremeno predstavlja neetičko ponašanje i nije prihvatljivo.

Međutim naknadno objavljivanje određenih radova u više časopisa je ponakad opravdano, ukoliko su ispunjeni određeni uslovi. Autori i urednici časopisa se moraju saglasiti u pogledu drugog objavljivanja, koje mora sadržavati iste podatke i tumačenje prvog rada. U tom smislu primarna referenca mora biti citirana prilikom drugog objavljivanja.

Submission of authors translated paper to other journal also constitutes unethical behavior and is unacceptable, if it does not refer to primary paper.

Reference quality

When using bibliography and sources, authors must take care on the importance and impact of those references in the scientific field of their paper. Data obtained through conversation, correspondence or discussion with third persons cannot be used without the explicit permission of that source.

Authorship

Authorship should be limited to those persons who made significant contribution to the idea, interpretation and the writing of the paper. All those who made a significant impact should be addressed to as co-authors. Author is responsible for the choice and the quality of co-authors. Author should be listed first in the paper, followed by co-authors.

Substantial errors in published papers

When author reveals a significant error or inaccuracy in his/her published paper, he/she is obliged to immediately inform the editor of the journal thereof, and to correct the error in cooperation with the editorial. The correction shall be published in the following issue of the journal 'Aktuelnosti'.

Duties of editor

Editor of peer reviewed journal makes decision on papers to be published. Validity of the paper and its significance for researchers and readers must be the grounds for such decision. Editor may consult with other editors when making the decision.

Editor estimates the paper according to its content regardless of race, sex, sexual orientation, religious belief, ethnical or national origin, citizenship or political conviction of authors.

Editor and editorial board must not disclose information on submitted manuscript to anyone but the author at issue, potential peer reviewers and the publisher.

Editor must not use unpublished material for his/her own research without the explicit consent by the author.

Information or ideas obtained through performing editorial function must be kept as confidential and must not be used for personal advantage.

Editor should excuse him/herself from considering manuscripts regarding which they have conflict of interests such as competition, connection with authors, legal persons or institutions.

Dostavljanje svog prevedenog rada drugom časopisu takođe predstavlja neetičko ponašanje i nije prihvatljivo, ukoliko ne sadrži referencu na primarni rad.

Kvalitet referenci

Prilikom korištenja literature i izvora, autori moraju voditi računa o značaju i uticaju tih referenci u naučnom polju iz kojeg pišu rad. Podaci koji su dobijeni iz razgovora, prepiske ili rasprave sa trećim licima se ne smiju koristiti bez izričitog odobrenja datog izvora.

Autorstvo rada

Autorstvo treba biti ograničeno na ona lica koja su dala značajan doprinos ideji, tumačenju i samoj izradi rada. Svi oni koji su dali značajan uticaj treba da budu navedeni kao koautori. Autor je odgovoran za odabir i kvalitet koautora. Autor treba da bude naveden na prvom mjestu u radu, a slijede koautori.

Bitne greške u objavljenim radovima

Kada autor otkrije značajnu grešku ili netačnost u svom objavljenom radu, dužnost je autora da odmah obavijesti urednika časopisa, te da u saradnji sa uredništvom ispravi datu grešku. Ispravak će biti naznačen u narednom broju časopisa 'Aktuelnosti'

Dužnosti urednika

Urednik časopisa sa recenzijama donosi odluku koji radovi se objavljuju. Vrednovanje predmetnog rada i njegov značaj za istraživače i čitaoce moraju biti osnova takve odluke. Urednik se može konsultovati sa drugim urednicima prilikom donošenja odluke.

Urednik procjenjuje rad prema njegovoj sadržini bez obzira na rasu, pol, seksualnu orijentaciju, religijsko uvjerenje, etničko ili nacionalno porijeklo, državljanstvo, ili politička uvjerenja autora.

Urednik i uredništvo ne smiju iznositi informacije o dostavljenom rukopisu nikome osim predmetnom autoru, potencijalnim recenzentima, te izdavaču.

Urednik ne smije koristiti neobjavljen materijal u svom vlastitom istraživanju bez izričite saglasnosti autora.

Informacije ili ideje dobijene putem vršenja uredničke funkcije se moraju smatrati povjerljivim i ne smiju se koristiti u lične svrhe.

Urednik se mora povući iz rasmatranja rukopisa u pogledu kojih imaju sukob interesa, kao što su konkurentnost, veze sa autorima, pravnim licima ili institucijama.

Authors should not be obliged to cite earlier issues of the journal as a condition for their paper to be accepted.

Duties of peer reviewers

System of peer reviews is an essential component of ensuring the quality of papers to be published.

Selected reviewer who does not feel competent enough to evaluate the research in the manuscript or is aware that such evaluation cannot be done fast enough, should notify the editor thereof and to excuse him/herself from such review.

All manuscripts are considered confidential. They may be discussed with other persons only if permitted by the editor.

Reviews must be done in an objective manner. Personal critique of the author is not allowed. Reviewers should express their opinion clearly and supported by arguments.

Reviewers should point out the relevant published paper from the scientific field at issue which is not cited by the author. Reviewers should also notify the editor in case of substantive similarity of the manuscript with other published papers that they are aware of.

Unpublished material in submitted manuscript must not be used for the purpose of personal research of reviewers without the explicit consent by the author. Information or ideas reviewers are aware of, must be considered confidential and must not be used for personal advantage. Reviewers must excuse themselves from evaluation of manuscript regarding which they have conflict of interest such as competition, connection with authors, legal persons or institutions.

Autorima se ne smije nametati obaveza citiranja ranijih brojeva časopisa kao uslov prihvatanja rada.

Dužnosti recenzenata

Recenzije su sastavni dio osiguranja kvaliteta radova koji se objavljuju.

Izabrani recenzent koji se osjeća nedovoljno stručnim da pregleda istraživanje u rukopisu ili zna da takav pregled ne može izvršiti dovoljno brzo, treba da obavijesti urednika i da se povuče iz postupka recenzije.

Svi rukopisi se smatraju povjerljivim. O njima se smije raspravljati sa drugim licima samo uz dozvolu urednika.

Recenzije se moraju vršiti na objektivan način. Lična kritika autora nije dozvoljena. Recenzenti treba da izraze svoje mišljenje jasno i uz argumente.

Recenzenti treba da ukažu na relevantan objavljen rad iz date oblasti koji nije citiran od strane autora. Recenzenti takođe treba da skrenu pažnju urednika na bitnu sličnost rukopisa sa drugim objavljenim radovima sa kojima su upoznati.

Neobjavljen materijal u dostavljenom rukopisu se ne smije koristiti radi vlastitog istraživanja recenzenta bez izričite saglasnosti autora. Informacije ili ideje koje su recenzentu dostupne se moraju smatrati povjerljivim i ne smiju se koristiti u lične svrhe. Recenzenti se moraju povući iz razmatranja rukopisa u pogledu kojih imaju sukob interesa kao što su konkurentnost, veze sa autorima, pravnim licima ili institucijama.