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DUNAVSKA STRATEGIJA EVROPSKE UNIJE U 21. VEKU

Prirjeđivači: Duško Dimitrijević, Milovan Radaković

Institut za međunarodnu politiku i privredu

DUNAVSKA STRATEGIJA
EVROPSKE UNIJE
U 21. VEKU

Priredivači:
Duško Dimitrijević,
Milovan Radaković

Beograd, 2016.

DUNAVSKA STRATEGIJA EVROPSKE UNIJE U 21. VEKU

Izdavač:

Institut za međunarodnu politiku i privredu,
Makedonska br. 25, Beograd

Za izdavača:

Prof. dr Branislav ĐORĐEVIĆ
DIREKTOR

Privedivači:

Dr Duško DIMITRIJEVIĆ
Dr Milovan RADAKOVIĆ

Recenzenti

Prof. dr Joachim BECKER, Institute for International Economics
and Development, Vienna University, Austria

Dr Edita STOJIĆ KARANOVIĆ,
Predsednica međunarodnog naučnog foruma
„Dunav – reka saradnje”, Beograd, Srbija

Prof. dr Blagoje BABIĆ

Kompjuterska obrada

Sanja BALOVIĆ

ISBN 978-86-7067-223-9

Zbornik radova je rezultat rada na projektu Ministarstva prosvete, nauke i tehnološkog razvoja: „Srbija u savremenim međunarodnim odnosima: Strateški pravci razvoja i učvršćivanja položaja Srbije i međunarodnim integrativnim procesima – spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti, iz programa osnovnih istraživanja kod Ministarstva prosvete, nauke i tehnološkog razvoja Republike Srbije“ (evidencioni br. 179029).

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UVOD

Institut za međunarodnu politiku i privredu i Međunarodni naučni forum: „Dunav – reka saradnje“ organizovali su od 27–28. septembra 2015. godine, međunarodnu naučnu konferenciju: „Dunavska strategija Evropske unije u 21. veku“. Međunarodna konferencija je deo rezultata rada na projektu Ministarstva prosvete nauke i tehnološkog razvoja: *Srbija u savremenim međunarodnim odnosima: Stareški pravci razvoja i učvršćivanja položaja Srbije u međunarodnim integrativnim procesima – spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti* (br. 179029). Konferencija je imala za cilj da pruži idejna rešenja u vezi sa održivim korišćenjem prirodnih, socijalnih i kulturno-istorijskih resursa Dunava i Podunavlja neophodna za jasno pozicioniranje *Republike Srbije u realizaciji sveobuhvatne Strategije Evropske unije za Region Dunava*.

Kao što je poznato, Evropska komisija je u junu 2009. godine dobila mandat od Saveta EU za izradu Zajedničke sveobuhvatne strategije za zemlje Dunavskog sliva. Iako Republika Srbija nije članica EU, ona je država u slivu Dunava i njeno jasno određenje prema Strategiji EU može biti podržano ukoliko je na liniji nastojanja da se uspostave iskreni i efektivni bilateralni i multilateralni odnosi sa svim podunavskim državama. Jasno pozicioniranje Republike Srbije u izradi Strategije EU za region Dunava u perspektivi bi trebalo da doprinese ostvarenju procesa saradnje podunavskih država na ekonomskom, političkom, naučno-tehnološkom i kulturnom planu, koji su preduslov za viši stepen zajedničkog napretka, integracije i ostvarivanja koegzistencije između različitih naroda, država i regija.

U ostvarenju navedenih ciljeva koordinisana aktivnost kulturnih, naučnih i para-diplomatskih ustanova kao što je Institut za međunarodnu politiku i privredu može imati odlučujući značaj.

U Strategiji naučnog i tehnološkog razvoja Srbije za period od 2010-2015. godine, potvrđuje se upravo prioritetni značaj intenziviranja naučnoistraživačke saradnje u okviru regionalne saradnje koja može dovesti do podsticanja transfera tehnologija i inovacija, kao i do stimulacije šireg društvenog razvoja. Aktivna uloga naučne zajednice u postizanju ciljeva Dunavske strategije otuda će se u budućnosti manifestovati ne samo na ekonomskom, već i na naučnom planu, ali i na planu zaštite i promocije zajedničkih evropskih vrednosti i kulturnog i istorijskog nasleđa u regionu Podunavlja.

Ovom prilikom želimo da izrazimo svoju zahvalnost prof. dr Viktoru Nedoviću, pomoćniku ministra, Ministarstva prosvete, nauke i tehnološkog razvoja, Sektor za međunarodnu saradnju i evropske integracije na njegovoj dugogodišnjoj podršci radu Instituta za međunarodnu politiku i privredu. Naročitu zahvalnost i poštovanje želimo da odamo našoj kolegnici dr Editi Stojić Karanović koja je bila idejni tvorac i osnivač Međunarodnog naučnog foruma „Dunav – reka saradnje“ pre skoro 26 godina, kada su pod okriljem Instituta utvrđeni ciljevi udruženja koji su do danas ostali fokusirani na uspostavljanju saradnje među podunavskim zemljama, koji u geografskom smislu pripadaju srednjem Podunavskom regionu. Ujedno koristimo priliku da izrazimo našu nadu da će rezultatima konferencije: „Dunavska strategija Evropske unije u 21. veku“, moći da se podstaknu naši naučnici i stručnjaci da u svetlu dosadašnjih znanja i iskustva razmotre razvojne potencijale Dunava, koji mogu da se koriste za poboljšanje procesa saradnje, ali i za uspostavljanje blagostanja svih naroda u regionu sliva Dunava.

Editori

PREFACE

Institute for International Politics and Economics and the International Scientific Forum “Danube River of Cooperation” organized from 27-28. September 2015, 26th International Scientific Conference titled: European Union’s Strategy for the Danube Region in the 21st century. International conference is an integral part of the Project with the Ministry of Education, Science and Technological Development entitled:” Serbia in contemporary international relations: Strategic directions for the development and strengthening of the position of Serbia in the international integration processes” (no. 179029). The objective of the conference is to offer solutions concerning the sustainable use of economic, social and cultural-historical resources of the Danube and the Danube basin which are indispensable for the clear positioning of the Republic of Serbia in carrying out the Comprehensive European Union Strategy for the Danube Region.

As it is well-known, in June 2009, the European Commission was authorised by the EU Council to work out the Common Comprehensive Strategy for Danube Countries. Although, the Republic of Serbia is not an EU member, it is the country that belongs to the Danube region and its position to the EU Strategy can be supported if it is in accordance with the attempts to establish sincere and effective bilateral and multilateral relations with all Danube countries. In the perspective, clear positioning of the Republic of Serbia in working out the EU Strategy for the Danube Region should contribute to establishing the process of co-operation among Danube countries in the economic, political, scientific, technological and cultural fields. These are the pre-conditions for achieving a higher level of common progress, integration and co-existence of various peoples, states and regions.

In achieving these objectives, co-coordinated activities of the scientific, cultural and Para-diplomatic institutions such is IMPP may play an important role. The Strategy of Scientific and Technological Development of Serbia for the period 2010-2015, confirms precisely the priority importance of intensifying scientific research cooperation in the framework of regional cooperation, which can lead to encourage technology transfer and innovation, and to stimulate broader social development. The active role of the scientific community in achieving the objectives of the Danube Strategy will therefore in future be manifested not only in economic, but also on

scientific fields, but also for the protection and promotion of common European values and cultural and historical heritage in the Danube region.

On this occasion we want to express our gratitude to Prof. Viktor Nedović, Assistant Minister, Ministry of Education, Science and Technological Development, the Department for International Cooperation and European Integration on its long-standing support of the Institute for International Politics and Economy. Particular gratitude and respect we want to honor our colleague Dr. Edita Stojic Karanovic who was the creator and founder of the International Scientific Forum “Danube - River of Cooperation” a almost 26 years, when they are under the auspices of the Institute established objectives of the association who have remained focused on establishing cooperation among the Danube riparian countries, which geographically belong to the middle Danube region. At the same time we use this opportunity to express our hope that the results of the conference: “Danube Strategy of the European Union in the 21st century”, will be able to encourage our scientists and experts that in the light of its current knowledge and experience consider the development potentials of the Danube, which can be used to improve the process of cooperation, but also for the establishment of well-being of all the peoples of the Danube countries.

The Editors

ZNAČAJ DUNAVSKE STRATEGIJE
ZA UNAPREĐENJE MEĐUNARODNE SARADNJE
I PRIVREDNOG RAZVOJA DRŽAVA
U SLIVU DUNAVA

*Slobodan ZEČEVIĆ, Ph.D.*¹

CHALLENGES OF THE EUROPEAN UNION STRATEGY FOR THE DANUBE REGION

ABSTRACT

Danube as one of Europe's longest river flows through the territory of ten European states which are largely differ in the level of development. So the gross domestic product of Austria is about three times higher than the Bulgarian and six times than Ukrainian. In the past there are the projects to integrate Danube counties in some kind of federation under Austrian influence which created a tension between major European powers. Today it is a question of using the benefits of European integration in order to established closer cooperation between Danube states. In this regard European Union adopted in 2011. "The Strategy for Danube." The Strategy should contribute to the realization of several projects in order to connect the energetic networks of the Danube states, strengthening communication and transport but also providing better navigability on Danube. In addition, the European Strategy is dedicated to preserving the environment. For the realization of those goals the European Union will spend 100 million euro from Structural Funds. The realization of the strategy of Danube region is facing to the natural, technical and institutional challenges.

Key words: Danube, Danube states, European Union, European strategy, structural funds, energetic, navigability, preserving environment.

1. INTRODUCTION

Large rivers, as a common geographic factor and a line of communication, link nations and peoples. In this context it should be borne in mind that the Danube with the course of 2,850 kilometres is the longest river in Europe after the Volga. History of the Danube River States is rich in joint integration projects that were never realised in practice.² The Austro-Hungarian Empire, which was also called the "The

¹ Institute for European Studies, Belgrade.

² Claudio Magris, *Danube*, L'Arpenteur, 1988, p. 332.

Danubian monarchy”, had the greatest geopolitical influence in the Danube River Basin during the 19th century.³ Even today there are controversies over the nature of the Austro-Hungarian domination in the sense that they regard the Empire as a civilisation foundation of Central Europe, a barrier against the Ottoman conquest and an essential factor of political stability, and ultimately Serbian national aspects that rated it the prison of nations. The concept of “Mitteleuropa”, derived from the Austrian domination in the 19th and the early 20th century, calls for exploration of the historical and cultural ties that bind the citizens of Central Europe. At this point the Danube flows through the territory of several European states - through Germany, Slovakia, Austria, Hungary, Croatia, Serbia, Romania, Bulgaria, Moldova and Ukraine. Today this great European river can no longer be only the subject of intergovernmental cooperation of the Danube River States in the framework of international organisations. As many as seven Danube River States are currently members of the European Union. In Member States we can include Serbia as a candidate country for accession to the European Union which will be admitted to its full membership in the next few years. The European perspective is uncertain only as to the status of Ukraine and Moldova. Thus, the Danube River States cannot be regarded as a separate entity but it is necessary to put them into a broader concept of European integration, i.e., the process of peaceful unification of all European countries in the European Union, which is the most important event that marked the history of the European peoples in the second half of the 20th and the early 21st century. Bearing in mind that the Danube flow is the most important waterway within the European Union, the EU has decided to create a macro-regional strategy to globally regulate the transport, energy, environmental protection and cultural cooperation. The intention of the European Union, according to Johannes Hahn, Commissioner responsible for regional policy, is to provide the citizens living in the Danube Region a better quality of life by the year 2020, more market opportunities with the creation of innovative companies that create new jobs, improvement in the area of environment, and a greater cultural exchange.⁴

³ Jean-Marie Gauthey, *La cooperation internationale sur le Danube: Geopolitique de l' integration du fleuve au continent europeen*, Balkanologie, Vol X n. 1-2, mai 2008.

⁴ *Qu' est ce que la Strategie pour le Danube?* 04.09.2015., <http://www.touteleurope.eu>

2. INSTITUTIONAL CHALLENGES FOR COOPERATION AMONG THE DANUBE RIVER STATES

Intergovernmental Forms of Cooperation among the Danube River States

Intergovernmental cooperation among the Danube River States took place sectorally partially within international organisations. Thus, the Belgrade Convention of 1948 envisaged the establishment of “The Danube committee” based in Budapest, which would be composed of representatives of the Danube River States. The Commission’s aim was to provide free navigation, possibly to elaborate projects and carry out major works on the Danube, but also to contribute to the harmonisation of the navigation system, customs and sanitary regulations as well as to collect and keep documentation.⁵ Since 1972, the Commission on tourism on the Danube has gathered representatives of the Danube River States with a view to diminish, through the development of the tourism, once present ideological differences between the states of Western and Eastern Europe. Since 1998 there has also been the International Commission for the Protection of the Danube⁶ aimed at protecting the exceptional ecosystem of the Danube Basin. The Commission consists of experts in environmental protection and regularly organises forums and meetings. In addition to these there are other international organisations founded after the fall of the Berlin Wall in 1989, whose task is to bring closer the Danube River States starting from the regional approach. It regards, for example, the Central European Initiative, the Initiative for Cooperation in South East Europe, the Central-European Free Trade Agreement, the Black Sea Economic Cooperation or the Stability Pact for South Eastern Europe. All of these organisations are characterised by soft, interim institutional structure, lack of own sources of financing, multilateral cooperation and negotiations often without significant results in practice, and the absence of hierarchically ordered and binding legal order.

The attempts to coordinate the cooperation of the Danube River States and coordination in the activities of the above-mentioned international organisations came with the creation of “The Danube Cooperation Process” based in Vienna, in 2002. This intergovernmental process was supported by the European Union because the European Commissioner for Foreign Affairs, Erhard Busek, participated in its establishment, on 27th May 2002, along with the representatives of 13 interested states. The aim of the process is to promote various forms of cooperation in order to create an area of prosperity and progress in the region, as well as to promote European

⁵ Jean-Marie Gauthey, *La cooperation internationale sur le Danube: Geopolitique de l’integration du fleuve au continent europeen*, *Balkanologie*, Vol X n. 1-2, mai 2008.

⁶ <http://www.icpdr.org>

integration. This interdisciplinary cooperation includes support to regional international organisations which have their own specific tasks (providing navigability, environmental protection, tourism development, etc.). The Vienna “Danube Cooperation Process” suffers from the same weakness as the previously mentioned international organisations. In fact, without efficient authorities, steady sources of financing, and an appropriate legal apparatus, “The Danube Cooperation Process” reduces its activity on the adoption of declarations of intent and on encouraging countries in the region to join the European Union. However, based on its activities a more intensive cultural cooperation was established through “The Danube Conference on Art and Culture”, whose manifestations are held every two years.

2.2. Global and integrative approach of the European Union to the Danube regional cooperation due to its federal properties

Only the existence of the European Union provides a global and integrated approach to the Danube Region, which was impossible to achieve in the period prior to its establishment. The European Union has everything that intergovernmental organisations for the regional Danube cooperation do not have because it has a solid institutional system with federal characteristics.⁷ Regional Policy is in charge of an independent institution from the Member States, i.e. the European Commission. The European Union has its own means⁸ that can be directed, through the structural funds, to specific projects of regional cooperation. In that way, the European Union provided from Structural Funds one hundred billion Euros for the realisation of the Danube Strategy in the period 2007-2013.⁹ The European Union has a solid legislative framework and hierarchically arranged legal norms that are binding on its members.¹⁰

3. MACRO-REGIONAL STRATEGIES, NEW TOOLS OF THE EUROPEAN UNION TO ENCOURAGE REGIONAL COOPERATION

The European Union has a vital interest in the prosperity of the Danube region as it covers one-fifth of its territory. The problems occurring in it know no boundaries such as pollution of the river flow, floods, problems of establishing transport and

⁷ Slobodan Zečević, *Insitucionalni sistem i pravo Evropske unije*, Institut za evropske studije, Beograd, 2015., str. 103; Philippe Manin, *L'Union europeenne*, Pedone, Paris, 2005, p. 51.

⁸ Denys Simon, *Le systeme juruduque communautaire*, PUF, 3 edition Paris, 2001, p. 227.

⁹ 07.09.2015., <http://ec.europa.eu>

¹⁰ Guy Isasac, Marc Blanquet, *Droit general de l'Union europeenne*, Sirey. Paris, 2012, 10 edition, p. 293.

energy links, environmental protection, immigration and security challenges. The disparities in the infrastructure development among the countries of the region also require action of the European Union. It is therefore not surprising that the European Union is committed to the global approach through the creation of macro-regional strategy for the Danube Region. Macro-regional strategies of the European Union are a framework of integration that arise at the initiative of the Commission and with the consent of the Council and the European Council to address the common challenges faced by a certain geographical region.¹¹ The strategy refers to the European Union Member States and third countries wishing to participate in it and aims to achieve economic and social harmony in a particular region. At the initiative of the Commission based on the decision of the European Council of October 2009 the European Union launched a macro regional strategy for the Baltic region, and in 2011 promoted the same kind of strategy for the Danube Region in which the participating Member States such as Germany, Austria, Czech Republic, Slovakia, Slovenia, Hungary, Croatia, Romania and Bulgaria, and more countries that are not yet EU members such as Serbia, Bosnia and Herzegovina, Montenegro, Ukraine and Moldavia.¹² The strategies rely on the text of the Lisbon Treaty, which aims to establish territorial coherence between the Member States and the Strategy “Europe 2020”, which aims to establish a smart way, a lasting and inclusive growth. The Strategy for the Danube Region was, with engagement of the Hungarian Chairperson, supported at the session of the Council in the formation of general affairs, on 14th April 2015.¹³ Interest in the use of macro-regional strategy is, inter alia, through the harmonisation of the use of funds from the EU Structural Funds and national and regional funds earmarked for cross-border policies. The subject of macro-regional strategies is to make a better alignment of existing instruments of cooperation, and to enable better use of existing resources, legislation and institutions of the Union, without creating new regional bodies and bureaucracy. The strategy does not imply the adoption of new European legislation but harmonisation of the national norms with the existing ones of the Union. In this context it should be borne in mind that the interest in starting a macro-regional strategy is expanding into other areas of Europe and thus the initiative arose for the achievement of the macro-regional strategy for the region of the Alps.¹⁴ The European Commission has a task to coordinate the strategy established actions, i.e. to help to achieve its objectives. The Commission should assist all countries to fulfil their tasks under the Strategy and to facilitate joint work of the participating countries, but also to monitor the implementation of European legislation, for example, in the field of environmental

¹¹ *Qu'est-ce que une strategi macro-regionale?*, 08.09.2015., <http://www.diplomatie.gouv.fr>

¹² *Qu'est-ce que la Strategie pour la region de Danube*, Internet: <http://www.touteleurope.eu>, 04.09.2015.

¹³ Ibid.

protection. It is envisaged that once a year “The Annual Forum” is to be held comprising representatives of the participating countries and the European Union, representatives of regional international organisations, the private sector and civil society representatives in order to evaluate the achieved, and identify new approaches for achieving the objectives. Therefore, the Commission, as a supranational body of the European Union, becomes the initiator, coordinator and supervisor of the realisation of projects that would bring prosperity to the citizens of the Danube Region by 2020. The chances of success of these projects are getting higher for two reasons. Namely, they are backed by the Commission, as a supranational body of the European Union, which has greater political authority than the intergovernmental organisations. Many of these actions involve the use of the existing European legislation that intergovernmental organisations do not have or have a problem to adopt and ensure its implementation. Behind the whole project of the macro-regional cooperation there are not only good intentions, but also concrete resources provided from the budget of the European Union.¹⁵ The macro-regional cooperation takes place in a favourable environment, i.e. in the territorial framework of the European Union and countries which are preparing to join it. One of the main aims of the founding treaties of the European Union is erasing barriers to the free flow of people, goods, capital and services¹⁶ based on the application of the uniform, with priority over the national, the directly applicable¹⁷ and hierarchically ordered EU legislation.

4. THE CHALLENGES OF ACHIEVING THE PRIMARY OBJECTIVE OF THE EUROPEAN UNION - TO ESTABLISH LINKS IN TRANSPORT, ENERGY, CULTURE AND TOURISM IN THE DANUBE REGION

The European Union has set four main pillars that represent the priorities of the Danube Strategy. The fact is that the connections are to be made to protect the environment and to facilitate prosperity and strengthen the region. Each pillar contains several priority areas divided into actions and projects. For example, the first pillar (establishing connections) implies that mobility and multimodality not only of the waterway, but also of the road, rail and air networks have been improved. Within the first pillar the goal is to speed up the production of energy through the development

¹⁴ *Qu'est-ce que une strategi macro-regionale?*, 08.09.2015, op.cit.

¹⁵ Bruno Alomar, Sebastien Daziano, Thomas Lambert, Julien Sorin, *Grandes questions europeennes*, SEDES, 3 edition, Paris, 2013., p. 308.

¹⁶ Nicolas Ligneul, Olivia Tambou, *Le droit europeen du marche*, Ellipses, Paris, 2006., p. 13.

¹⁷ Jean Boulouis, *Droit institutionnel de l'Union europeenne*, Montchrestien, 5 edition, Paris, 1995., p. 246.

of market infrastructure and the so-called green energy sources. Promotion of links also regards the encouragement of cultural exchange, tourism, and mutual relations.

4.1. The challenges of increasing the volume of transportation of goods and passengers on the Danube

The opening of the Rhine-Main-Danube Canal in 1992 paved the way for linking the North and the Black Sea by waterway. However, with 40 million tons of goods per year, the trade on the Danube waterway represents only 15 percent of the trade conducted on the Rhine waterway.¹⁸ In the Danube Region only 10 per cent of goods are transported by river. In the view of the Danube Commission established on the basis of the Belgrade Convention of 1948, political differences and a lack of consensus about a complete regulation of the riverbed as well as financing of this operation are the main reasons for the poor utilisation of the Danube.¹⁹ However, this state has more reasons. Firstly, the crisis and the war in the former Yugoslavia that ended in the bombing of the Federal Republic of Yugoslavia and the destruction of the bridges on the Danube in Novi Sad in 1999 had devastating consequences on the transport of goods on the Danube. Secondly, the river fleet of about 4,000 vessels in the opinion of the European Commission is outdated. To the aforementioned objectives we should add the problem of cleaning the riverbeds of the sunken wrecks which was not given attention in the former socialist countries such as Romania, and which requires allocation of significant resources. Finally, we must bear in mind those natural obstacles, i.e. freezing of the Lower Danube during the winter months as well as the extremely low water levels during the summer. The aim of the Danube Strategy of the European Union is to increase the volume of goods transport by 20 percent by 2020.²⁰ It is believed that the river transport is less damaging to the environment than road or air transport. In this sense, the action of the European Union implies renewal of the fleet, flood prevention, linking branches with the mainstream, spreading gravel on the shore and maintaining navigability during the summer months, etc ... In the next period it will be obvious whether this was a realistic goal, bearing in mind large investments which the maintenance of the river waterway requires, especially when compared to road transport. The last one seems easier, from the mentioned perspective, although much more harmful to the environment. In this context it should be noted that the extraction of the shipwreck "Rostok" from the Sulina canal, one of the three branches of the Danube in Romania

¹⁸ Sebastien Gobert, *Le Danube. Epine dorsale ou fleuve a probleme?*, Internet: <http://www.ladocumentation française.fr>, 09.03.2015.

¹⁹ Ibid.

²⁰ La strategie de l' UE pour la region du Danube, 09.09.2015, Internet: <http://ec.europa.eu>

lasted two years, that it cost one diver his life and required an investment of ten million Euros. On the other hand, the development of road transport involves the construction of long road-rail bridges over the Danube. According to the Danube Commission, of 118 bridges across the Danube as many as 77 of them are in the German-Austrian part of the flow and only 6 in Romania, although the Danube flows with the length of 1,075 kilometres on the territory of Romania. In this regard, we should bear in mind the need for reconstruction of the bridge of friendship between Romania and Bulgaria, constructed in socialism, but also an expensive construction of the road-railway bridge "The Danube II" between Calafat in Romania and Vidin in Bulgaria (226 million Euros), which was initiated by the Commission and is essential to connecting these countries with Greece. It regards the realisation of the pan-European corridor IV and the construction of alternative routes for transporting goods and passengers to the one which exists across Serbia.

4.2. The challenges of energy networking

The strategy underlines that prices of energy sources in the Danube Region are high, since they are imported and the cost of their transportation is high. In this regard, the Strategy envisages making gas connections between the Danube River States, and the development of sources of renewable energy. However, the greatest success in the field of energy cooperation among the Danube countries is the construction of the Djerdap hydroelectric power plant in the period between 1962 and 1972 on the basis of a mutual agreement of the Socialist Federal Republic of Yugoslavia and Romania. It is a hydroelectric power plant which is the largest electricity producer in Europe and Serbia, and which still provides about 37 percent of electricity supply. This form of cooperation, through the construction of gigantic objects is, however, disputable from an environmental standpoint because it prevents the migration of fish along the Danube River as well as irrigation of the coast important for the survival of forests.

4.3. Environmental protection

The lack of cooperation and respect for environmental standards between the Danube River States has detrimental effects on the ecosystem of the Danube. Although waterway transportation is about ten times smaller than the one that takes place over the Rhine, it is considered that the water of the Danube is three times more polluted than the water of the Rhine.²¹ Periodically, there are large toxic spills

²¹ Sebastien Gobert, *Le Danube. Epine dorsale ou fleuve a probleme?* <http://www.ladocumentation.francaise.fr>, 09.03.2015.

such as the pollution of the Tisza, the tributary of the Danube in Romania in 2000 or the phenomenon of the so-called “Red tides” in Hungary in 2010. The European Union in the framework of the Danube Strategy provides technically sophisticated programmes for the wastewater treatment, processing of toxic substances and their storage, and some other measures as well. In this regard, recent years have seen a certain water quality improvement of the Danube.²²

5. CONCLUSION

The Danube River States cannot be regarded as a separate entity but it is necessary to put them into a broader concept of European integration, i.e., the process of peaceful unification of all European countries in the European Union, which is the most important event that marked the history of the European peoples in the second half of the 20th and the early 21st century. Bearing in mind that the Danube flow is the most important waterway within the European Union, the EU has decided to create a macro-regional strategy. Macro-regional strategies of the European Union are a framework of integration that arise at the initiative of the Commission and with the consent of the Council and the European Council to address the common challenges faced by a certain geographical region.²³ The strategy refers to the European Union Member States and third countries wishing to participate in it and aims to achieve economic and social harmony in a particular region. The intention of the European Union is to provide the citizens living in the Danube Region a better quality of life by the year 2020, more market opportunities with the creation of innovative companies that create new jobs, improvement in the area of environment, and a greater cultural exchange. Increasing the volume of goods transport on the Danube, the modernisation of the fleet, energy connectivity, environmental protection, tourism exchange, scientific and security cooperation are an integral part of the EU Strategy for the Danube Region. This strategy should bring what the Danube River States have always been lacking, and it is a vision of common development, common and solidary access to problems, specifically planned actions and the means of financing them. The European Union now has political authority and integrative potential to stimulate and coordinate this macro-regional strategy, but it remains to be seen to what extent the previously mentioned will be realised in practice.

²² La strategie de l' UE pour la region du Danube, 09.09.2015, Internet: <http://ec.europa.eu>

²³ *Qu' est-ce que une strategi macro-regionale?*, 08.09.2015, Internet :<http://www.diplomatie.gouv.fr>

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Robert DOBÓ¹

COMMON MACRO-REGIONAL MARKETING STRATEGY FOR THE DANUBE REGION

ABSTRACT

The article examines the possibilities of international marketing in order to find solutions to the communication challenges; and to show the necessities for a common macro-regional marketing strategy. The differences of the participating countries will be shown, with a focus on communication practices, cultural differences, and cultural dimensions according to Hofstede. The necessities will be outlined for a multi-cultural level cooperation. The branding possibilities and challenges of individual country marketing –county image will be contrasted to the needs of a common macro regional marketing strategy. The aim article will be to show the colourful nature of the Danube Macro-Region and to outline some of the challenges that are necessary to be confronted for a successful common macro-regional marketing strategy. The article has been presented on the on the International Scientific Conference, “Danube River of Cooperation” on the 27-28th of September 2015 in Belgrade – Serbia.

Key words: International Marketing, Danube Region, International Culture, Hofstede’s Dimensions, Cultural Differences, Communication Challenges

1. INTRODUCTION

The European Union’s Danube Macro-Regional Strategy aims in developing the Danube Region as a whole, encouraging cooperation on an economic, cultural, educational and infrastructural level. Although communication enhances the benefits of cooperation, because of the multi-cultural background of the region, this cooperation will have its challenges. One of the challenges are the different economic development stages of the participating countries, another are the cultural differences on a national level, last but not least the historical background of the

¹ University of Pécs – Hungary, Faculty of Business and Economics.

region that shapes the motivation for cooperation. These factors have to be carefully considered so that a success can be ensured.

2. COOPERATION AND MARKETING

According to the American Marketing Association (2013) Marketing is the activity, set of institutions, and processes for creating, communicating, delivering, and exchanging offerings that have value for customers, clients, partners, and society at large. In this perspective, the marketing function of an organisation, in this case the European Union or one of its specialised agencies overseeing an issue can indeed help cooperation. The values of the different cooperating sides can and have to be defined and addressed if success is wished to be achieved. According to these values and beliefs, effective multi-direction communication is needed to exchange information about the aims and objectives on one side – the EU as a whole block - and the needs and expectation on the other side – the cooperating partners in the Danube Regional Strategy. This is necessary since without the precise knowledge of the expectation, cooperation of bound to fail. If these points of view of the participants have been collected and analysed, the target group for communication after a segmentation technique can be chosen. This group can be targeted by communication according to its composition through the appropriate communication channel. This channel is crucial because according to the age, geographic location and culture, different channels are preferred by the people. And people in general are not sufficient to contribute to the strategy, the stakeholders of the strategy have to be identified, they have to be targeted so that a critical supporting mass of people can form and bring the strategy to a success (Harlow, 2013).

3. SEGMENTATION AND TARGETING

There is a line of segmentation techniques that can be utilised on a macro-regional level (Keegan and Green, 2011; Hollensen, 2011). Geographic segmentation is a viable option. In the Danube region, there are a line of countries. These, although have much in common, language, usually is not a common identifier. Slavic countries are dominant in the South and North, Romanian in the East, Hungarian in the middle and Germanic in the West. Theoretically, communication between the Slavic countries should be the least problematic, although because of the geographic variation of the languages, except for some cases, they stand as far from each other as German from Hungarian. Thus the first issue that the marketing strategy has to face is the enormous language barrier between the cooperating partners. Different sources that will be used for publication have to be either translated into all languages, or be in a common language that all

agree on. There is currently no such language that is commonly spoken by all. This multilingual atmosphere will be a huge burden on the long run. Demographic segmentation is also needed. There are different nationalities involved, these can and have to be further differentiated according to sex and age. In this case sex, being female or male is not a differentiating factor, there is no need to target these groups separately. Age though will be a serious issue. Considering the different groups, their preferred communication channel will be different. There are traditional and alternative channels. Traditional channels are: Television, Radio and Newspaper, alternative: Internet and Social Media. It has to be stated that there is a trend visible, traditional media is losing its popularity, while cyberspace is getting more and more important. Younger generation are turning away from the traditional channels. Psychographic segmentation is a possibility that should be considered. The different social classes have different desires. It is evident that a wealthy person will consider different things important as one in the middle or lower classes. This question can be internationalised since in the whole region there are lower and higher income countries. The financial possibilities of the local population are also different. This is not only relevant on a personal and communicational level, but also on an investment level. Those from wealthier countries have and can also expect higher financial resources from the local and national governments, thus a project will be put together more easily, given the lesser financial constraints. This also gives a competitive advantage for the same stakeholder groups in these wealthier countries. Behavioural segmentation can be considered on a limited basis, although it is much more irrelevant as the above ones. Although the possible benefits from the Danube Strategy will be considered by the public, brand and loyalty can be hardly built.

4. EMPIRICAL RESEARCH

An empirical study in 2015 on the University of Pécs, Faculty of Business and Economics involving 250 students shows a clear trend. From the 250 questionnaires, 25 have been excluded because of contradictions or serious lack of data. These students have to be carefully considered because they are between the ages between 19 and 25, they are the future decision making generation and the primary stakeholders of the Danube Macro-Regional Strategy. The respondents have been asked to make a priority scale from one to six according to the importance of a channel, one being the most important and six being the least. The channels were: Television Governmentally Operated, Television Privately Operated, Radio and Newspaper, Internet, Social Media and Friends. Importance points: Governmental Television 4.7, Private Television 4.3, Radio and Newspaper 3.8, Social Media 3.3, Friends 2.6 and Internet 2.1. This clearly shows that younger generation are sceptical about traditional channels. They highly value the internet as an information gathering

source, thus any communication aimed at this group has to be through the cyberspace in order to be effective.

According to Beaumont (2011) Social Media had an enormous effect regarding the free information sharing which lead directly and helped the uprisings in the Arab world. This is also called „Arabian Spring”. An article in the „The Guardian” emphasises on the importance of social media, calling the revolutions „Twitter Revolution” and elaborating on the question if these or with the help of these social media sites a government can be overthrown? It is describing the process of information sharing, that these revolutions were sparked simply by showing to the masses what is actually happening in the background. This logic directly applies to the Danube Strategy, if the critical mass can be amassed to support it, it will be successful, but if not, or if the aims of the strategy are opposed to by this target group, than it will fail. This also means that any videos, websites and other content has to be tailored according to this group’s expectation and has to be multilingual.

5. SOCIO-CULTURAL BACKGROUND

Culture is a powerful force that has to be considered when cooperating on an international level. Different cultures can clash, thus they can complement or cause disruptions throughout the processes. In the Danube Region, we have present Slavic, Germanic, Hungarian and Romanian-Vlach people. These in turn have their own distinctive cultures that also determine how they interact with each other, how they communicate, articulate and do business. In turn, religion and religious beliefs are different, the most dominant religion being: Orthodox, Protestant and Catholic. Although all Christian, still different in their practices and customs. Religious holidays are clashing, making public holidays at different days of the year. This causes disruptions in trade, tourism, banking and logistics. The language differences are also cultural issues, although the problem with understanding has been already addressed. Hofstede addresses the issue of national culture on multiple levels. These cultural differences have an effect on the individual’s values, ethical behaviour, authority, power and much more (Musambria and Matusitz, 2015). Hofstede (2015) addresses the issue on the following levels:

1) Power Distance meaning than in relationships between higher and lower ranking individuals, how far is the distance, how easily this distance can be bridged between the two.

2) Individualism showing the importance of the society, if the individual successes are valued or if the collective and groups interests are primarily taken into consideration. 3) Masculinity is a factor that determines, how competitive a national culture is or how important cooperation is. 4) Uncertainty an Avoidance show is the individual reacts to duties with the need of knowledge about the underlying aims

and objectives or if he simply follows his superiors orders without a need for this knowledge. 5) Long term orientation indicates the planning processes of the individuals, if short term gains or long term plans are more important. 6) Indulgence as a sixth factor was added to the model as last, showing how important and valued constraint is for the people, or if indulging in life's pleasures is more valued. In these terms, differences can be pinpointed out between the individual nationalities that are the stakeholders of the Danube Strategy. These differences have to be addressed, simply out of practical reasons. In communication these cultures will clash, thus if the cooperating sides don't understand each other they can take these differences as offensive out of pure misunderstanding. Cross cultural education is a good possibility to counter this effect and negative stereotypes. It is true that Hofstede's research can be criticized because of its empirical background and sampling choices, that had constraints on the research group (Orr and Hauser, 2008), still the general areas of differences between the respective cultures can be identified easily with the help of this multi-layer tool.

6. HISTORICAL BACKGROUND

There is a saying in multiple forms, associated with George Santanaya Spanish philosopher: *"Those who cannot learn from history will repeat it"*. This is in line with present practices, given the possibilities in the EU the free flow of the workforce produces multi-cultural work environments, there are differences in educational and training programs cause differences in work practices (Kreps and Kunimoto, 1994). Considering Central-European history, this aspect is very important from a marketing perspective. Understanding the differences between the individual nationalities is crucial. Each and every commercial and promotion has symbols inside it, either as brands, logos, slogans etc. These can have different meaning are different countries according to the respective cultures. In this region, history has been turbulent and at one point or another, every country has fought a war with the others. Bringing up the past 100 years, the 1st World War, the 2nd World War, the 56 Uprising in Hungary and the Dissolution of Yugoslavia in the 90's. These were important happenings because they redrew the map of the region. This was a region of Empires and strong and powerful countries. The German Empire collapsed, The Austro-Hungarian Empire Collapsed, The Soviet Union collapsed, the Socialist Federal Republic of Yugoslavia collapsed, making a line of new and independent countries with a problematic history to cooperate with each other. This on one hand creates economic possibilities because new partnerships can be formed but at the same time disrupts previous cooperation's (Toca and Oltean, 2014). There isn't a full two decades past the last conflict that involves multiple of the cooperating

partners and the present migrant crisis of 2015 shows clearly just how deep of a divide exists beneath the surface.

7. ECONOMIC AND MEMBERSHIP DIFFERENCES

It has been stated before, that these participating countries come from a wide line of economic development. This not only means development on the GDP (Gross Domestic Product) level, but also on a national debt level. According to the CIA World Factbook (2015) in the region we have Very High, High, Middle and Low income countries. With a GDP/capita of over 40,000 USD there are very high income countries like Germany and Austria. In between 24,000 and 30,000 USD high income countries: Hungary, Slovakia and the Czech Republic. Middle income countries with 14,000 to 21,000 USD/capita GDP like Croatia, Bulgaria, Romania and Serbia and Low income countries under 10,000 USD namely Ukraine and Moldova. These countries have to work together on common projects. These nations have very different capabilities in providing assistance to their respective local population to take part in development and common projects. The question arises, does a member have a motivation to finance a project in another country that benefits only indirectly the domestic target group and directly the foreign one? There are differences in how long lasting commitments are understood and perceived on a regional basis (Rácz, 2011). Regardless of financing because of the historical and political differences, there are countries that were much earlier presented with project financing, thus have the resources and know-how how to ask for European Union funds, whereas newer member states or partners that are not EU members have only now started getting to know these processes. Even in common projects are found, financing will be an issue provided that there are EU member states involved that are in the Schengen zone, States that are in the EU but not in Schengen, states that have association agreements with the EU and will become members in the near future and those who have only aspirations to become members with no association processes started. Because of these differences, there is no law harmonisation in force, making the legal systems and requirements in the participating countries different. This causes extra bureaucracy and paperwork with all difficulties associated with them.

8. CONCLUSIONS

The paper has presented a line of differences that need to be addressed if a common macro-regional strategy is to be concluded for the whole of the Danube Region reaching all of the affected stakeholder groups whose cooperation is needed for the success of this initiative. A critical supporting mass has to be gathered in

order for the strategy to be successful. This mass has to be segmented and according to the target group, the appropriate communication form and channel needs to be found. There has to be critical focus that the younger the generation is, the more it is focused on alternative communication channels and the cyberspace. This space provides them with the two way communication that they desire without the geographic boundaries. This makes the viral spread of stories and information possible. International Marketing and Marketing Communication practices need to be used in order to identify the local potentials for economic growth and cooperation, to identify the differences between the people and the region, thus to avoid collision risks. It is also responsible for the identification of the target groups, together with the segmentation techniques. Finally it can evaluate the markets with the relevant growth potentials, and assists in the branding and promotional practices of the EU Danube Macro-Regional Strategy in order to effectively reach the target group and the respective stakeholder groups whose support is needed. At present it can also be stated that the differences, meaning political, cultural and economic are too big for successful cooperation, and that the strategy will not be successful unless these differences are properly addressed. Because of the language and cultural differences, also the historic background, it will be extremely difficult to find the appropriate communication channel, also core message that all of the regions stakeholders can relate to.

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Nina MARKOVIĆ-KHAZE, Ph.D.¹

EASTERN SERBIA: A CASE STUDY IN THE EU'S STRATEGY FOR THE DANUBE REGION

ABSTRACT

The EU-sponsored development of Serbia's Eastern regions is flourishing. Eastern Serbia is important for strategic reasons as it represents a major intersection between neighboring nations, as well as a key transportation link for Corridor 7. This paper aims to critically analyze the EU's strategy for Serbia's East, and compare the aims of that strategy with current projects on the ground. It also seeks to highlight the importance of the diversification within the EU's strategy for Serbia by focusing on its Eastern regions. The language of that strategy will be critically examined, as well as values that the EU's policy makers seek to promote in Serbia. The paper concludes that the EU strategy towards Serbia's regions needs to be diversified and strengthened as it is currently weak and incoherent with the priorities of the EU foreign policy towards Serbia.

Key words: EU strategy, Eastern Serbia, Corridor 7.

1. EASTERN SERBIA: A CASE STUDY IN THE EU'S STRATEGY FOR THE DANUBE REGION

The case study of Eastern Serbia in the context of EU's strategy towards the Danube region in the Balkans is an under-studied phenomenon. This is problematic as Eastern Serbia is not only an important and resource-rich part of Serbia today, but is also significant for Europe's historical heritage, being the birthplace of several Roman emperors. As map 1 show, Eastern Serbia encompasses four key administrative units: Podunavski, Braničevski, Borski and Zaječarski okrug. It is home to a highly diverse constituency with major ethnic groups (apart from the majority Serb) being of Vlach and Roma origins.² Many people from this region

¹ ANU Centre for European Studies, The Australian National University, Canberra, Australia.

² For a map of ethnic distribution in Eastern Serbia, see Wikimedia Commons, available at Internet: https://upload.wikimedia.org/wikipedia/commons/e/e0/Census_2002_Eastern_Serbia.png 1.1.2015.

reside in Austria and Germany, but are formally Serbian residents too. This type of Diasporas linkage to the EU offers an under-utilized investment and tourism potential for Eastern Serbia, which several regional bodies are currently exploring, especially RARIS, Eastern Serbia's Regional Development Agency. The EU is generally poorly represented in Eastern Serbia, with other players, predominantly USAID, having a longer history of engagement.

Map 1: Map of Eastern and Southern Serbia, *lokalnirazvoj.org*³



³ *Map of Southern and Eastern Serbia region*, lokalnirazvoj.org, Internet, http://www.lokalnirazvoj.org/upload/Book/Document/2012_03/Southern_and_Eastern_Serbia_Region.jpg 1.10.2015.

2. DANUBE'S WATERWAYS AS PART OF SERBIA'S GREY ECONOMY

In Eastern Serbia, river Danube represents a natural border separating Serbia from its EU neighbors, Bulgaria and Romania.⁴ After the Second World War, Serbia as part of a larger entity, the non-aligned Yugoslav federation, was a tampon zone between members of the Warsaw Pact, which included Bulgaria and Romania, and the West. Its relationship with Bulgarian and Romanian communist leadership was predominantly antagonistic after Tito's split with Stalin in 1948. Many East Europeans drowned in Danube trying to escape communist yoke from neighboring countries. After moving away from the Warsaw Pact members, Yugoslavs started to vigorously promote their economic interests and foreign policy globally, having also forged closer economic relationship with the EU than any other of Europe's communist countries.⁵ The EU and Yugoslavia signed Declaration on Bilateral Relations on 2 December 1967, establishing a framework for closer economic relations. In 1968, Yugoslavia became Europe's first socialist state to accredit an ambassador to the EU. In March 1970, the EU and Yugoslavia signed a non-preferential trade agreement in Brussels, which came into force in May that year. The Yugoslav economic model of workers' self-management also attracted interest of members of both blocs. As Petković Gajić observed, in the period of global bipolar division of the world, Serbia's position was much more favourable to the one it holds today vis-à-vis the EU.⁶ With the disintegration of Yugoslavia and Serbia's traumatic political, cultural and economic isolation from the international community (until the regime-change in October 2000), Serbia's border regions became a centre of grey economic activity. During the turbulent 1990s era, when Serbia was under international sanctioning regime and faced with additional sanctions from key EU members, Danube's waterways were among the key smuggling routes along Corridor 7 for illegal trade in petrol, cigarettes and people trafficking.⁷ The latter activity in Eastern Serbia can now be observed in the face of an ongoing refugee crisis in the Balkans.⁸ Several major people trafficking routes were disrupted there in recent past thanks to better cross-border cooperation between

⁴ Bulgaria and Romania joined the European Union in 2007 as part of the so-called fifth wave of enlargement, which included ten other countries that had previously acceded in 2004.

⁵ Yugoslavia was the first Communist state to enter into negotiations with the EU on an economic treaty in the mid-1960s, and to sign the treaty on economic cooperation in 1970.

⁶ Dragana Petković Gajić, *Regionalna saradnja u Podunavlju i strategija Srbije*, Međunarodni naučni forum 'Dunav – reka saradnje', Beograd, 2008, str. 165.

⁷ Sanja Čopić, 'Putevi trgovine ljudima u Evropi i pozicija Srbije u njima', *TEMIDA*, December 2008, pp. 49-68; p. 57; 61.

⁸ Igor Mitrović, 'Borani uhapšeni zbog krijumčarenja ljudi', *Bor030*, 24 April 2015, <http://www.bor030.net/borani-uhapseni-zbog-krijumcarenja-ljudi> 4.10.2015

security agencies of neighboring countries. Still, despite some improvement in operational matters between Serbia and its Eastern partners regarding transnational security challenges, since Bulgaria and Romania entered the EU the movement of citizens between Serbia and these countries have actually become more restricted.⁹ Since their accession, the EU has been promoting closer neighboring relations in terms of joint cross-border projects. However, only a select few of highly skilled individuals from Serbia were able to tap into this opportunity, while the majority of Eastern Serbian residents have been left out of most EU-funded initiatives.

3. EASTERN SERBIA'S LACK OF VISIBILITY IN THE EU STRATEGY

Eastern Serbia does not feature highly on the priority list of Serbia's political elites. It is hence unsurprising that the EU does not have any significant presence there too. On an odd occasion, it would host an information session in Serbia's regions as part of its larger public information campaign in candidate states.¹⁰ However, such events would target selected audiences, such as crowds at universities, rather than the mainstream population. Such strategy of the EU appears to be short-sighted, as the EU is not focused on cultivating wider appeal in candidate states, including Serbia. Perhaps, it rests this responsibility on the shoulders of Serbia's authorities, whose activities are inadequate in that field of endeavour.

The EU's tendency to overlook Serbia's regions beyond the promotion of cross-border programs should be considered within a broader context of EU-Serbia political and diplomatic relations. These tend to gravitate around larger political issues, such as the Kosovo issue, or previously the issue of war crimes accused at the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, rather than regional topics. One major exception to this rule relating to Eastern Serbia has been the question of ethnic minorities, in particular the Vlach question. The EU became involved in this matter since its member state, Romania, challenged Serbia's EU membership application process because of its own interests.

In 2013, Romania and Serbia were at loggerheads over the Vlach ethnic minority when Serbia's candidacy for EU membership was being considered in Brussels. The situation was perceived by many diplomats familiar with the topic as Romania's attempt to gain concession from other EU members on an unrelated issue, which was to gain

⁹ Prior to these countries' accession to the EU, many Romanians were doing daily jobs in Eastern Serbia's border towns. After their accession, labour shortages occurred due to new border control regulations.

¹⁰ See, for instance, EU info centar, "Info dan: Istočna Srbija na putu ka EU", 3 June 2015, Internet: <http://euinfo.rs/info-dan-istocna-srbija-na-putu-ka-eu/> 15.10.2015

entry into the Schengen zone.¹¹ Romania's criticism of Serbia's treatment of the Vlach community came as a surprise in the eleventh hour of political debate on Serbia's candidacy. The unpleasant stand-off was eventually resolved with Serbia formally committing to improve the status of its Romanian minority and the Vlachs. Added complexity to this issue laid in the fact that many Vlachs in Serbia do not see themselves as Romanians, while Bucharest has been treating all Vlachs as ethnically Romanian. A recent study by the ISAC Fund on this issue found that in Eastern Serbia, more than 150,000 people identified themselves as Vlach and around 10,000 as Romanian.¹² This is a huge disparity in numbers, and it is not difficult to see why divergent positions by Serbia and Romania on the Vlach ethnic identity issue could create further discord. This issue also helped raise new questions regarding Serbia's EU accession negotiations.

4. SERBIA'S EU ACCESSION PROCESS

Problems with EU members, such as Romania in 2013, are telling about Serbia's EU accession process, which can be delayed with any bilateral issue arising with an EU member. Despite the fact that the formal opening of accession negotiations between the EU and Serbia took place in January 2014, the opening of chapters has been initially delayed because of the elections in the EU.¹³ The head of EU delegation to Serbia and former British Ambassador to Serbia, Michael Davenport, subsequently said that the progress in EU-Serbia relations would depend on the implementation of the Stabilization and Association Agreement (SAA) and 'Serbia's responses to the EU's technical questions', including in its dialogue with Kosovo.¹⁴ Since its ratification, the Brussels Agreement between Serbia and Kosovo has been unevenly implemented, causing some concerns among observers that tensions might re-escalate between Serbs and Albanians if the EU does not maintain the momentum of a clear membership prospect for both Belgrade and Priština.¹⁵ The EU High

¹¹ Marian Chiriac, Gordana Andric, "Romania revives split among Serbia's Vlachs", *Balkan Insight*, 29 February 2012, <http://www.balkaninsight.com/en/article/serbia-s-vlachs-minority-hit-the-spotlight> 10.9.2015.

¹² ISAC Fund for the Balkans, 'Serbian-Romanian relations and the status of the Vlach community in Serbia', *Policy paper*, 2015, p. 84.

¹³ Radio-Televizija Srbije (RTS), 'Pregovori sa EU počinju kontrolom finansija', 7 May 2014, Internet: <http://www.rts.rs/page/stories/sr/story/9/Politika/1591934/Pregovori+sa+EU+po%C4%8Dinju+kontrolom+finansija.html>, 1.10.2015.

¹⁴ Radio-Televizija Vojvodine, 'Devenport: Otvaranje poglavlja 23 i 24 verovatno 2015', 22 June 2014, Internet: http://www.rtv.rs/sr_lat/politika/devenport-otvaranje-poglavlja-23-i-24-verovatno-2015_496709.html, 1.10.2015.

¹⁵ Tanjug, 'Debate on scope of implementation of Brussels agreement', 27 April 2014, Internet: <http://www.tanjug.rs/news/126891/debate-on-scope-of-implementation-of-brussels-agreement.htm>, 1.10.2015.

Representative for Foreign and Security Policy criticized both sides for not doing enough to ensure the implementation of this agreement.¹⁶ Two high-ranking EU officials visited Serbia in April 2014, High Representative Ashton and EU Enlargement Commissioner Füle.

The EU Delegation's head in Belgrade, Ambassador Michael Davenport, described these visits as 'the strongest signal of the EU support to Serbia'.¹⁷ Major issues highlighted during Commissioner Füle's visit included Serbia's further economic and legal reforms as well as the 'normalization of relations with Priština'—the Kosovo conditionality.¹⁸ During Füle's visit, the Serbian President complained that he did not feel that Serbia was being treated equally by all EU members: I know that by meeting the conditions we will make it possible for citizens to live in a well-organized country, a legal state, equal to the others, but for the time being, I do not feel that we are exactly equal to everyone in the EU.¹⁹ The statement above signals that an important part of the Serbian leadership feels that Serbia's needs are being ignored by the EU, or that the country's accession negotiations are being hijacked by political purposes from other EU members. This might also indicate that the attraction of EU membership, despite being given a boost in the official opening of negotiations, was waning for Serbian voters, whose EU skepticism remained high. It demonstrates the limits of the EU's economic diplomacy with Serbia, as the soft power approach necessitates the building of a common normative platform towards building closer relations in all domains. A testing moment for Serbian diplomacy occurred in May 2014 when EU representatives called on Serbia to show solidarity and align itself with the EU sanctions against Russia following the escalation of the Ukrainian crisis.²⁰

As the Serbian leadership chose not to support the common EU position on sanctions (unlike Montenegro, for example) and declared neutrality, the question arose once again as to where Serbia's solidarity in its foreign relations may lie in the

¹⁶ InSerbia Network Foundation, 'Ashton: PMs of Serbia and Kosovo are behind Brussels Agreement', 23 March 2014, Internet: <http://inserbia.info/today/2014/03/ashton-pms-of-serbia-and-kosovo-are-behind-brussels-agreement/>, 1.10.2015.

¹⁷ Xinhua, 'EU enlargement continues, including Serbia: Davenport', 9 May 2014, http://en.ce.cn/World/Europe/201405/09/t20140509_2791085.shtml, 1.10.2015.

¹⁸ The President of the Republic of Serbia, 'President Nikolić with Stefan Füle', 5 May 2014, Internet: <http://www.predsednik.rs/en/press-center/news/president-Nikolic-stefan-fule> 1.10.2015.

¹⁹ Ibid.

²⁰ 'Serbia's careful balancing act on Ukraine', *Euractiv*, 9 May 2014, Internet: www.euractiv.com/sections/enlargement/serbias-careful-balancing-act-ukraine-302018, 1.10.2015. In early July 2014, EU Ambassador Davenport said that Serbia should seek to align its foreign policy with the EU. Tanjug, 'Serbia "should align foreign policy with EU"', 10 July 2014, Internet: http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=07&dd=10&nav_id=90931, 1.10.2015.

future despite notable progress in EU-Serbia relations under the Progressives-socialists alliance. Like several EU states (Bulgaria, Austria and Italy in particular), Serbia has cooperated with Russia on the South Stream project, which the European Commission has expressed reservations about.²¹ Serbia's foreign policy dilemma over the case of Russian sanctions shows that normative considerations in Serbian foreign policy as well as national discourses play a major role in its decision-making, which in turn could affect Serbia's EU candidacy assessment by EU institutions and member states. As a candidate for EU accession, Serbia is required to align its foreign policy with EU's common decisions, including sanctions. It will take more than a careful choice of words for the Serbian Government under the Serbian Progressives (SNS) and Socialists (SPS) to explain its neutrality position towards the Russian-Ukrainian crisis and its refusal to support the EU sanctions against Russia. Table 1 below, which was created by the author, shows a significant decline in Serbia's alignment with Common Foreign and Security Policy decisions over the past year.

Table 1: Serbia's alignment with the EU Common Foreign and Security Policy statements²²

Progress report	Percentage of alignment with EU declarations and Council decisions
2010	69 per cent (51/74) ²³
2011	'most instances' ²⁴
2012	99 per cent (69/70) ²⁵
2013	89 per cent (31/35) ²⁶
2014	62 per cent (28/45) ²⁷

²¹ Russia for the time being cancelled the South Stream project in 2014.

²² Table 1 is author's own work.

²³ European Commission, 'European Commission, 'Serbia: 2010 progress report', 9 November 2010, pp. 5, 11, Internet: http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf, 1.10.2015.

²⁴ European Commission, 'Serbia's analytical report', 12 October 2011, p. 128, Internet: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/sr_analytical_rapport_2011_en.pdf, 1.10.2015.

²⁵ European Commission, 'Serbia: 2012 progress report', 10 October 2012, p. 62, Internet: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf, 1.10.2015.

²⁶ European Commission, 'Serbia: 2013 progress report', 16 October 2013, p. 59, Internet: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf, 1.10.2015.

²⁷ European Commission, 'Serbia: 2014 progress report', October 2014, p. 62, Internet: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf 1.10.2015.

In Eastern Serbia, alignment with the EU's *acquis* would particularly need to be respected in the field of environment and the management of natural resources. In 1999 and 2014, flooding hit Golubac, Kladovo and Čuprija areas, causing extensive material damage.² This is an area of potential cooperation between the EU agencies and local authorities in Eastern Serbia. Better preparedness for emergency situations, such as natural disasters, at the local level offers a unique opportunity for the EU to show leadership on the question of engagement with Serbia's regions. Failure to do so risk alienating Serbian population from the EU even more, which is a continuing trend in Serbian politics. The Centre for crisis management in Serbia's southern town of Niš, which is financed by the Russian Federation, has filled this gap in that region, increasing the visibility and profile of Russia's role in Serbia that has had historically a romanticized image in Serbia's folk traditions.

5. PRESERVING EASTERN SERBIA'S HISTORICAL LEGACY

Eastern Serbia has an impressive ancient Roman heritage. At Gamzigrad's *Felix Romuliana*, the UNESCO protected site spanning across ten acres, some of the finest preserved Roman art in this part of Europe can be found, such as the Goddess of Diana as well as remains of Roman baths. Not far from Gamzigrad lay former Roman mints. Viminacium was a large provincial capital and Roman military establishment, from which Romans strategically controlled that section of Danube's waterways (near today's Serbian town of Kostolac). Numerous remains from Roman era include an amphitheatre, thousands of tombstones, relics and Roman coins. It is estimated that on average, over 40,000 visitors come to Viminacium.²⁹

The nearby area of Lepenski Vir, which hosts remnants of Europe's oldest settlement, was refurbished with EU funds. Eastern Serbia's Roman heritage also warrants greater attention from the EU institutions, as Serbia does not have enough funds or institutional capacity (and also lacks consistent policy) to adequately preserve remains from its Roman past. Black market trade has flourished there since the 1990s with regard to Roman coins and other historical objects found by locals, which are often resold without notifying the relevant government authorities. Part of the problem is the lack of government regulation and the freezing of agricultural activities on the properties where objects are found, leaving the land holders empty handed and their pastoral activities blocked for many years. This is another area that

²⁸ Milutin Stefanović, Zoran Gavrilović and Ratko Bajčetić, *Local Communities and Challenges of Torrential Rain*, Organization for Security and Cooperation in Europe, June 2015, pp. 52–53.

²⁹ Domus Scientiarum Viminacium, Internet: <http://viminacium.org.rs/arheoloski-park/domus-scientiarum-viminacium/>, 4.10.2015.

falls within regional or local competency, but where advice and assistance from the EU could help preserve part of Europe's common historical heritage. The Iron Gates, or the Gate of Trajan (the Đerdap gorge) is a large national park in Eastern Serbia. The 100km Danube gorge contains two hydroelectric plans and power stations, each one of them controlled by Romania and Serbia. The very construction of these plants in the mid-1960s required close coordination between Serbia (then socialist Yugoslavia) and Romania as much of the surrounding lands needed to be submerged and local population reallocated in order for the project to be completed. Tabula Traiana, or the Roman emperor Traian's tablet was also elevated in order to be preserved. Tourist boats operate in summer months on this part of Danube, passing the historic tablet. Nearby town of Golubac is home to a beautiful fortress. Nearby the Golubac fortress is a grave of a Polish national hero, knight and nobleman Zawisza Czarny (Black Zawisha), who died in a battle against the Ottoman Turks in the 15th century. The fortress is currently being renovated using 6.6 million Euros from pre-accession EU funds, however, with some delay. Once completed, it will be a positive example of EU-Serbia cooperation in the process of preserving Eastern Serbia's historical legacy, as well as of strengthening local economy. As a highly praised project, it should be only the beginning of Eastern Serbia's revival and economic development, which could help to further strengthen Serbia's ties with EU neighbors across the Danube. Currently, only about thirty per cent of working-age population in Eastern Serbia is employed, as per image below.

Источна Србија – радно активно становништво

Радно активни 15-65 година	187.027	
Укупан број запослених	56.806	30%
Локална администрација	1.354	1%
Запослени – Република	11.600	6%
Привреда - седиште ван општине	17.086	9%
Привреда у општини	26.766	14%
•Трговина	4.025	2%
•Локална ЈП	2.795	1%
•Паушалци	6.095	3%
•Приватна, нетрговинска	13.851	7%
Индивидуални пољопривредници	28.320	15%
Остали	101.901	54%



ИСТОЧНА СРБИЈА

Б. Кнежевић

Source: Politika Online, 14.10.2010, <http://static.politika.co.rs/uploads/rubrike/156119/i/1/e11b01-istocna-srbija.jpg>, 15.10.2015.

6. RARIS: A POSITIVE EXAMPLE OF LOCAL/REGIONAL ENGAGEMENT

In 2005-06, USAID became one of the first players to encourage Eastern Serbia's regional authorities to create a strategy for long-term development. Out of this initiative, RARIS was formed in 2007 as a collaborative project between various municipalities, and its headquarters were located in Eastern Serbia's town of Zaječar. One of its main strategic goals has been to improve the competitiveness of local tourist products and to encourage transnational linkages in the tourism and investment fields, especially with Bulgaria and Austria. Rural development is RARIS's principal aim. In 2014, RARIS took part in several EU-funded initiatives, including in the fisheries sector.³⁰ The German federal development agency finances several of RARIS's projects. It also supported the construction of a local branch of the Danube Competence Centre, which seeks to promote the development of Middle and Lower Danube.³¹ Many of Eastern Serbia's development initiatives thus tend to be externally supported from either EU member states directly or other governments (such as Canada and the US) rather than from common EU institutions. Part of the problem may lie in the focus of EU's foreign policy on the capital-centric activities, rather than regions which can be active players too. However, since one of EU's principal goals is active and engaged citizenry in candidate countries, it is paradoxical not to have a stronger presence of EU programs and institutions, beyond occasional information sessions, in Eastern Serbia. One of the key conclusions of this paper would be to encourage the EU diplomatic mission in Serbia to pay greater attention to Serbia's regions. People inhabiting them will be an important part of Serbia's electorate should a referendum be held on whether Serbia should join the EU at a future date.

7. CONCLUSION

Eastern Serbia is a developing but under-stated region of Serbia. Its strategic location in the Balkans is of pivotal importance should part of NATO's missile defense shield be located in neighboring EU member states in the future. Danube connects Serbia's Eastern border with Bulgaria and Romania, offering untapped potential which has not been utilized from Serbia's side in particular. Part of the problem is an inadequate development of Serbia's waterways, especially gas service stations that need to exist on Serbia's side if water tourism is to be encouraged. Environmental regulations should therefore be also strengthened. Any EU advice

³⁰ For further information, see RARIS annual report 2014, which is available at: http://www.raris.org/download/Izvestaj%20o%20radu%20RARIS%20za%202014_NARR.pdf, 15.10.2015.

³¹ For further information, see <http://www.danubecc.org/>, 15.10.2015.

and support in this regard could help to speed up the process, since Eastern Serbia is also not highly ranked in terms of priorities for Serbia's political elites in Belgrade. The investigation of various scientific data for this paper found an inadequate level of EU's engagement and presence in Serbia's regions. Using Eastern Serbia as a case study, the paper sought to illustrate both some positive areas of local pro-active engagement (RARIS as an example), as well as areas that need further attention and development, especially from the EU agencies and institutions. Informed, engaged and future-oriented population can only be an asset for Serbia's march towards the EU. On the other hand, disfranchised, alienated and misinformed citizens can easily fall prey to regional populist movements, which, coupled with economic crisis, could have long-term negative consequences for regional economic development and inter-ethnic relations. This paper's main recommendation is that scientific community should examine regional conditions in Serbia, in this case Eastern Serbia, when evaluating Serbia's readiness to join the EU. Having a favorable position on Danube's shores, which connects North and South and East with West, Serbia really can only benefit from innovative approach to national and regional economic development as well as local innovative approaches to European integration. Links with Diaspora, which were mentioned at the beginning of this paper and not examined in any greater detail, offers material for further research. Last but not least, tourism in Eastern Serbia should be encouraged by both national and local authorities; however, it should only be one facet of regional economic development. The EU can play a much more active role in this regard beyond the ethnic minority question of the Vlachs, which was a political card played by Romania at its own convenience. A more focused synergy between local, regional and international players could help Serbia on its way to the EU and act as a transformative tool in this process. The main beneficiaries in the long run would be the citizens of Europe, and the preservation of Europe's historical heritage which transcends national borders and Schengen regulations.

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Marijana DUKIĆ MIJATOVIĆ, Ph.D.¹

Prof. Željko BJELAJAC, Ph.D.²

Sanja GONGETA, Ph.D.³

THE DANUBE STRATEGY – MACRO–REGIONAL PROJECT FOR ECONOMIC DEVELOPMENT OF MICRO–REGIONAL AREAS

ABSTRACT

Development of the Danube Region is one of the priorities of the European Union. Connecting of fourteen countries in the Danube River Basin through the project which includes as partners the countries outside the European Union aims to achieve the unused potential of the economic and social development of Europe's largest river area. Ensuring the sustainable development and increasing the competitiveness of the Danube Region is implemented through the implementation of pillars and priority areas set in the EU Strategy for the Danube Region. This paper analyzes the objectives as well as the priority areas of the

Republic of Serbia as the partner country within the framework of the Danube Strategy and the Republic of Croatia as a member state of the European Union. It provides an answer to the question of impact that the improved mobility and multimodality on the river Danube have to the economy development, while it also emphasizes the need for the increased competitiveness of companies in the region with special emphasis on cluster development.

Key words: competitiveness, small and medium-sized enterprises, clusters, multimodality, Danube strategy.

¹ Faculty of Economics in Subotica ,University of Novi Sad, Serbia.

² Faculty of Law, University Business Academy Novi Sad.

³ College of Applied Sciences Lavoslav Ružička in Vukovar, Croatia.

1. INTRODUCTION

The law of modern economics dictates that the manufacture and transport of goods takes place at the lowest cost and the highest profit.⁴ Inland Waterways has, or can have a major economic importance in the world. However, there are obvious differences between countries and even continents in terms of utilization of this form of transport.⁵ The waterways network in the European Union represents 5,668 kilometres of canals, rivers and lakes, of which around 20,000 kilometres is concentrated primarily in the zone with the busiest waterways. The river transportation is the most competitive in the field of transport of bulk freight that is to say of minerals, coals, oils. These bulk freights contribute in a total transportation by river in Europe in amount of 46%.⁶

A network of European waterways space is unevenly distributed and developed and for this reason most of the inland waterways transport in Europe is concentrated in two areas. One of this two areas is the Danube Region. As a functional area defined by its river basin, the Danube Region has changed dramatically in the past few years.⁷ Through the waves of European Union enlargement in 2004, 2007 and 2013, the world's most international river basin is now largely a European Union space. There are new opportunities to address its challenges and potential, especially to reinforce its efforts to overcome the economic crisis in a sustainable manner. The EU Strategy for the Danube Region (EUSDR) provides strong support for the development of all countries of the Danube basin, regardless whether they are members of the EU or not, guided by the principles of responsible use of natural resources for sustainable development.⁸ Geographically it concerns primarily but not exclusively: Germany (Baden Württemberg and Bavaria), Austria, the Slovak Republic, the Czech Republic, Hungary, Slovenia, Romania, Bulgaria and Croatia

⁴ *The Power of Inland Navigation: The future of freight transport and inland shipping in Europe 2010-2011*, European Barg Union, Rotterdam, 2009, p. 4.

⁵ Jasenko Marin, "Promet unutarnjim plovnim putovima" in: koleta Radionov, Jasenko Marin (eds) *Europsko prometno pravo*, Pravni fakultet u Zagrebu, 2011, p. 179.

⁶ Srećko Jelinić, Sanja Gongeta, Contemporary Role of Inland Waterway Transport Activity - Its Place in Development of Economic Cooperation and Integration Process with Special Reference to the Role of Vukovar River Port", *Proceedings of 8th International Conference «Economic Integration, Competition and Cooperation»*, 6-9 April, Opatija, University of Rijeka - Faculty of Economics, Opatija, 2011, available on Internet: <http://ssrn.com/abstract=2232641>

⁷ *Commission Communication - EU Strategy for the Danube Region*, of 8 December 2010, COM/2010/0715 Brussels, p. 3.; available on Internet: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0715&from=EN>

⁸ Nevenka Jeftić Šarčević, Edita Stojić Karanović (eds), *Danube Strategy - Strategic Significance for Serbia*, The Institute of International Politics and Economics, Belgrade, 2012, p. 7.

within the EU, and Serbia, Bosnia and Herzegovina, Montenegro, the Republic of Moldova and Ukraine (the regions along the Danube) outside. After analysing the structure and main objectives of the Danube Strategy, this paper specially emphasises the possibilities of cooperation and economic development within priority areas of two neighbour countries: Croatia, as a member State of the European Union and the Republic of Serbia as an acceding country.

2. PILLARS AND PRIORITY AREAS OF THE DANUBE STRATEGY

The Danube Region covers one fifth of the EU's area and its wellbeing is inextricably linked to the whole Union. Many of the Region's problems such as flooding, transport, energy links and environmental protection know no borders and demand a united approach in resolving them. After extensive and public consultation with Region's member countries, the European Commission came up with a framework to provide efficient solutions to the key challenges. The EU Strategy for the Danube Region is described in two documents: a Communication from the European Commission to the other EU Institutions, and an accompanying Action Plan which complements the Communication.⁹ Structured as a coherent framework, the Strategy represents a form of cooperation for partners in the area focusing on coordinating existing financial instruments and policies, not creating new ones, nor creating new institutions or new bureaucracy.¹⁰ As one of the four European Union's Macro-regional projects, the Danube Strategy is now one of the major vehicles for embedding "smart, sustainable and inclusive" growth in the Danube region, thus contributing to the regionalization of the Europe 2020 strategy and enhancing perspectives for its long-term success.¹¹ Knowing that a macro - regional strategies are aimed at making better use of the existing resources to tackle issues of territorial development and identify joint responses to common challenges,¹² it is clear that the Danube Strategy is a regional instrument with benefits for local communities. It addresses a wide range of issues which are divided among four pillars and eleven priority areas. Each priority area is managed by two Priority Area Coordinators.

⁹ *Action Plan*, Commission Staff working Document, Brussels, 8.12.2010, COM(2010) 715 final, p. 3.

¹⁰ *The EU Strategy for the Danube Region – A united response to common challenges*, European Commission, Brussels, 2011, p. 4.

¹¹ Saša Čvrljak, Hrvoje Butković, "Danube Strategy of the European Union and its strategic significance for the Republic of Croatia", *Danube Strategy – Strategic Significance for Serbia*, The Institute of International Politics and Economics, Belgrade, 2012, p. 81.

¹² *European Parliament resolution on the implementation of the EU Strategy for the Danube Region*, Strasbourg, 2011.

Every pillar contains several priority areas which represent the main areas where the macro-regional strategy can contribute to improvements and identify detailed action and projects to transform words to results on the ground. Priority Area Coordinators, experts based in line ministries and agencies, make the actions happen and are the main channel for reporting and assessment.¹³ Good connections between member states and among people are key for the success of the Danube Region and no part should remain peripheral. Repairing transport and energy infrastructures and developing culture and tourism advantages of local parts are one of the key elements for better connection of Danube Regions member states.¹⁴ First Pillar is called *Connecting the Danube region* and it should be accomplished through improved mobility and multimodality. This pillar focuses on three Priority Areas: to improve mobility and multimodality¹⁵ (covering road, rail and air links as well as inland waterways), encourage more sustainable energy (covering energy infrastructure, markets and clean energy) and to promote culture and tourism and people-to-people contacts. Targets that are highlighted in this pillar of the Danube Strategy are, for example, to increase the cargo transport on the river by 20% by 2020 compared to 2010; to remove existing navigability bottlenecks on the river so as to accommodate type VIb vessels all year round by 2015. One of the targets set in the Danube Strategy are, also, improved travel times for competitive railway passenger connections between major cities; implementation of the 4 Rail Freight Corridors crossing the Danube Region as planned within 3 or 5 years; development of efficient multimodal terminals at Danube river ports to connect inland waterways with rail and road transport by 2020 and achievement of national targets based on the Europe 2020 climate and energy targets.¹⁶ These goals can be achieved through improved coordination in infrastructure and in the operation of transport and energy systems, through the exchange of best practices on clean energy and the promotion of Danube culture and tourism. The second pillar is called *Protecting the Environment in the Danube Region* which includes restoring and maintaining the quality of waters, managing environmental risks and preserving biodiversity, landscapes and the quality of air and soils.¹⁷ Environmental resources are shared across borders and go

¹³ *The EU Strategy for the Danube Region - A united response to common challenges*, op. cit., p. 4.

¹⁴ *Commission Communication - EU Strategy for the Danube Region*, op.cit., p. 7.

¹⁵ Priority Area "To improve mobility and multimodality of inland waterways" is coordinated by Austria and Romania. Priority Area "To improve mobility and multimodality - rail, road and air" is coordinated by Slovenia and Serbia. Priority Area "To encourage more sustainable energy" is coordinated by Hungary and the Czech Republic. Priority Area "To promote culture and tourism, people to people contacts" is coordinated by Bulgaria and Romania.

¹⁶ *Commission Communication - EU Strategy for the Danube Region*, op.cit., p. 7., 8.

¹⁷ Priority Area "To preserve biodiversity, landscapes and the quality of air and soils" is coordinated by the Land Bavaria (Germany) and Croatia.

beyond national interests. Main issues in this pillar are ensuring good water quality, protection from risks and disastrous events, such as floods and industrial accidents which have significant transnational negative impact, halting biodiversity and ecosystems loss, restoring ecosystem services and reducing the area affected by soils erosion. *Building Prosperity in the Danube Region*, as the third pillar should be accomplished through priority areas and instruments such as: to develop the knowledge society through research, education and information technologies,¹⁸ to support the competitiveness of enterprises, including cluster development¹⁹ and to invest in people and skills.²⁰ Investment in people is needed so that the Region can sustainably progress and grow, prioritising knowledge and inclusion and targeted support for research infrastructure stimulates excellence and deepen networking between knowledge providers, companies and policy-makers.²¹ The Priority Areas of fourth pillar called *Strengthening the Danube Region* are: to step up institutional capacity and cooperation²² and to work together to promote security and tackle organised and serious crime.²³

3. CROATIA AS PARTNER IN PRIORITY AREAS

This chapter aims at offering a role of Republic of Croatia in whole process of economic cooperation and integration process in Europe within Danube region. As said before, priority areas coordinated by Croatia are “To preserve biodiversity, landscapes and the quality of air and soils” which is coordinated together with the Land Bavaria (Germany) and “To support the competitiveness of enterprises, including cluster development” coordinated with Baden-Wuerttemberg²⁴ (Germany). For the implementation of each Priority Area, it is important that there is involvement of bodies and institutions representing other policy fields.²⁵

¹⁸ Priority Area named “To develop the Knowledge Society (research, education and ICT)” is coordinated by Slovakia and Serbia.

¹⁹ This priority Area is coordinated by Germany (the Land Baden - Württemberg) and Croatia.

²⁰ Priority Area “To invest in people and skills” is coordinated by Austria and Moldova.

²¹ *Commission Communication - EU Strategy for the Danube Region*, op.cit., p. 8.

²² Priority Area 10 “To step up institutional capacity and cooperation” is coordinated by the City of Vienna (Austria) and Slovenia.

²³ Priority Area 11 of the EUSDR “To work together to tackle security and organised crime” is coordinated by Germany and Bulgaria.

²⁴ The German federal state of Baden-Württemberg is one of the most innovative regions, not only in the EU but also worldwide. Global players such as Daimler, Bosch, SAP and Stihl but especially the country’s many innovative small and medium-sized enterprises, show the high technological standard of the economy, as well demonstrated by the numerous patent applications.

²⁵ *Action Plan*, op. cit.

Supporting the competitiveness of enterprises, including cluster development can be done by improved cooperation that covers legislative improvements, exchange of experiences and implementation of joint projects. As the main development priorities Croatian Danube region were determined:

- a) The improvement of inter-modal transport and efficient connection of the Danube region with the Adriatic coast
- b) Increasing economic competitiveness through enterprise development, modernization of agriculture and the development of special forms of tourism
- c) Environmental protection, risk prevention and the development of renewable energy sources
- d) The strengthening of human resources

Removing mines from mine-affected areas in the Danube region is recognized as a basic prerequisite for sustainable development of the Croatian Danube region and is designated as key horizontal measures.²⁶ Clusters and links between centres of excellence, binding them into existing education and research networks, will extend the competitiveness of upstream enterprises to the whole region. Employment Innovation and technological progress are of high importance for coordinating countries, making them able to rapidly adapt to changing market conditions and to increase its competitiveness and innovative capability. Willing to pass on the experience and knowledge of many years of successful economic development to other countries and convinced of the economic potential of the Danube Region, Croatia (together with Baden-Württemberg) seeks to improve and support the economic collaboration within the EUSDR area. Objectives of this Priority Area can be achieved through number of actions.²⁷

²⁶ Internet: <http://www.mvcp.hr/hr/vanjska-politika/multilateralni-odnosi0/strategija-evropske-unije-za-dunavsku-regiju/> (20.10.2015.)

²⁷ The Croatian Ministry of Entrepreneurship and Crafts lists the following possible measures that conducts: encouraging the implementation of innovations, new technologies, developing and managing free zones and business zones within small and medium size businesses, systematic stimulation of entrepreneurship, effect of economic system instruments and economic policy measures on the development of trades, cooperatives, small and medium size enterprises and business activities of artisans and entrepreneurs, encouraging participation of small and medium size enterprises in areas of public procurement and public-private partnerships, implementation of international cooperation in the area of trades, small and medium size businesses; preparation and implementation of strategic and operational documents and programs for the use of European Union fund assets and other international financing sources allocated to promote competitiveness of trades, cooperatives, small and medium size enterprises.

4. SERBIA AS PARTNER IN PRIORITY AREAS

Serbia participates with 10.3% in the territory of the Danube River Basin's macro region²⁸ and the Danube has always had a strategic significance for Serbia. Therefore the European Union Strategy for Danube Region (EUSDR) is from strategic importance for Serbia.²⁹ Serbia has from the very start been a strongly committed partner in the Strategy. As said before, it is coordinating two Priority Areas, "Knowledge Society and to improve mobility and multimodality - Rail, Road and Air. The national coordination for the Strategy is with the Serbian European Integration Office, who also coordinates a wide range of funds such as IPA and bilateral and multilateral donor funds and, according to national factsheets, within the allocation for the Instrument for Pre-Accession, 19.5 million have been allocated for projects from the Danube Strategy.³⁰ Priority Area 1B of the EUSDR "To improve mobility and multimodality - rail, road and air" focuses on transport, energy and culture/ tourism issues and is coordinated with Slovenia and Priority Area 07 "To develop the Knowledge Society (research, education and ICT)" is coordinated with Slovakia, with the involvement of a wide network of key players. Initiatives and strategic projects Serbia is involved include Technology transfer centres, improving navigation and ecological conditions, new research projects on innovative vessels, Bulgaria-Serbia gas interconnector and Maintenance of the Danube waterway.³¹ The Priority Area 7 Steering Group amended following targets by adding the fifth one, so the final wordings of targets for EUSDR Priority Area 7 - Knowledge Society are the following:

- 1) To invest 3% of GDP in Research and Development by 2020;
- 2) Broadband access for all EU citizens in the Region by 2013;
- 3) Increase the number of patents obtained in the Region by 50%;
- 4) Greater share of EU population age 30-34 with tertiary education – aiming towards 40% by 2020;
- 5) To reach 20% of academic mobility by 2020.

In order to reach defined targets in expected timeframes, the Steering Group has adopted the Roadmap so the actions are monitored and assessed, and the Roadmap updated regularly at the Steering Group meetings. One of the first activities and

²⁸ With this percentage Serbia is sharing with Austria the 3rd and the 4th place among the countries of the Danube River Basin, after Romania (28,9%) and Hungary (11,7%).

²⁹ Nevenka Jeftić Šarčević, Edita Stojić Karanović (eds), *Danube Strategy – Strategic Significance for Serbia*, op. cit., p.7.

³⁰ EU Strategy for the Danube Region; National factsheet – Serbia, p. 2.

³¹ Ibid, p. 3.

contributions from the members of the PA7 Steering Group were focused on the assessment of the state of the art on the targets defined in the Action Plan.

5. CHALLENGES AND OPPORTUNITIES

The river requires cooperation and offers opportunities for alliances³² so the Danube Strategy seeks to make best use of what is available, by aligning efforts, specifically policies and funding.³³ As said before, the pillars of the Danube Strategy are about connecting and strengthening the Danube Region and protecting the environment and building prosperity of it. This can be done by improved cooperation that covers legislative improvements, exchange of experiences and implementation of joint projects. All of the priority areas have to be considered with other policy fields and the Strategy encourages an integrated approach. As it is highlighted in Action Plan “Whilst improving transport infrastructure has a positive impact on the business environment, on the attractiveness of cities and regions or on the mobility of citizens, it can also have negative impacts on landscapes, biodiversity, quality of air, soil and water. In the energy sector, it is desirable to increase the production of energy from renewable sources, but this cannot be done at the expense of biodiversity.”³⁴ All that needs to be looked at together, with a view to the most sustainable solution. Also, all actions and projects should be transnational. Serbia and Croatia as neighboring countries should make use of untapped economic and social potential. With coherent and mutually supportive projects and actions within the priority areas which coordinate, they could make the most of their geographical positions. Using the key components within the priority areas, both countries of the Danube basin and their micro-regions can have a direct benefit.

6. CONCLUSION REMARKS

The Danube Region is a region of great diversity – geographically, ecologically, culturally and in terms of economic development. Danube countries are characterized by uneven economic development and the development of the Danube Region is one of the priorities of the European Union. The Strategy, with its vision for the Danube Region in 2020, has headline targets for promoting employment, improving the conditions for innovation, research and development, meeting climate change and

³² Nevenka Jeftić Šarčević, Edita Stojić Karanović (eds), *Danube Strategy – Strategic Significance for Serbia*, op. cit., p. 7.

³³ *Commission Communication - EU Strategy for the Danube Region*, of 8 December 2010, COM/2010/0715, p. 11.

³⁴ Action Plan, op. cit., p. 32.

energy objectives, improving education levels and promoting social inclusion in particular through the reduction of poverty, and addressing the challenges of ageing. Priority areas are carried out through the trans-national, inter-sectoral and inter-institutional cooperation between countries of the Danube basin. That kind of cooperation contributes the achieving the fundamental objectives of this macro-regional strategy. Over the past twenty years there has been significant improvement in all pillars and priority areas. Continuation of good cooperation between coordinating states and innovation in their priority areas will contribute the realization of the plans envisaged for the next period in favour of micro-regional areas.

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*Prof. Svetla BONEVA, Ph.D.*¹

THE FOCUS OF THE PROJECTS FUNDED BY THE EFSI: PRIORITY SECTORS FOR STRATEGIC INVESTMENTS IN THE EU

ABSTRACT

The objective of the paper is to present the structure of and the necessity from the Investment plan for Europe and the funding instrument for its implementation – the European Fund for Strategic Investments (EFSI). The research problem in the current paper is interdisciplinary: it involves public finance, European financing regulation and project management. The research problem involves the newest European fund – the EFSI that started operating in September 2015. The paper analyses the focus of the EFSI financing for strategic projects in the following sectors: strategic infrastructure (including digital, transport and energy infrastructure, energy interconnections and urban development); education, research and innovation; environmentally sustainable projects (including expansion of renewable energy and resource efficiency) and support for projects of small and medium enterprises. The EFSI financing is oriented to projects in fields where the EIB Group has expertise. The research and analytical methods used for the development of the paper involve survey of available legal and analytical research on the topic, presentation and analysis of statistical and empirical data and comparative analysis of the available regulative and legal documents on the research topic. To provide an adequate quality of the data that have been used in the paper, available primary and secondary data sources are used in the analysis. The concrete research results add value in analytic terms and pave the road for evidence-based recommendations on policy measures and ideas about corrective actions.

Key words: European Fund for Strategic Investments, Investment plan for Europe.

1. THE THE INVESTMENT PLAN FOR EUROPE (IPE)

In the autumn of 2014, the newly elected European Commission presented its political guidelines that contained a bold new initiative – the launch of an Investment

¹ University of National and World Economy – Sofia, Bulgaria.

Plan for Europe (also known as the ‘Juncker plan’ named after the President of the European Commission Jean-Claude Juncker). The Investment Plan for Europe (IPE) is aimed to strengthen the EU’s competitiveness via stimulating investments, thus supporting job creation, his first priority. The Investment Plan for Europe has three prongs. The main direction of the plan is the creation of the European Fund for Strategic Investments (EFSI). The other directions of the Plan are not less important - they include structural reforms, and improving of the regulatory environment for investment at EU and national level. Thus, as a result of the implementation of the “Juncker plan” the newest EU fund has been created - European Fund for Strategic Investments². EFSI aims: 1) to overcome the existing investment gaps in the EU by taking on some of the risk, thus helping to increase investment promoters’ appetite to invest. The EIB will provide loans and will in turn be covered by the EU budget guarantee; 2) to mobilise private investment and other relevant public funding for the implementation of strategic investment projects. There is excessive liquidity in the EU financial system in the post-crisis years, which can provide funding from private investors for strategic viable projects in the EU. At least two considerations have to be mentioned when analyzing the IPE. Firstly, the creation of the Investment Plan for Europe was a necessary economic policy measure undertaken by the European commission. Studies undertaken by the EIB revealed that: 1) EU investment in 2013 was some 15% below the pre-crisis peak in real terms; 2) the shortfall reaches 25% or even 60% in some EU Member States; 3) The investment gap comes from a lack of risk bearing capacity in Europe. Although liquidity is now available promoters are not putting their projects forward. Investors are over-cautious due to regulatory barriers and economic volatility. Secondly, the launch of IPE was a timely political decision at EU level. The reduced level of investment in the EU after the crisis has hindered the job creation and the long-term growth in the EU for several years. In the same time the banks in the EU have abundant financial liquidity, but they abstain from risky projects thus making the financial system not enough efficient. To tackle this gap, EFSI promotes additional public and private investment in strategic projects and improves the access to finance for businesses with up to 3 000 employees. The European Investment Bank (EIB) is the strategic partner of the European Commission to implement the Investment Plan for Europe, and the EFSI is integrated into the EIB Group. The European Commission expects that the overall Investment Plan could support the creation of up to 1.3 million new jobs over three years (2015-2017). The Investment Plan for Europe aims to revive investment in strategic projects around Europe to ensure that money reaches the real economy. EFSI is backed by a guarantee from the EU budget and is expected to unlock additional investment of at least EUR 315 billion in the years 2015-2017.

² European Investment Bank, <http://www.eib.org/about/invest-eu/index.htm?media=shortlink>

Table 1. Investments as a percentage of GDP in the EU and selected EU countries (Bulgaria and the Czech Republic) in the last 10 years period

	2003	2004	2005	2006	2007	2008
Gross fixed capital formation (investments), at current prices, million euro						
EU (28 countries)	2202385,3	2324069	2456753,4	2676334,6	2913374,9	2927488,9
Bulgaria	3698,4	4388	6126,4	7469,9	9125,2	12205,6
Czech Republic	25361	26996	30952,2	34681,8	40783,4	46714,2
Gross domestic product at market prices, current prices, million euro						
EU (28 countries)	10489822,3	11015561,6	11502133,1	12168081,7	12900956,7	12986407,6
Bulgaria	18759,5	20901,1	23582,2	26827,8	31883,8	36450,2
Czech Republic	87959,6	95878,5	109394	123743,2	138004	160961,5
Gross fixed capital formation (investments) as a % of GDP						
EU (28 countries)	21	21,1	21,4	22	22,6	22,5
Bulgaria	19,7	21	26	27,8	28,6	33,5
Czech Republic	28,8	28,2	28,3	28	29,6	29
	2009	2010	2011	2012	2013	2014
Gross fixed capital formation (investments), at current prices, million euro						
EU (28 countries)	2520762	2568958,5	2660740,9	2642654,9	2600624,3	2692068,6
Bulgaria	10362,5	8401,2	8530,8	8817,9	8747,5	8840,9
Czech Republic	40229,7	42161,2	43472,6	41835,1	39445,4	38693,5
Gross domestic product at market prices, current prices, million euro						
EU (28 countries)	12245901	12789849,3	13173450	13420179	13520970	13920016,1
Bulgaria	36078,4	36764,3	40103,1	40926,7	41047,9	42010,5
Czech Republic	148357,4	156369,7	163583,2	160706,6	156932,6	154738,7

	2009	2010	2011	2012	2013	2014
Gross fixed capital formation (investments) as a % of GDP						
EU (28 countries)	20,6	20,1	20,2	19,7	19,2	19,3
Bulgaria	28,7	22,9	21,3	21,5	21,3	21
Czech Republic	27,1	27	26,6	26	25,1	25

Data source: Eurostat, Internet: <http://ec.europa.eu/eurostat/web/national-accounts/data/main-tables>

FOCUS OF THE PROJECTS FUNDED BY THE EFSI

EFSI focuses its financing in sectors of key importance for the competitiveness of the EU economy, where the EIB Group has proven expertise and capacity to deliver a positive impact on the European economy, such as:

- Strategic infrastructure including digital, transport and energy in particular energy interconnections and urban development;
- Education, research and innovation;
- Environmentally sustainable projects, expansion of renewable energy and resource efficiency;
- Smaller businesses.

The type of projects that will be supported by the EFSI under the Investment plan for Europe has been determined³ to a large extent by the contacts and debates of the EIB and the European commission with the private sector that have shown that investors put particular emphasis on the robust quality and independent selection of projects that could be supported by the Investment Plan. Projects should be: 1) economically viable with the support of the initiative; 2) sufficiently mature to be appraised on a global or local basis; 3) of European added value and consistent with EU policy priorities; (4) last, they must maximize where possible private sector financing. Projects do not have to be cross-border. The use of the EU guarantee will allow the EIB to go beyond its usual business and make riskier investments. That way the EIB can invest in riskier projects alongside the private sector, without risking its triple A-rating. The criteria that will be used to select projects which will be financed are decided by the Steering Board of EFSI. The Investment committee of the EFSI will be

³ European Commission, Fact Sheet, The Investment Plan for Europe: Questions and Answers, Brussels, 22 July 2015

responsible for evaluation of the projects. Projects will not be chosen for political reasons. There are strict eligibility criteria and no country-specific or sector-specific quotas. This is critical in order to attract private investors to participate in EFSI. Any perception of public interference will deter private actors. The Investment Committee, made up of eight independent experts, will decide whether specific projects can be supported by the EU guarantee based on the investment guidelines and a scoreboard of indicators. Projects will be selected based on their “additionality” (i.e. that *they could not be realized without the backing of the EU guarantee*), economic viability, reliability and credibility and their contribution to key growth-enhancing areas in line with EU policies. These include education and knowledge, innovation and the digital economy; energy union; transport infrastructure; social infrastructure; and natural resources and the environment. They must also mobilise where possible private sector financing. The legal entities that can apply for EFSI financing are entities of all sizes, such as: utilities, special purpose vehicles or project companies; small and medium-sized enterprises (with up to 250 employees) and midcaps (with up to 3 000 employees); public sector entities (*except the Member States themselves*); National Promotional Banks or other banks to deliver intermediated lending; funds and any other form of collective investment vehicles; bespoke investment platforms. There are generally two ways to apply for EFSI financing: First, any project promoter can contact the EIB directly and anytime with their proposal, following the usual application procedure of the EIB for strategic investments.⁴ Member States’ governments are not gatekeepers in this process. Projects can be submitted at any time. When the EIB receives a project proposal, it analyses the proposal and decides whether it is suitable for EIB or EFSI financing (with the backing of the EU guarantee). Secondly, small and medium-sized businesses (SMEs) interested in EFSI transactions financed via the European Investment Fund – the SME and Midcap window - can refer to information on EIF financial intermediaries⁵. The EIF supports Europe’s micro, SMEs by helping them to access finance. EIF designs and develops venture and growth capital, guarantees and microfinance instruments which specifically target SMEs. In this role, EIF fosters EU objectives in support of innovation, research and development, entrepreneurship, growth, and employment. EIF’s total net commitments to private equity funds amounted to over EUR 7.9 bn at end 2013. With investments in over 435 funds, EIF is a leading player in European venture due to the scale and the scope of its investments, especially in high-tech and early-stage

⁴ European Investment Bank, Project cycle, Internet: http://www.eib.org/projects/cycle/applying_loan/index.htm

⁵ European Investment Fund, Where to access finance - EIF financial intermediaries, Internet: http://www.eif.org/what_we_do/where/index.htm

segments. EIF's guarantees loan portfolio totalled over EUR 5.6 bn in over 300 operations at end 2013, positioning it as a major European SME guarantees actor and a leading micro-finance guarantor. For SMEs and entrepreneurs *looking for debt or equity finance*, financing through the financial intermediaries are working with COSME are available.⁶ Part of EFSI includes funding under the COSME Loan Guarantee Facility (LGF).⁷ Generally, all European SMEs can benefit from financing support provided by COSME, the EU Programme for the Competitiveness of Enterprises and SMEs. They specifically benefit from *(counter-) guarantees provided by the LGF*. The market response from financial intermediaries has been excellent and there is a very strong market demand for the LGF. However, COSME annual budgetary resources are limited and *the 2015 budget has been almost entirely used-up in July 2015*. To enhance funding opportunities under the COSME LGF with the support of the EFSI, the European Commission and the European Investment Fund amended the COSME Delegation Agreement. This will enable SMEs to receive LGF supported *financing earlier than was previously possible*. For the period 2014–2020 COSME has a budget of EUR 2.3 billion, out of which EUR 1.3 billion funds financial instruments. Thanks to this budget, it will be possible to mobilise *up to EUR 25 billion in financing for SMEs* from financial intermediaries *through leverage effects* in the following areas: better access to finance for SMEs, access to markets and promotion of the entrepreneurial culture. The financial instruments are managed by the EIF in cooperation with financial intermediaries in EU countries. The COSME programme builds on the success of the Competitiveness and Innovation Framework Programme (CIP), which helped to mobilise more than EUR 16 billion of loans and EUR 2,8 billion of venture capital to over 328 000 EU SMEs in the period 2007–2013.⁸ COSME has improved access to finance for SMEs through *two financial instruments* that have been available since August 2014. These financial instruments facilitate *access to loans and equity finance for SMEs where market gaps have been identified*. The “SME Window” of EFSI will support existing COSME activities and will reinforce the implementation of the COSME Loan Guarantee Facility. The guarantee provided under EFSI will allow the EIF to sign a greater number

⁶ To make this happen, Ms. Marjut Santoni, Deputy Chief Executive of the European Investment Fund (EIF) and Mr. Daniel Calleja, Director-General of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission, signed (on 22 July 2015) an amendment to the COSME Delegation Agreement. This will enable SMEs to receive financing supported by the LGF *earlier than was previously possible*.

⁷ European commission, Better access to finance for SMEs, Internet: http://ec.europa.eu/enterprise/initiatives/cosme/access-to-finance-smes/index_en.htm

⁸ European Investment Fund, Internet: http://www.eif.org/what_we_do/news/2014/cosme.htm

of transactions with financial intermediaries earlier than would have been possible under the COSME budget alone. This will ensure COSME has a quicker positive impact, which will lead to further investments, growth and a faster economic recovery. Due to the EFSI guarantee, the EIF could sign additional operations of up to EUR 150 million in 2015, enabling the mobilisation of up to EUR 3 billion of funding for SMEs. At the same time, the overall enhancement could reach up to EUR 500 million (in the period from 2015 to 2019), enabling the mobilisation of up to EUR 10 billion of funding for SMEs. The Access to finance portal provides easy, complete and up-to-date information on how entrepreneurs and SMEs can access over a total of EUR 100 bn of EU financing through various EU programmes during the next seven years.⁹ The portal provides detailed information on how SMEs can apply for finance supported by the EU, via one of approximately 1 000 banks and other financial institutions. The portal is accessible in all EU languages and for all EU and candidate countries. Therefore, EFSI will provide financing (using instruments such as equity, quasi-equity and others) for SMEs projects that are deemed high-risk, which is often missing in the current economic environment. This could be of benefit to small innovative companies, which investors tend to see as presenting higher risk than more established or larger companies. *A quarter of the total investment catalysed by EFSI, or EUR 75 billion over three years will go to SMEs and mid-caps via the European Investment Fund.* SMEs normally receive finance via dedicated funds such as special purpose vehicles (SPVs), or intermediaries such as banks. The EIF has already started co-financing SMEs: in May 2015 it signed a first agreement with a French bank to provide increased lending to innovative companies; followed by similar agreements with banks in other countries.¹⁰ The SME Window of EFSI will support existing funding from the COSME programme and reinforce the implementation of the COSME Loan Guarantee Facility, which has a strong market demand but limited budgetary resources. Thanks to a guarantee provided under EFSI the European Investment Fund will be able to bring forward in time the signature of transactions with financial intermediaries compared to what would have been possible under the COSME budget alone. This will create multiple positive impacts, leading to further investments, growth and faster economic recovery. In the field of energy efficiency, infrastructure and digital agenda (e.g. broadband in remote areas) long-term investment projects often demand a large share of public investments (50% or more) in order to be viable. EFSI will - as a rule - provide the riskier

⁹ Internet:<http://www.access2finance.eu/>

¹⁰ European Investment Fund, Investment Plan for Europe: EIF and bpifrance sign first agreement for innovative French companies, Internet: http://www.eif.org/what_we_do/guarantees/news/2015/efsi_bpi.htm

tranche of the investment so as to maximise the contribution from private sources of financing by reducing the risk (“first loss protection”). Member States and National Promotional Banks can provide co-financing at the level of different projects. In this way they can ensure a higher level of public financing in a certain project. Depending on the sector and the area, *some projects will generate higher returns than others*. This is *not problematic* since EFSI will have a vast portfolio of different projects in different areas, ranging from transport to education, energy to innovation. *Member States can use Structural Funds to finance projects which need a high level of public participation and where it may be more difficult to attract private investors*, given the more limited levels of return. There is a major difference between the current EIB-financed projects and projects financed by EFSI – the so-called “additionality”. “Additionality” means that *a project could not be realized without the backing of the EU guarantee and that other forms of financing were not available to the project due to its risk profile*. The activities of EFSI are additional to the EIB’s traditional activities because they generally target a different risk profile. EFSI will for example get involved in cutting-edge new technology and innovation sectors, as well as finance projects that are perceived as riskier because of their country risk and due to risk-aversion from the private sector.

The EIF will continue to finance SMEs and mid-caps as it has always done, but EFSI will allow this to take place on a larger scale, to companies with riskier or more innovative profiles, and sooner than foreseen by the EIF. Another interesting question is on the relation between the EFSI financing and state aid rules. *EFSI financing is not State aid* within the meaning of the EU Treaties, and EFSI financing will not have to be approved by the European Commission under EU State aid rules. EFSI operations will address market failures or sub-optimal investment situations which could not, or not to the same extent, otherwise have been carried out, and projects supported by EFSI will typically have a higher risk profile than projects supported by EIB normal operations. Projects supported by EFSI may however also benefit from financial support (co-financing) by EU Member States. Such co-financing is, unless granted on market terms, State aid which must be approved by the Commission. The Commission has in the past two years fundamentally modernised its State aid rules.¹¹ It updated the body of rules applying to key economic sectors like broadband, aviation or energy to ensure that taxpayer money is well spent on smart aid measures, which contribute to economic growth and do not harm fair competition. The Commission will assess EFSI projects with Member State co-funding on the basis of its modernised State

¹¹ European Commission, State Aid Modernisation (SAM) and its implementation, Internet:http://ec.europa.eu/competition/state_aid/modernisation/index_en.html

aid framework. To support EFSI, the Commission will assess Member State co-financing as a matter of priority, and give it fast-track treatment. The Commission aims to complete its assessment within six weeks of receiving the required information from the Member State. To support the fast-track process, the Commission will set up an internal task force, establish a dedicated working group for Member States to exchange best practices, and offer real-time advice to Member States on how to design projects in line with EU State aid rules. The fast-track process responds to the exceptional need to bridge the current investment gap in the EU and the lack of risk-financing for economically viable projects, which EFSI seeks to address by mobilising private investment, and the specific form of financing they will provide. EU State aid rules go hand in hand with the Investment Plan's objective of addressing market failures and mobilising private investment. They ensure that investment projects address real needs, keep costs under control and guarantee that public money is genuinely required to get the projects off the ground.

3. EXAMPLES FOR THE FIRST PROJECTS, FINANCED BY THE EFSI

To the moment (July 2015) eight projects of six EU Countries belong to the First Batch to Get Funding under the 'Juncker Plan'. The first six countries to get funding from EFSI are Spain (3 projects), Croatia, Italy, France, Denmark, Finland, and Ireland. The target areas of the approved projects include infrastructure, energy efficiency, energy, public-private partnership, and research and development. The EIB's first EFSI projects profile includes investment in healthcare research in Spain, expansion of Dubrovnik airport in Croatia, the construction of 14 new healthcare centers across Ireland and backing for industrial innovation in Italy. The EIB board approved loans totaling up to EUR 300 million for projects expected to be financed under the EFSI initiative that will support overall investment of around EUR 850 million for public and private sector projects. In the early stages of the Juncker Plan the EIB is considering only projects submitted by private companies, in view of the guarantees that are going to be granted by the new EFSI. In Italy, the Steelmaker Arvedi is the first company whose project will receive EIB financing under the Juncker Plan¹². Arvedi group is a steel manufacturer and market leader in the European steelmaking industry, and first Italian company financed by the EIB under the

¹² Bufacchi, Isabella, Steelmaker Arvedi Pole Position for the first EIB Financing under the Juncker Plan, Internet: <http://www.italy24.ilsole24ore.com/art/business-and-economy/2015-04-14/steelmaker-arvedi-pole-position-for-the-first-eib-financing-under-the-juncker-plan-163056.php?uuid=AB6BuJPD>

Juncker Plan. Arvedi's modernization program, which entails a total cost of €190 million, has been appraised at the EIB together with a series of projects presented by private companies in Germany, France and Spain. It is known that EFSI supports European SMEs to invest in research and development modernization programs. The project comprises investments in two of Arvedi's northern Italian production sites for the modernization and downstream extension of production processes, introduction of new products and research and development (R&D) activities in steel products during the period 2014-2018. The EIB is expected to finance EUR 90 million out of the total EUR 190 million. The Arvedi group, a medium-sized company with 2,200 employees and a consolidated turnover of close to EUR 2 billion, is a sound firm but the level of its indebtedness with the banking sector is such that its implied rating is not high enough to obtain a standard EIB financing: in the past, Arvedi would have needed a state guarantee; that is, a rating upgrade of two notches. The Juncker Plan, via the EFSI guarantees, will make EIB loans accessible to SMEs with a low rating or unrated. The EIB is ready to finance Arvedi's program now, as it counts on the arrival of the EFSI guarantees by year-end.

The EIB financing might be used in part by Arvedi to repay its outstanding bank debt. The project concerns modernization investment in both plants and R&D that are expected to be carried out in existing facilities. Parts of the investment require an environmental impact assessment (EIA) and a change in the existing site-specific environmental authorization (AIA). The Bank's services will review the environmental details of the project during the appraisal. The EIB has granted a 125 million EUR loan¹³ to the Spanish company Abengoa to support its research, development and innovation activities. 50 million EUR of the finance provided by the EIB will come through the EU budget guarantee under the EFSI. The rest of the loan (up to EUR 75m) is supported by "InnovFin – EU Finance for Innovators" – a new range of EIB Group products which benefit from the financial backing of the European Union under Horizon 2020 Financial Instruments and are designed to facilitate access to finance for innovative businesses. This long-term EIB loan will support the company's *research in biotechnology and the development of chemical processes for refineries, water treatment, advanced electrical systems and renewable energies*. These activities will be carried out at Abengoa's research centers in Andalusia, a region with high unemployment. Abengoa's RDI programme is designed to increase the company's

¹³ European Investment Bank, EIB signs first EFSI loan in Spain in support of Abengoa's RDI, Internet: <http://www.eib.org/infocentre/press/releases/all/2015/2015-153-el-bei-firma-el-primer-prestamo-bajo-el-fondo-europeo-de-inversiones-estrategicas-en-espana-en-apoyo-de-las-actividades-de-idi-de-abengoa.htm?media=rss&language=en>

competitiveness by innovating clean/green energy and environmental technologies that will bring major environmental benefits. By financing these RDI investments, the EIB will also give a major boost to the company's sustainable growth and the creation of qualified jobs in Andalusia. The possibility of the Instituto de Crédito Oficial for providing a 30 million EUR contribution is also being examined. In this way the operation will combine funding from InnovFin, EFSI and a state bank to maximise support for high value added job-creating projects in priority sectors. Croatia's Dubrovnik Airport has signed a 476.5 million kuna¹⁴ (63 million euro) deal with local builder KFK Tehnika for the implementation of an upgrade project at the airport. KFK Tehnika, in a consortium with another local construction company - Kamgrad, was chosen for works¹⁵ on terminal building "C" of the airport. The works on the new terminal started in June 2015 and should finish by the end of 2016. They are a part of a bigger project for the reconstruction of Dubrovnik Airport which would involve building an additional passenger terminal and apron capacity, rehabilitating and upgrading the runway and taxiways, building another fuel farm and a range of other important infrastructure improvements. In April 2015, the boards of the European Investment Bank and the European Investment Fund approved financing for the upgrade of Dubrovnik Airport under the EFSI. The lender (EIB) will provide 32.5 million euro for project, whose total cost are 246.5 million euro. Works on the project should last until 2019. The Dubrovnik airport plans to expand its land and airside infrastructure to accommodate rising passenger numbers, expected to reach 3.98 million by 2032, data from the project's environment impact assessment (EIA) indicate¹⁶. According to the EIA, the airport's existing 26,000 square meters passenger terminal is already overstretched, its check-in, security check and luggage handling capacity will not be able to cope with rising passenger numbers after 2016. The Dubrovnik airport registered an increase of 4.1% in passenger numbers reaching to 1.58 million for 2014. The first project financed under the EFSI in Ireland involves an EIB investment of EUR 70 million for the construction of 14 new primary-care centres in Ireland. The long-term, low-interest loan will take the form of a partnership with the Department of Health and private investors. The project total cost of the

¹⁴ 1 euro=7.5586 Croatian kuna

¹⁵ Detailed information on the legal aspects of public procurement theory and practice is available in: Pesheva-Goranova, Ilonka, *Legal Administrative Regime of Public Procurement*, "Stopanstvo" university press, UNWE, Sofia

¹⁶ Djordje Daskalovic, Croatia's Dubrovnik Airport signs deal with KFK Tehnika, partners for upgrade project. Internet:<http://wire.seenews.com/news/croatias-dubrovnik-airport-signs-deal-with-kfk-tehnika-partners-for-upgrade-project-477976#>

project is EUR 142 million. The EIB funding represents up to half of the money required. The money will come from the EIB and the European Investment Fund in the form of a low-interest EUR 70 million loan. Work on the new centres will start in January 2016. The new integrated primary-care centres are expected to bring better health outcomes at a lower cost, lower waiting times and a better working environment¹⁷. The initiative will be managed by the EIB, Europe's long-term lending institution owned by the 28 EU member states, and the EIF, the risk-financing arm within the EIB. Further operations expected to be submitted to the EIB board in the coming months include renewable energy and energy efficiency projects; support for research, development and innovation; digital and social infrastructure projects; and more SME lending.

4. CONCLUSION

The Investment Plan for Europe is widely known as the 'Juncker plan' named after the President of the European Commission Jean-Claude Juncker. The Investment Plan for Europe came to life in 2014 when the newly elected European Commission presented it as the major milestone of its ideas for the development and revival of the EU economy in the post crisis times. The funding instrument for the implementation of this plan is the European Fund for Strategic Investments (EFSI). EFSI is backed by a guarantee from the EU budget and is expected to unlock investments of at least EUR 315 billion in the years 2015-2017.

¹⁷ Aine McMahon, EU to invest €70m in 14 new primary care centres in Ireland, Internet: <http://www.irishtimes.com/business/health-pharma/eu-to-invest-70m-in-14-new-primary-care-centres-in-ireland-1.2185361>

Zoran ERGARAC, M.A.¹

NATIONAL PATTERNS OF R&D RESOURCES AND COMPARABILITY ACROSS COUNTRIES IN THE DANUBE REGION

ABSTRACT

European Commission's initiatives for evidence based policy making in national and regional R&D policies and systems have created a starting point for R&D resources comparability across the Western Balkans countries. ERAWATCH Platform for Research and Innovation Policies and Systems, created by EC's Joint Research Centre / Institute for Prospective Technological Studies and Directorate General for Research and Innovation, provided information and analysis on national, regional and EU level R&D policies. The platform contributed to the realisation of the European Research Area (ERA) and progress towards the Innovation Union. The development of the platform facilitated the production of the main R&D indicators for Western Balkans countries, as well as identification of adequate proportions of investments in research and innovation per sectors. The ERAWATCH analytical framework used in annual country reports presented a useful tool for identification of the key differences in national patterns of R&D resources and available R&D data in the Western Balkans countries in comparison to the rest of the Danube Region. The differences are examined in the context of their overcoming for better connection, coordination and cooperation among the countries of the Danube Region.

Keywords: regional R&D, innovation, Western Balkans, Danube Region, ERAWATCH, R&D indicators, comparability.

1. R&D DATA COMPARABILITY IN THE DANUBE REGION – SCOPE AND FOCUS

The issue of comparability in this article is observed from a perspective of countries of Danube Region which are fully represented and comparable per all categories in

¹ EU expert for research and innovation policies and systems; the European Commission's ERAWATCH country reports expert for Bosnia and Herzegovina.

EUROSTAT Country Profiles², under the „Science and Technology“ datasets. It is in this subsection that countries can be compared in table, graph and map overviews in fourteen categories ranging from human resources in research and development, to R&D expenditures and output. Countries of the Danube Region that are comparable across all categories are Germany, Austria, Czech Republic, Slovakia, Slovenia, Croatia, Hungary, Romania and Bulgaria.³ Western Balkans countries of the Danube Region - Bosnia and Herzegovina, Serbia and Montenegro, are not included in the Eurostat map interface⁴. Data for Serbia and Montenegro are represented in seven out of fourteen categories in the background tables and in the graph overview where values from the tables are shown in ranges. However Bosnia and Herzegovina is represented neither in graphs nor in the datasets and it is not listed among the covered countries. For this reason, the comparisons for Bosnia and Herzegovina in this article are based on the national statistics and ERAWATCH country reports for Bosnia and Herzegovina published in 2013 and 2014. These publications are the last annual analytical reports concerned with research and innovation system performance that were produced for Bosnia and Herzegovina,⁵ within the ERAWATCH Platform on Research and Innovation Policies and Systems - an initiative jointly carried out by the European Commission's Joint Research Centre - Institute for Prospective Technological Studies (JRC-IPTS), Directorate-General for Research and Innovation (DG-RTD) and in close collaboration with the Directorate-General for Enterprise and Industry (DG-ENTR).⁶ After ten years of operation, the ERAWATCH platform will be phased out at the end of 2015 and succeeded by the Research and Innovation Observatory (RIO)/Horizon 2020 Policy Support Facility.⁷ Experiences from ERAWATCH's analyses of Bosnia and Herzegovina's research and innovation system are used as an example of additional tools that can be used to resolve issues of R&D data availability for inclusion in relevant databases from which comparable profiles are generated. This is even more important knowing that the EUROSTAT's light peer review (LPR) of statistical offices of Serbia and Montenegro was undertaken in 2011-2012 within the framework of the EUROSTAT funded project 'Global assessments of statistical systems of candidate and potential candidate countries as well as ENP countries'⁸. Light peer reviews target

² Internet: <http://ec.europa.eu/eurostat/guip/themeAction.do>, 10.10.2015

³ Listed countries are EU member states, however Eurostat Country Profiles also extends to associated countries and third countries.

⁴ For comparison, FYR Macedonia is represented in the tables.

⁵ Which is also the case with ERAWATCH annual country reports for other Western Balkans countries published in 2013 and 2014.

⁶ Internet: <http://erawatch.jrc.ec.europa.eu/erawatch/opencms/index.html>, 11.10.2015

⁷ Internet: <https://rio.jrc.ec.europa.eu/>, 11.10.2015

⁸ Internet: <http://ec.europa.eu/eurostat/web/enlargement-countries/publications/reports>, 11.10.2015

countries with relatively well-developed statistical systems that are on the way to join the EU. In addition, Montenegro and Bosnia and Herzegovina underwent EUROSTAT's adapted global assessments in 2010-2011, which are comprehensive reviews of a country's statistical system that are tailored towards the needs of countries with a European perspective which have the intention to align their statistical production to European standards.

Principle 14 of Eurostat's statistical output - Coherence and comparability of Eurostat's Quality Assurance Framework (QAF) provides that European Statistics are consistent internally, over time and comparable between regions and countries; and that it should be possible to combine and make joint use of related data from different sources:

Indicator 1: Statistics are internally coherent and consistent (i.e. arithmetic and accounting identities observed).

Indicator 2: Statistics are comparable over a reasonable period of time.

Indicator 3: Statistics are compiled on the basis of common standards with respect to scope, definitions, units and classifications in the different surveys and sources.

Indicator 4: Statistics from the different sources and of different periodicity are compared and reconciled.

Indicator 5: Cross-national comparability of the data is ensured within the European Statistical System through periodical exchanges between the European Statistical System and other statistical systems. Methodological studies are carried out in close co-operation between the Member States and Eurostat.⁹

The Quality Assurance Framework with its principles and indicators contains recommendations of activities, methods and tools defined in an action-oriented approach that facilitate the practical and effective implementation. It is a compilation of activities, methods and tools already being used by the members of the European Statistical System.

2. COHERENCE AND COMPARABILITY OF R&D DATA IN WESTERN BALKANS

The most important category for comparison in area of R&D and establishing of the level of compliance with the abovementioned Principle 14 of Eurostat's statistical output is available data on the Gross Expenditure on Research and

⁹ *Implementation in Eurostat – Principle 14: Coherence and Comparability*, European Commission: Eurostat, 2014, Internet: <http://ec.europa.eu/eurostat/web/quality/principle14>, 12.10.2015

Development (GERD). Western Balkans Regional Strategy for Innovation indicates that GERD in the Western Balkans has declined dramatically in the past two decades and that the region is investing approximately €495m in R&D per year, which corresponds to roughly the amount invested by the second-largest U.S. research university in 2011¹⁰. The Strategy states that the region's R&D intensity (0.33 percent of GDP), is much lower than the levels shown by Bulgaria and Romania (about 0.5 percent) when they joined the EU in 2007.¹¹ What is also indicated in the Strategy is that the variance of R&D intensity within the region is also worrisome, with the differences between the largest intensities (Croatia and Serbia) and the smallest (Bosnia and Herzegovina) reaching a magnitude of almost 30 times.¹² However, the finding regarding Bosnia and Herzegovina's GERD in the Western Balkans Regional Strategy for Bosnia and Herzegovina (and not limited to it) was caused by a long delay in acceptance of methodology for calculating of GERD in Bosnia and Herzegovina. The state-level BiH Agency of Statistics and the FBiH Bureau of Statistics did not provide the R&D data for BiH and FBiH until the early 2014, when the first R&D releases were published by both agencies. It was only the Republic of Srpska Bureau of Statistics that published the R&D data in annual releases since 2010, but only for the territory of Republic of Srpska (RS). Since this report was produced for a third consecutive year in 2012 and for a fourth consecutive year in 2013, it was possible to make a rough estimate of the basic R&D funding indicators for the whole country in the European Commission's ERAWATCH Country Report 2012 for Bosnia and Herzegovina. The rough estimate was based on RS GERD per capita value and BiH population index; RS per capita R&D annual values multiplied by total BiH population annual value, adjusted for RS-specific and FBiH-specific structure of funding and outliers in government, higher education and business sector funding.¹³ The rough estimate provided for BiH GERD is that it was around 0.3% of BiH GDP observed from 2009 to 2012.¹⁴ According to the BiH Agency of Statistics release "Research and Development 2012" with R&D data for 2012, published at the end of January 2014, the official BiH GERD in 2012 was €35.57m

¹⁰ *Western Balkans Regional R&D Strategy for Innovation*, Western Balkans Regional R&D Strategy for Innovation World Bank Technical Assistance Project, 2013, p.4. Internet: <http://bit.ly/1hFFGR5>, 13.10.2015

¹¹ *Ibid*, p. 4.

¹² *Ibid*, p. 4.

¹³ Zoran Ergarac, *ERAWATCH Country Reports 2012: Bosnia and Herzegovina*, European Commission Joint Research Centre, Scientific and Technical Research Series - ISSN 1831-9424 (online), 2013, pp. 8-10, Internet: http://erawatch.jrc.ec.europa.eu/erawatch/export/sites/default/galleries/generic_files/file_0492.pdf, 14.10.2015

¹⁴ *Ibid*, p. 9.

or €9.38 per capita (0.27% of GDP).¹⁵ This confirmed the rough estimate made in 2013 in ERAWATCH Country Report 2012 for Bosnia and Herzegovina and indicated that the problem with establishing of the official GERD value for Bosnia and Herzegovina was due to a delay in production of statistical reports for R&D at different levels of governance in Bosnia and Herzegovina. This left room for the interpretation that the BiH's R&D intensity is drastically lower than in Croatia and Serbia, such as in the aforementioned conclusion in the Western Balkans Regional Strategy for Innovation¹⁶. However, the abovementioned ERAWATCH analysis provided an insight indicating that the prospects for Bosnia and Herzegovina's GERD are not that bleak.

3. STRUCTURE OF GERD (GROSS EXPENDITURE ON R&D) IN R&D DATA COMPARABILITY

The further confusion over GERD was also caused by a very late adoption of understanding by the stakeholders that GERD, by the Organisation for Economic Co-operation and Development's (OECD) definition, is the total intramural expenditure on research and development performed on the national territory during a given period and that it is compiled on the basis of the OECD Frascati Manual 2002 methodology, which defines R&D as - "creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications".¹⁷ According to Eurostat, GERD in Montenegro in 2013 was 0.38% GDP, while in Serbia it was 0.73% GDP.¹⁸ The EU28 average in 2013 was 2.01% GDP with the target of reaching 3% GDP GERD by 2020. It is therefore necessary to compare it with other countries of the Danube region in order to recognize further patterns, particularly with regard to their EU membership. In 2013 the GERD in Romania was 0.39%; in Bulgaria 0.65% GDP; in Croatia 0.81%, in Slovakia 0.83%; in Hungary 1.41%; in Czech Republic 1.91%; in Slovenia 2.59%; in Austria 2.81% and in Germany 2.85%.¹⁹

¹⁵ *Research and Development 2012*, Agency for Statistics of Bosnia and Herzegovina statistical release no. I/1, 2014, p. 3. Internet http://www.bhas.ba/saopstenja/2014/NTI_RD_2012_001_01_bos.pdf, 14.10.2015

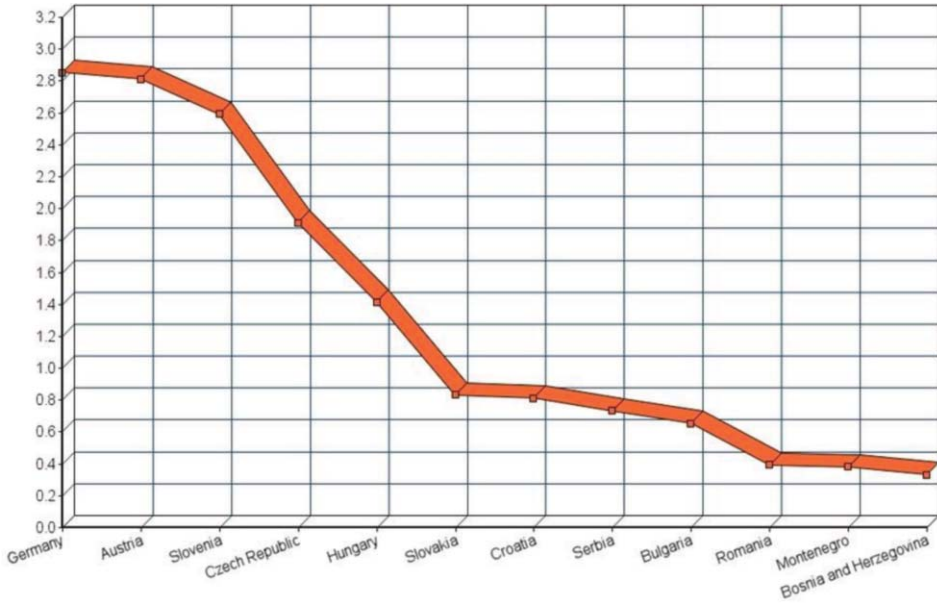
¹⁶ However, it was not the only source that operated with BiH's GERD figures much lower than what was realistic. Some of the statements made in the BiH media over time were that BiH's GERD was around 0.05 to 0.07% of GDP.

¹⁷ *Building Knowledge: R&D Expenditure*, OECD Science, Technology and Industry Scoreboard 2011, Internet: <http://bit.ly/1Rcm6rQ>, 15.10.2015

¹⁸ *Gross Domestic Expenditure on R&D (GERD) as a % of GDP*, European Commission: Eurostat Products Datasets, 2015, Internet: <http://bit.ly/1FR3HR4>, 14.10.2015

¹⁹ Ibid.

R&D Intensity in the Danube Region in 2013



Gross expenditure on research and development (GERD) in %GDP. Source: Eurostat²⁰

The data for Bosnia and Herzegovina are not available in Eurostat, but the latest available data at national level indicate the 2013 GERD at the level of 0.33% GDP²¹, which puts it at the last place in the Danube Region. GERD is usually broken down among four sectors of performance: business enterprise, higher education, government and private not-for-profit institutions serving households (PNP).²² OECD's Innovation Scoreboard 2011 also indicates that because R&D typically involves a few large performing organisations, R&D surveys use various techniques to maintain up-to-date registers of known performers and countries have begun to include investment in R&D (from an ownership perspective) in their estimates of gross fixed capital formation, thus helping to raise the estimated level of GDP.²³ According to the same source, the business sector continues to be the main performer

²⁰ Ibid., excluding Bosnia and Herzegovina, for which the source is national statistics, as indicated in the text.

²¹ *Research and Development 2013*, Agency for Statistics of Bosnia and Herzegovina statistical release no. II/1, 2014, p. 4. Internet: http://www.bhas.ba/saopstenja/2014/NTI_RD_2013_001_01_bos.pdf, 15.10.2015

²² Ibid.

²³ Ibid.

of R&D in most economies and accounts for nearly 70% of R&D performed in the OECD area, while it is exceeded by R&D in the higher education sector only in Turkey, Greece and Poland. Across the OECD, higher education R&D accounts for approximately 17% of total GERD.²⁴ This was also the reason why the official BiH GERD was established so late comparing with other countries in the region; difficulties in timely response across governance levels as a national characteristic were aggravated by difficulties in the coverage of national surveys on R&D across sectors and industries, which affected business sector the most, and which in the end proved to be a larger contributor than it was anticipated.

4. IMPORTANCE OF BUSINESS EXPENDITURE ON R&D IN R&D DATA COMPARABILITY

From the overview of the business enterprise R&D expenditure (BERD) from all sectors per inhabitant, the following resource pattern emerges; Germany, Austria, Slovenia, Czech Republic and Hungary far exceed the rest of the Danube region countries in this category, with Hungary ranking lowest among them with €99.2 per inhabitant in 2013, in comparison with €154.2 per inhabitant in Czech Republic in 2013; €347.5 in Slovenia; €653.9 in Germany and €738.5 in Austria.²⁵ Here it is important to notice that Slovakia and Croatia who are also EU member states are positioned relatively close at €41.7 per inhabitant in Croatia in 2013, and €52.2 in Slovakia.²⁶ EU member state Romania is the lowest ranking among the EU member states in the Danube region. In 2013 Romania allocated €8.5 per inhabitant in this category, with the second lowest being the EU member state Bulgaria with €22.4 per inhabitant allocated in 2013. The business enterprise R&D expenditure from all sectors per inhabitant in Serbia was €3.1 per inhabitant in 2011, €9.9 in 2012 and €4.6 in 2013.²⁷ Montenegro allocated €4.8 per inhabitant in 2011²⁸ and €10 in 2013. Bosnia and Herzegovina is not included in Eurostat Datasets, but calculating from the latest available data, the country allocated around €3.7 per inhabitant in this category in 2011,²⁹ and around €5.4 in 2012.³⁰ ERAWATCH's analytical

²⁴ Ibid.

²⁵ *Business enterprise R&D expenditure (BERD) by size class and source of funds*, European Commission: Eurostat Products Datasets, 2015, Internet: <http://bit.ly/1NIZbqo>, 14.10.2015

²⁶ Ibid.

²⁷ Ibid.

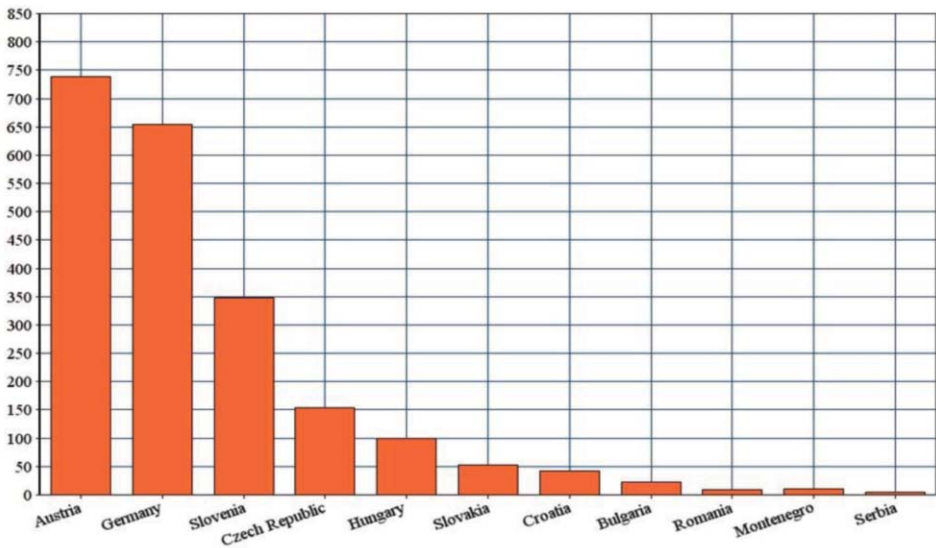
²⁸ The 2012 data for Montenegro are not included in the relevant Eurostat table.

²⁹ Zoran Ergarac, (2013), loc.cit, p. 9.

³⁰ Zoran Ergarac, *ERAWATCH Country Reports 2013: Bosnia and Herzegovina*, European Commission Joint Research Centre, Scientific and Technical Research Series - ISSN 1831-

approach presented a useful tool for insight into the research sub-system of countries like Bosnia and Herzegovina whose cross-section is otherwise not yet fully represented at the level of the European Statistical System. According to the BiH Agency of Statistics release “Research and Development 2012” with R&D data for 2012, published at the end of January 2014, the official BiH GERD in 2012 was €35.57m or €9.38 per capita (0.27% of GDP). Out of that, the business enterprise R&D expenditure (BERD) was €20.7m and made 0.16% of GDP or 58% of GERD, in comparison with 26% of GERD performed by higher education institutions and 14% of GERD performed by government sector.³¹ This rising trend of BERD was also indicated in the rough estimates of BiH’s R&D indicators presented in the ERAWATCH Country Reports 2012 and 2013.

Business enterprise R&D expenditure in the Danube Region
from all sectors per inhabitant in 2013



Euros per inhabitant in 2013

Source: Eurostat³²

9424 (online), 2014, p. 10, Internet: http://erawatch.jrc.ec.europa.eu/erawatch/export/sites/default/galleries/generic_files/file_0510.pdf, 14.10.2015

³¹ *Research and Development 2012*, Agency for Statistics of Bosnia and Herzegovina statistical release no. I/1, loc. cit. p. 3

³² Business Enterprise R&D Expenditure (BERD) by Size Class and Source of Funds, European Commission: Eurostat Products Datasets, 2015, Internet: <http://bit.ly/1NIZbqo>, 15.10.2015. Relevant data for Bosnia and Herzegovina are not available, as explained in the text.

From the observed data, the first implications are that the accession to the EU empowers the business enterprise sector as an R&D performer. This is, however, true up to a certain point, when other R&D performers come into perspective. Havas (2015) observes this within the composition of the research sub-system in Central and Eastern European countries: While the structural composition of the research sub-system of the EU10 countries showed a great diversity already in 2000 – for instance the weight of the business sector in employing FTE researchers was ranging from 4% (Lithuania) to 62% (Romania) and in performing GERD from 21% (Bulgaria) to 56% (Slovenia) –, fairly significant changes have occurred since then almost in all countries, adding more colours to the observed diversity. *Changes have occurred in both directions in all the three major research performing sectors, taking either the share of FTE researchers or the share of GERD performed. Thus neither a similar structural composition of the research sub-system can be observed, nor a move towards a similar structure.*³³ The business enterprise sector performance (BERD) should therefore not be understood only in terms of target values as much as GERD is, and in which a linear trend can be observed. The point to which the business enterprise sector performance is important for the Danube Region countries are regional aspects of pattern recognition in terms of R&D resources. This is where the ERAWATCH type analysis was able to determine reasons that, as in the aforementioned case of Bosnia and Herzegovina, produced delays in data availability and their misrepresentation. This is particularly important for the countries of the Danube Region that are in the process of EU accession; Serbia, Bosnia and Herzegovina, and Montenegro, where the aforementioned Principle 14 of Eurostat's statistical output - Coherence and comparability stresses the need that the statistics are compiled on the basis of common standards with respect to scope, definitions, units and classifications in the different surveys and sources.³⁴ This, in the context of these countries, can also be understood as a precondition for the Principle 14's demand that the cross-national comparability of the data is ensured within the European Statistical System.

5. DATA COMPARABILITY AND RESPONSIVENESS TO CHANGES

R&D data comparability in abovementioned terms should not be observed only in respect to general compliance with European statistical standards, but should also be regarded in terms of effective response to sub-processes which are taking place

³³ Attila Havas, *Structural changes in the national innovation systems of the EU10 countries, Achievements and Challenges for the Emerging Economies of Central Europe*, 22-24 June 2015, UCL SSEES, London, p.14.

³⁴ *Implementation in Eurostat – Principle 14: Coherence and Comparability*, loc.cit.

while the statistical systems are adjusted to standards. One of the examples in which the R&D data availability is important in the Danube region is cluster collaboration in Priority Area 8: “Competitiveness” of the EU Strategy for the Danube Region (EUSDR). According to findings of the EUSDR Working Group on Clusters of Excellence within the Steering Group of Priority Area 8, in all regions of the EU Strategy for the Danube Regions, existence of clusters proved to be beneficial, with European Regional Development Fund (ERDF) deemed as equal or major source of financing compared to national budgets³⁵. Furthermore, the findings indicate a significant level of diversity in budgets allocated to clusters: 70 % of the Danube Region countries have budget allocations of below 2 million Euros per year, among the highly innovative regions in Germany and Austria, and more than half of them only go up to 0.5 million Euros. The Czech Republic, Hungary and Slovenia are the only countries allocating between 20-50 million Euros at national level; between 70 and 90% of those budgets are ERDF. (...) In the western part of the Danube Region, clusters are driven by innovation, with strong cluster management and clear and clear policy support instruments. Clusters are either technology clusters or more industry sector-based clusters; cooperation of SME with research is enhanced by various policy instruments. In the Western Balkans and Eastern Danube Region a culture for collaboration in general is missing, even more noticeable is the lack of collaboration between SMEs and research. Clusters are mainly driven by business development and export objectives.³⁶ The policy recommendations of the EUSDR Working Group on Clusters of Excellence for the Danube Region are that clusters should be used to enhance knowledge in SMEs in key enabling technologies; to integrate clusters of SME and applied research in regional smart specialization strategies; to create environments for new demand-driven cluster initiatives in different sectors and technology fields; use cluster initiatives for transnational value chains across the Danube Region; generate tools to enhance cluster excellence; and introduce flexible programming and combination of funds where ERDF and INTERREG programs can be used for cluster policy exchanges, with new approaches in cluster policy and the creation of transnational value chains also eligible for support from Horizon 2020 and COSME.³⁷

It is precisely in the area of internationalization of R&D that the Principle 14’s demand for the cross-national comparability of the data comes into light, since according to Zahradnik & Urban (2014), there has been a noticeable increase lately

³⁵ *Danube Clusters: Striving for Excellence*, Results of the EUSDR Working Group on Clusters of Excellence, Steering Group of Priority Area 8 Competitiveness of Enterprises Including Cluster Development, 2013, p. 5, Internet: <http://bit.ly/1RctIKS>, 15.10.2015.

³⁶ *Ibid.*, pp. 5-6.

³⁷ *Ibid.*, pp. 8-11.

in attention of national statistical offices for R&D internationalization, in particular in EU member countries.³⁸ In that aspect the importance of determining the “inward BERD” is stressed. Inward sectoral R&D intensity measures the degree of internationalisation at sectoral level. Dachs et al. (2011) state that the major part of inward BERD, almost 80%, is found in the manufacturing sector and in medium-high- and high-technology manufacturing industries in particular (together 70% of total inward BERD), and that there is a significant share of inward BERD in service industries, particularly in knowledge-intensive services in the EU.³⁹

6. RECOMMENDATIONS AND CONCLUDING NOTES

In accordance with the aforementioned policy recommendations of the EUSDR Working Group on Clusters of Excellence for the Danube Region, the pattern of R&D resources in the Danube Region countries is to be established with the strong emphasis on the internationalization aspects within the regional cooperation. In this sense, it is important to continue with the analytical approach within which, for instance, the ERAWATCH country reports for Bosnia and Herzegovina 2012 and 2013 recognized the trend of rising BERD before the official data from national-level statistics were available, as mentioned earlier. In the case of Bosnia and Herzegovina, this should also be directed towards a more precise determining of the structure of BERD, particularly the identification of inward BERD since the national statistics with data for 2013 indicate a rising trend of BERD to almost 60% of GERD, but to the largest extent in the category of “Mining and Quarrying”,⁴⁰ where the internationalization of ownership and investments is mostly present.⁴¹ Areas such as these should be closely observed in other Western Balkans countries. This is where the national statistical systems, with the help of support platforms such as in the described contributions by EC’s ERAWATCH Platform should become more responsive in terms of timely assessment of the structure of R&D funding, where established statistical categories demand further surveys that, for instance, determine the ratios within the categories, such as in the mentioned

³⁸ Georg Zahradnik and Waltraut Urban, “Issues in Collecting Data on Internationalisation of R&D” in Bernard Dachs, Robert Stehrer, Georg Zahradnik (Eds.), *The Internationalisation of Business R&D*, Edward Elgar Publishing, Cheltenham, 2014, p. 31.

³⁹ Bernhard Dachs, Doris Hanzl-Weiß, Gabor Hunya, Franziska Kampik, Sandra Leitner, Georg Zahradnik, *Internationalisation of Business Investments in R&D and Analysis of their Economic Impact*, Interim Analysis Report for RTD/DirC/C3/2010/SI2.563818, 2011, p. 8, Internet <http://bit.ly/1RcxpQS>, 15.10.2015.

⁴⁰ Per NACE Rev.2, 2013.

⁴¹ *Research and Development 2013*, Agency for Statistics of Bosnia and Herzegovina statistical release no. II/1, loc.cit., p. 1.

category of inward BERD, where it is juxtaposed with the domestic BERD, as a measure of R&D internationalization. This approach should present a leap from tracing of R&D resources in lieu of set EU target values (as mentioned earlier in the case of GERD), to a more flexible approach in which the new patterns of R&D resources emerge due to regional cooperation.

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Edita STOJIC KARANOVIC, Ph.D.¹

Enisa IMAMOVIĆ²

THE DANUBE TRANSNATIONAL PROGRAMME – A NEW INSTRUMENT FOR THE IMPLEMENTATION OF THE EU’S STRATEGY FOR THE DANUBE REGION

ABSTRACT

The EU Strategy for the Danube basin region implies the inclusion of all stakeholders in its implementation, starting from state bodies of Danube countries to non-governmental sector and civil society. Danube offers great opportunities for all countries of the Danube region in terms of sustainable use of all its resources. According the opinion of the authors of this article the biggest limitation in the sustainable use of the Danube is the lack of financial resources and funds. The numerous civil society organizations indicated in the previous period, with more or less success and on this lack. The European Commission has launched the creation of a new transnational cooperation program for the period 2014-2020, entitled: *the Danube Transnational Programme*. This program can motivate the state of the Danube region to participate in project activities for which it provided financial fund of the European Union of circa 222 million euros.

Key words: The EU Strategy for the Danube basin region, regional cooperation, Danube transnational program, project cooperation, EU funds.

1. INTRODUCTION

The region of the Danube basin is very rich in natural and cultural resources. Their sustainable use demands local, micro-regional, national, cross border and

¹ Institute of International Politics and Economics, Belgrade. Founder and president of the International Scientific Forum “Danube - River of Cooperation”.

² BA in Cultural Management (ELTE University, Budapest). Coordinator of cultural programs and projects of the International Scientific Forum “Danube - River of Cooperation”.

macro-regional cooperation. Sustainable development at all these levels could be substantially supported with a well organized cross-level and regional cooperation among the state administrations, as well as among civil society organizations. It is obvious that sustainable development requires regional and cross-border cooperation of states, but a significant support by civil society organizations could help a lot, especially if they have a strong cooperation among themselves. Based on this idea, the European Union's Strategy for the Danube Region (EUSDR) was introduced in 2011, setting the basis for the construction of the modern regional group in the international river basin of the Danube.³ It provides strong support for the development of all countries of the Danube basin, regardless whether they are members of the EU or not. This characteristic of the EUSDR is guided by the principles of responsible use of natural resources for sustainable development. The need to respect these principles was also indicated in previous researches that were undertaken in the 1980s and continued during the first decade of the 21st century.⁴ But also the cross-cooperation of all the three sectors (civil society – state bodies – private sector) with each others in all countries of the Danube region is crucially important. Therefore the Council of the European Union asked all interested international, national and regional organisations, regional and local communities to respect the initiatives of the civil society. The Council invited the National Contact Points and the Priority Area Coordinators of the EU Strategy for the Danube Region (EUSDR) to provide relevant information to citizens and to promote public awareness about the goals and methods of the Strategy. That is equally important for the Danube Transnational Programme (DTP). The inclusion of civil society and the civil stakeholders in the process of implementation is crucial to the success of the DTP, too. The geographical area of the new DTP is identical to the area covered by the EUSDR adopted in 2011. But the macro-regional strategy and the transnational program contain very different instruments. Whereas focusing on the same geographical area, EUSDR and DTP do it on different principles and levels. At the same time, identical areas and objectives provide opportunities for cooperation between EUSDR and DTP. In addition, DTP will also contribute to the implementation of priority areas of the EUSDR, through related transnational projects, and support the governance of the EUSDR.

³ Internet:<http://www.danube-region.eu/> (accessed 30-09-2015)

⁴ See Collections of papers: from the First (1989) Conferences "Danube – River of Cooperation" co-published by Institute of International Politics and Economics and International Scientific Forum "Danube – River of Cooperation" at www.danube.cooperation.com (accessed 11-09-2015)

2. STRENGTHS AND WEAKNESSES OF THE EUSDR

The overall value of the river Danube as an international European transport corridor and as a water resource – the resource that will become the most demanded natural resource during this century – urged by the end of 1980s the need for a complex assessment, a developed awareness and a comprehensive strategy of sustainable use of the Danube. There were scientific researches, articles, some micro-regional strategies, but not a sufficient public awareness and legal regulation of the conditions which would enable and force the sustainable use of the river Danube and of the water resource in general. In the previous decades we were witnessed the careless behaviour of mankind towards resources in general, as well in the Danube basin. Also, the engagement of civil society was not sufficient. Mutual effort is needed for improving the knowledge about the goals of the EUSDR to remove the above mentioned shortcomings. Civil society organisations (CSOs) should do the most in dissemination of this information among the people of the Danube region. Although the importance of the influence of civil society in the implementation of the EUSDR is theoretically recognised, there are lots of limitations the CSOs face, mostly in the countries of Middle and Lower Danube basin. Apart from problems of sustainable use of natural resources in the Danube region, there are some political cross-border problems that should be solved more easily if efforts are made through EUSDR activities. One of them involving Serbia and Croatia is the long unsolved problem of delimitation on the Danube River between the two countries. Namely, after the “beginning of Yugoslav crisis Croatia has requested the return of territory of approximately 7000 acres that had been ‘transferred’ to Serbia due to alternation of Danube’s riverbed. Croatia based this claim on measurements from cadastral survey register that had been carried out in 19th century by the Austrian- Hungarian Empire’s officials... The Joint Commission for Delimitation had been set up in 1998 and still no official records on results of its work have been published.”⁵ By 2011, Serbian diplomats made several requests to the EU, asking it to pressure Croatia to resolve the dispute before Croatia’s accession to the union. The request was denied by the EU. The Croatian President in 2012, Ivo Josipović stated that Croatia should not block Serbia’s EU accession over the issue and suggested that the dispute should be resolved through arbitration, which is considered to be an acceptable solution by both countries. But in 2014 Zoran Milanović, the then Prime Minister of Croatia, said that the resolution of the border dispute would be Croatia’s condition placed before Serbia in its EU accession negotiations. In opinion of the

⁵ Duško Dimitrijević: *Open Border Issues among States Successor of the SFR Yugoslavia, Collection of Works presented at the international scientific conference “Danube – River of Cooperation”, Beograd 2007, ISBN: 978-86-7067-117-1*

authors of this article, an additional possibility to facilitate the solution of this problem would be through developing strong cross-border projects in the priority areas of the EUSDR that would lessen the importance of the border.

The EUSDR has gives new opportunities for Serbia, as it is the first EU strategy which includes equally non EU-member countries in the implementation of an EU strategy. “This significantly extends the capabilities of Serbia for the development of regional and cross-border co-operation with the countries of the Danube basin. This cooperation is enhanced in the fields that are on one hand priority areas of the EUSDR, on the other hand they are of paramount importance for the sustainable and complex development of Serbia.”⁶ These areas are: improvement of mobility and multi-modality, encouraging sustainable energy, promotion of culture and tourism and people to people contacts, restoring and maintain water quality, managing environmental risks, biodiversity, landscapes and the quality of air and soil, development of society through research, education and information technologies, supporting the competitiveness of enterprises, including cluster development, investing in people and skills, and improving institutional capacity and cooperation and as well as working together to promote security and tackle organized and serious crime. It is an acceptable and even very valuable practice in the project-generation process and the process of application for support in several EU funds that transnational teams are working together, proving the truth of slogan “Tell me and I forget. Teach me and I remember. Involve me and I learn”. However, in spite of all valuable strengths of the EUSDR, the of lack of specific financial means was one of its most important weakness. There are enough examples of this, but the phenomenon should be a topic of deeper further research. Let us give here one example: When the first financial support for EUSDR projects at last showed up, the *START 1st Call*, 651 formally correct applications were submitted!⁷ But only 25 projects were selected, that is only 2,87% of the total number of submitted and formally correct ones. Applicants came from all the 14 Danube Region countries. Regarding the type of organizations, most lead applicants were NGOs (360) followed by universities/research institutes (137) and public agencies/organizations (76). Most lead applicants of the applied projects came from Slovenia, 120, but only 2 were selected. From Serbia 104 projects were proposed, but only 3 were selected. From

⁶ Edita Stojić Karanović, “The importance of the Danube strategy for the development of Serbia’s regional cooperation in 21st Century”, in Dragan Petrović, Nevenka Jeftić Šarčević (eds.) *Serbia in the Danube Region in the 21st Century*, collection of works, Institute of International Politics and Economics, Belgrade 2014, p. 21.

⁷ Among them the one International Scientific Forum “Danube – River of Cooperation” submitted under the title Knowledge on flood resilience and resistance.

Hungary 3 were selected out of 91 proposed projects and from Romania 2 out of 76 proposed projects.

Table 1. Countries of Lead- and Project Partners of selected Projects

Country of Lead Partners	Lead Partners	Lead + Project Partners
Austria	2	14
Bosnia-Herzegovina	1	6
Bulgaria	4	12
Croatia	1	13
Czech Republic	3	7
Germany	2	5
Hungary	3	11
Moldova	0	3
Montenegro	0	2
Romania	2	16
Serbia	3	16
Slovakia	1	8
Slovenia	2	7
Ukraine	1	3
Total	25	123

Internet: <http://www.danube-capacitycooperation.eu/pages/start>

The above given data proves how large is the interest and need for financial support from the entire Danube Region, and that the need for financing support, especially for small projects, is very high. The need of introducing a new financial instrument became very obvious.

3. THE GOALS AND PROGRAMME PRIORITIES OF THE DANUBE TRANSNATIONAL PROGRAMME

The Danube Transnational Programme (DTP) is a financing instrument of the European Territorial Cooperation (ETC), better known as *Interreg*. ETC is one of the goals of the *European Union cohesion policy* and provides a framework for the implementation of joint actions and policy exchanges between national,

regional and local actors from different Member States.⁸ DTP promotes economic, social and territorial cohesion in the Danube Region through policy integration in selected fields. In order to achieve a higher degree of territorial integration of the very heterogeneous Danube region, the transnational cooperation programme acts as a policy driver and pioneer to tackle common challenges and needs in specific policy fields where transnational cooperation is expected to deliver tangible results. Considering its geographical coverage, this highly complex programme provides a political dimension to transnational cooperation which is unique in Europe, successfully facing challenges such as ensuring good mechanisms to contract partners who receive funding from different EU instruments. The DTP finances projects for the development and practical implementation of policy frameworks, tools and services and concrete small-scale pilot investments. Strong complementarities with the broader *EU Strategy for the Danube Region* (EUSDR) are sought. The total programme budget is 262 989 839 Euros, including the EU support (221 924 597 €) and the national counterpart (41 065 242 €). The EU support comes from three different funds:

- European Regional Development Fund (ERDF) (202 095 405 €)
- Instrument for Pre-Accession Assistance II (IPA II) (19 829 192 €)
- European Neighbourhood Instrument (ENI) (tbd)

Selected projects are financed up to 85% of their costs. The priorities of the Danube Transnational Programme are based on the specific characteristics and needs of the programme area which have been identified and agreed upon through an extensive programming and consultation process among the programme stakeholders and a wider ETC community. Moreover, the programming took into account lessons learned from previous programming periods, the given financial framework and the existence of suitable implementation and administration structures.⁹ The cooperation programme is structured across four priority axes (a fifth priority axis is related to the Technical Assistance of the Danube Transnational Programme) that intend to develop coordinated policies and actions in the programme area reinforcing the commitments of the Europe 2020 strategy towards the three dimensions of smart, sustainable and inclusive growth. It is very important that projects supported by the DTP must form transnational partnerships to cooperate together. And four thematic priorities and specific objectives of the DTP were identified: The first thematic priority is called “Innovative and socially responsible Danube region”. In order to contribute to the implementation of the

⁸ Internet: http://ec.europa.eu/regional_policy/en/policy/what/investment-policy/ (accessed 13-09-2015)

⁹ Internet: <http://www.interreg-danube.eu/about-dtp/participating-countries> (accessed 13-11-2015)

flagship initiative “Innovation Union of the Europe 2020 Strategy” in the Danube Region countries, the programme pays specific attention to a number of innovation topics of broad relevance in the cooperation area such as eco-innovation, knowledge transfer, cluster policy, social innovation and skilled entrepreneurship including technological and non-technological innovation aspects. The social dimension in innovation (social innovation, educational aspects, and entrepreneurship skills) is given high importance. Research and innovation is interlinked with other thematic objectives addressed by the programme. The Specific Objectives covered by Priority 1 are: to improve framework conditions for innovation and to increase competences for business and social innovation. The total budget for Priority 1 is: 72 995 850 €. The second thematic priority is formulated as “Environment and culture responsible Danube region” which means that the DTP strengthens joint and integrated approaches to preserve and manage the diversity of natural and cultural assets in the Danube region as a basis for sustainable development and growth strategies. Moreover it envisages investing in the creation and/or maintenance of ecological corridors of transnational relevance in the Danube region. This intervention is directly interlinked with water management and the control of environmental risk factors such as flood risks. Furthermore, disaster prevention and disaster management (risk management) is addressed related to risks that are caused by non-functioning ecosystems and man-made changes in climate conditions. The Specific Objectives covered by Priority 2 are:

- Strengthen transnational water management and flood risk prevention
- Foster sustainable use of natural and cultural heritage and resources
- Foster the restoration and management of ecological corridors
- Improve preparedness for environmental risk management
- The total budget for Priority 2 is: 83 423 830 €

The third thematic priority is named “Better connected and energy responsible Danube region”. The cooperation programme tackles common challenges related to environmentally-friendly (including low-noise), low-carbon and safe transport systems including inland waterways and ports and multi-modal links in order to contribute to sustainable regional and local mobility, modal integration and intelligent transport. The programme intends also to support the regional connectivity and the balanced accessibility of urban and rural areas. Better management of regional mobility and better permeability of borders at the regional level should ensure that urban and rural areas benefit from the opportunities created by the major transportation networks which are developed at the European level. On the other hand, energy is a typical issue in which a transnational approach is essential in order to ensure the security of supply of the countries, market integration and more effective regional planning, as well as to jointly identify the most critical infrastructure developments. Regional energy

planning and coordination should be improved across the Danube region within the wider context of EU energy policy-making in order to safeguard the security and efficiency of energy supplies. Another aspect is the development of smart distribution systems where the programme area is still in the early stages. The programme aims to contribute within its specific scope to the development of smart energy distribution systems to make the significant investments of regions in renewable energy sources, energy efficiency and smart grids more efficient. The Specific Objectives covered by Priority 3 are:

- Support environmentally-friendly and safe transport systems and balanced accessibility of urban and rural areas
- Improve energy security and energy efficiency
- The total budget for Priority 3 is: 54 746 889 €

The fourth thematic priority is formulated as “Well-governed Danube region”. Namely, institutional cooperation and capacity is a key target and the vital element of the programme at the same time. Institutional capacity is not just a technical matter of training civil servants, but it relates to how public authorities interact with and deliver services to businesses and citizens. “Good governance” is the basis and ultimate objective for institutional capacity building. Good governance builds trust and social capital. States with a high level of social capital tend to perform better economically. The need has been identified by the analysis to develop the capacities of the public authorities and other public and civil society stakeholders to tackle more effectively the challenges of highest relevance for the region. Establishing institutional cooperation by the programme should lead to improving legal and policy frameworks, developing strategies and action plans, development of joint capacities and coordinated delivery of services in areas with major societal challenges such as labour market policies, education systems and policies, demographic change and migration challenges, inclusion of vulnerable and marginalized groups, participatory planning process and involvement of civil society, urban-rural cooperation and partnership, cooperation on safety, justice and security issues. In addition, Priority 4 addresses the need to strengthen the governance and to ease the implementation of the EUSDR through targeted support measures. The Specific Objectives covered by Priority 4 are:

- Improve institutional capacities to tackle major societal challenges
- Support to the governance and implementation of the EUSDR
- The total budget for this Priority is: 33 890 932 €

4. MANAGING STRUCTURES OF THE DTP

The *Monitoring Committee (MC)*, consisting of representatives of each participating country, supervises the implementation of the DTP and selects

projects to be financed. Its overall task is to ensure the quality and effectiveness of programme implementation.

The *Managing Authority (MA)* is responsible for the overall programme implementation. The *Joint Secretariat (JS)*, hosted by the Ministry for National Economy in Hungary, will be the central contact point for potential project applicants and Lead Partners of selected/running operations.

The *Certifying Authority (CA)* is responsible for drawing up and submitting certified statements of expenditure and applications for payment to the Commission and receiving payments from the Commission. The *CA* will use the payments received from the Commission to reimburse the Lead Beneficiaries.

The *Audit Authority (AA)* ensures that audits of the management and control systems are carried out on an appropriate sample of operations and on the annual accounts. The *AA* will be assisted by a *Group of Auditors (GoA)* comprising of representatives from responsible bodies of each Partner State.

National Contact Points (NCPs) are set up by each participating country to complement transnational activities of the *MA* and the *JS* by involving stakeholders from the national level as well as to contribute to the national and transnational programme management.

The *Lead Partners (LP)* located in one of the Danube Member States are designated by all the beneficiaries participating in a project to assume responsibility for ensuring implementation of the entire operation (including the arrangements for recovering amounts unduly paid); furthermore for ensuring that the expenditure presented by other beneficiaries has been incurred and corresponds to the activities agreed between all the beneficiaries, that it has been verified by a controller, and that the other beneficiaries receive the total amount of the contribution from the funds.

First Level Controllers are designated by each Partner State to ensure the compliance of expenditure incurred by the national project partners with Community and national rules, by carrying out appropriate verifications, covering administrative, financial, technical and physical aspects of operations. Controllers will be nominated in line with the national provisions of each Partner State. Each country participating in the DTP is responsible for verifications carried out on its territory.

5. CONCLUSIONS

Civil society is one of the three important sectors of society, linked by common interests and collective activity, along with government and business. It is the area outside the market and state, encompassing a spectrum of actors and entities with a wide range of purposes, structures, level of organization, number

of members or geographical area. An active and well organised civil society needs to be more widely encouraged. Stronger participation of civil society facilitates commonly agreed solutions for problems through a regular dialogue. The inclusion of civil society in implementing the strategy and the association of civil stakeholders are crucial to the success of the Danube Strategy. In that sense we would like to cite the final document of one of the international scientific conferences “Danube – River of Cooperation” held under the title “The Role of Civil Society in Promotion of the Danube Basin Potential”, the Declaration adopted at the 21st International Scientific Conference “Danube – The River of Cooperation” on October 21, 2010 in Belgrade: “We declare our greatest satisfaction that European Union started a macro regional development strategy – the European Union Strategy for Danube Region (EUSDR) – for the territory of the Danube river basin, including countries regardless of their membership in the EU. We are especially pleased that goals of the EUSDR are the same objectives that the members of the ISF “DRC” were advocating and lobbying for, more then 20 years. Now, with the intensification of the Danubian cooperation through the proposal and adaptation of the EUSDR in the fields of economy, tourism, traffic, energetic, as well as in ecology and culture, we hope these goals will finally get the needed support.”¹⁰ The document also stressed the need for an integrated development of the Danube region, that the Danube-Basin should be considered as a single development region and that it should have integrated multi-system transport routes which must not harm the environment of the Danube region. We suggested giving precedence to the ecological factors with giving special emphasis to the projects of sustainable development and climate change. For achieving all these goals it is necessary to connect and cooperate with organizations of civil society in neighbouring and other countries of the Danube region and in neighbouring regions. Therefore cooperation and networking among CSOs in the Danube region are recommended.

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Silvana JOVCHESKA Ph.D¹

PROFESIONALNI MENADŽERI ZA PROFESIONALNE EVROPSKE VREDNOSTI

APSTRAKT

Sistemski pristup u organizacionoj strategiji naglašava ulogu rukovodećeg osoblja kao najvažnijeg dela upravljanja ljudskim resursima, i kao strateški važnog alata za uspešno pristupanje na međunarodnom tržištu. Strategija razvoja menadžmenta u međunarodnim korporacijama počinje i završava se sa profilisanjem rukovodećeg potencijala kroz matrice za identifikaciju vodećih talenata. U ovom radu autorka će pokazati da menadžeri predstavljaju potencijal koji u organizacionoj strukturi mora imati profil budućih lidera ili rukovodioca čije individualni, stručni i organizacioni potencijali se mora meriti i ocenjivati kroz razvoj međunarodne korporacije. Investicija u stalno obrazovanje i profesionalni razvoj rukovodećeg osoblja u međunarodnim korporacijama od ogromnog je značaja za opstanak i konkurentnost preduzeća na međunarodnom nivou. Iz sistematskih vrednosti koje proizilaze iz strateškog plana za permanentnog obrazovanja i stručnog usavršavanja ljudskih resursa u vodećim kompanijama na globalnom nivou potvrđuje se da iste imaju funkciju da povećaju mogućnosti i sposobnosti preduzeća koja su jedini uslov i ključ za uspeh korporacije. Empirijske vrednosti profesionalnog razvoja ljudskih resursa potvrđuju da sa stalnom edukacijom i razvojem ljudskih resursa dolazi do povećanja realnih mogućnosti i konkurentnosti korporacija.

Ključne reči: međunarodni biznis, međunarodni menadžment, međunarodne korporacije, profesionalni razvoj, međunarodna strategija.

UVOD

Konkurentsku prednost organizacije nesumnjivo zavisi od stručnog osoblja zaposlenih u toj organizaciji. Danas, drugačiji je način gledanja na ljudski potencijal i obrazovanje kadrova poreklom iz zemalja zapadnog Balkana. I dok u vreme

¹ FON University, Skopje, R. Macedonia.

socijalizma vladao je tradicionalan način briga o profesionalni razvoj zaposlenih, danas stojimo pred izazovom da se prilagodimo novim savremenim načinima izgradnje naše kariere i kariere naših zaposlenih. Ovaj trend ukazuje na potrebu o permanentna griza oko razvoja kadrova, posebno rukovodećeg osoblja. Za ovo je potrebno u svakom modernom organizacijom koja egzistira na tlu Zapadnog Balkana, formulisanje i planiranje kontinuirane edukacije kadrova. Strateški plan za profesionalni razvoj zaposlenih u organizaciji sastoji se od četiri odvojenih dela²: analiza performansi, planove za buduće potrebe organizacije (zapošljavanje novog osoblja ili dodatnu obuku i stručno usavršavanje zaposlenih u organizaciji), vrste obuke na radnom mestu i izvan rada i evaluacije programa obuke. Analiza performansa, predstavlja analiza određene nedostatke zaposlenih i kako ovi nedostaci mogu biti koregovani uz pomoć dodatnog obrazovanja ili ti nedostaci se ne mogu koregovati kako što su “nedostaci” ličnih priroda osobe, npr. starosti i slično. Savremeni menadžeri stoje pre izazov da identifikuje zaposlene koji imaju potencijal za dodatnu obuku, razvoj i unapređenje kariere, kako i izbegavanje neželjenih posledica, kao što su demotivacije i napuštanje(otkaz) organizaciju s njihove strane. Procena rezultata osoblja daje jasnu sliku o prednosti i slabosti svakog pojedinca, zaposlenog u organizaciji. To je zapravo polazište za planiranje karijere. Strategija treba da bude usmerena ka iskoristavanje prednosti i izbegivanja loše strane zaposlenih ciljem da bi se koristili prilike za njihov razvoj karijere. Planiranje karijera efikasno se uklapa u proceni rezultata. Iako konkretnih koraka u razvoju strategije za profesionalni razvoj i karijeru može da varira, proces je sličan sa razvoj organizacione strategije. Lanier, A.R nudi listu temeljnih obuka za menadžere, pre njihovih odlaska na međunarodnih zadatka:³

- Pre-posetu zamlja boravka;
- Kurs jezika;
- Intenzivan kurs oko karakteristike zemlje boravka;
- Priručnici koje sadrže konkretne informacije i činjenice o zemlji i kompaniju u kojoj bi menadžer išao na posao;
- Savetovanje u kompaniju o pitanjima kao što su porezi, pravna pitanja;
- Sastanci sa repatrijatima koji se nedavno vratili iz lokacije na kojoj se pojedinac ispraća;
- Lokalno sponzorstvo i pomoć za dolazak i snalaženje u novom okruženju na međunarodnom zadatku.

² Franklin D., “Changing the Climate”, IEEE, Manufacturing and Engineering, April–May, 2004, pp. 45–7

³ Lanier A.R., “Selecting and Preparing Personnel for Overseas Transfers”, Personnel Journal, March, 1979, pp. 160–163.

Svi ovi treninzi će omogućiti da se stope menadžera, koji bi se vratili u svoje matične zemlje, značajno smanjiti. Ovo je potvrđeno od strane kompanije Shell, naftena kompanija u Sjedinjenim Američkim Državama, pod čijim istraživanja potvrđuju: Kompanija Shell zahteva slanje menadžerima na radne zadatke u Saudijskoj Arabiji. Problem se javio kada su rukovodioci bili poslani tamo bez i jednog dana provedenog na treningu i obrazovanju za realizaciju međunarodne zadatka u tom teremu. Tada Shell doživljava 60% prevremenih vraćanja svojih rukovodilaca u sedištu kompanijata. Odlukata da iskoriste nove prakse savremenog međunarodnog upravljanja koji pruža kontinuirana obuka i razvoj zaposlenih, stavljajući poseban naglasak na menadžmenta, kompanija Shell je odlučila da počne vođenje obuke za svoje zaposlene. Iskustvo je pokazalo da za samo tri dana provedenih na obuci, stopa prinosa je pala na 5%, a za samo šest dana, ova cifra je pala na 1,5%. Značaj sprovođenja obuke za kros-kulturne raznolikosti naroda, daje i činjenica da jedinstveno 20% od Amerikanaca koji su poslatni na međunarodnim poslovima su pokazali dobre rezultate⁴.

2. VRSTE I MODELI ZA PROFESIONALNI RAZVOJ POJEDINACA U ORGANIZACIJAMA

Nakon izbora osoblja koji će biti poslani na međunarodnim poslovima, MNK potrebno je obezbediti obuke za osoblje kako bi se oni uspešno adaptirali na novu sredinu i bi dale pozitivne poslovne rezultate na međunarodnom nivou. Analize pokazuju da menadžeri poslani na najsveobuhvatniji međunarodni zadatci treba se fokusirati na obuke sa sledeće nadležnosti:

- Kognitivne kompetencije: sticanje znanja i činjenica o kulturama, uključujući i faktore kao što su istorije, ekonomije, politike, poslovnim običajima, porodičnim odnosima ...
- Kompetencija na prilagođavanje: sposobnost da se menadžer prilagodi različitim uslovima, komunikacije sa ljudima iz drugih kultura, efikasno upravljanje stresom ...
- Kompetencija o efikasnosti: dobra sposobnost da realizuje zadatke u drugoj kulturi, uključujući i odgovarajućim tehničkim i menadžerskih veština, kreativno i kritički analizovati prilike o razvijanje mreža i sistema oko podrške za postizanje ciljeva na međunarodnog terenu.⁵

⁴ Budhwar P.S., Baruch Y., "Career management practices in India: An empirical study," International Journal of Manpower, 24 (6), 2003, pp. 69–719.

⁵ Briscoe D.R., Schuler R.S., "International Human Resource Management: Policy and Practice for the Global Enterprise", 2-ed., Routledge, London, UK, 2004.

Prema mesto gde se obavljaju obuke, oni mogu biti klasifikovani kao obuka za posao, obuke u organizaciji (van radnog mesta) i obuku izvan organizacije⁶. Izbor vrsta obuke treba sprovesti zavisno od vrste i nivoa znanja i veština koje poseduju zaposleni i dosadašnje iskustvo u organizacije. Moderne organizacije u osnovi koriste pet modela obuke zaposlenih: funkcionalan metod, model kupac, matički metod, model korporativnog univerziteta i model virtuelnu obuku za organizaciju. Funkcionalni (fakultetski) metod podrazumeva specijalizaciju kadrova u oblastima znanja i sposobnosti. Prednost ove metode se ogleda u činjenici da su zaposleni obučeni da budu profesionalci u sektoru u kojoj posluju, tako da za potrebe profesionalaca obuke je potrebno direktna obuka za sadašnje i dugoročnih područja od interesa organizacije. Model kupac podrazumeva postojanje specijalizovanog sektora u kojima će organizacija brinuti o zadovoljavanju potreba za obukom pojedinih sektora u organizaciji. Zadatak obuke izvođača radova da bude u stalnoj komunikaciji sa odeljenjima i obavljaju obuku u skladu sa njihovim potrebama, a to uključuje dodatnu zapošljavanje stručnjaka iz određenih oblasti do specifičnog treninga. Model matrica je model u kojem su menadžere odgovorne i za obuke i kako direktore pojedinih funkcija. Oni su istovremeno stručnjaci za obuku i za individualne funkcionalne modela iz te oblasti. Ovaj model pruža obuku za potrebe izvođenja. Model korporativnog univerziteta obuhvata korisnike obuke od zaposlenih u organizaciji, da kontaktiraju ljude u inostranstvu, kao predavača iz nekih školama, fakultetima i slično. U ovom slučaju to je širi program obuke za razliku od zatvorenog treninga. Model virtuelne organizacije je razvijen za brzo i kvalitetno učenje kroz radnom mestu, a ne u učionici. Za stečeno znanje odgovorni su sami zaposleni, a trener je treba da prenese znanje, da bi se menadžer osigurao da zaposleni koriste stečena znanja na poslu. *Bratton i Gold* kao najprimenivani modela obuke izdvajaju sledeće: sistematski i integrisani model obuke zaposlenih.⁷ Sistematski modela obuke obuhvata četiri faze u njegovoj osnovi: identifikacija potreba za obukom i definisanja svoje ciljeve, dizajniranje proces obuka, njegovu implementaciju i evaluaciju. Uz pomoć ovih treninga naglašavaju se vertikalni protok informacija u organizaciji, stavljaajući poseban naglasak na efikasnosti troškova celog procesa. Prema *Taylor* ovaj model je pogodan za organizacije u stabilnom okruženju sa jasno definisanim ciljevima, a za drugih organizacija koje djeluju u nestabilnom okruženju, neophodno je koristiti integrisani model obuke.⁸ Obuke spored sadržaju

⁶ Becker B.E., Huselid M.A., "High Performance Work Systems and Firm Performance: A Synthesis of Research and Managerial Implications", *Research in Personnel and Human Resource Management* 16, 1998 p. 53-101

⁷ Bartlett C.A., Goshal S. "Managing Across Borders: The Transnational Solution", Boston, MA: Harvard Business School Press, 1998, p. 32

⁸ Torrington D., Hall L. Taylor S. "Human Resource Management", Prentice-Hall, USA, 2004, p. 211.

moгу biti: obrazovni, motivacioni, sa komunikaciski i prilagodljiv karakter. Oni su podsticajne i garancija za menadžeri oko izgradnju uspešne karijere. Kroz razne menadžeske obuke dobijaju se dodatna znanja što je preduslov za uspešno izvođenje poslova upravljanja i sprovođenje organizacionih ciljeva, i na taj način menadžeri će naučiti profesionalno da se izgrade kao preduslov i podsticaj za budući razvoj karijere. Obuka za kulturu daje uvod u kulturnim karakteristikama pojedinih civilizacija i njenog razumevanja od strane polaznika⁹. Po razumevanje kulture, menadžeri će ojačati komunikacione sposobnosti za poslovne komunikacije u zemlji domaćina. Oni takođe dobijaju obuku oko istorije te zemlje, njene političke orijentacije, ekonomskoj situaciji u zemlji, religije lokalnog stanovništva ... Obuka oko kulture ima veliki uticaj na menadžerske kvaliteta poslovanja na međunarodnom nivou. Praksa pokazuje da je pre nego što se donese program obuke u stranoj filijale, međunarodne HR menadžere moraju da analiziraju kako ove kulture vide obrazovni proces. Na primer, u mnogim azijskim kulturama, obrazovanje je autoritarna pojava, uz dužno poštovanje za vaspitača i jednosmernu komunikaciju, koja za razliku od SAD i Evrope gde se smatra uspešnim sa mnogo neformalnih metoda komunikacije i prenosa znanja. Uticaj kulture ima svoj odraz na percepciju polova i njihov položaj u organizaciji. Tako se razlikuju čiste muške kulture gde ženska prava su i dalje na veoma nizak stadijum ili ih uopšte ne poštuju. Za tu svrhu, poštovanje za kulturu i obuku kulture se meri sa uspehom organizacije na međunarodnom tržištu. Kursevi stranih jezika je obavezna obuka za kandidate koji ne znaju engleski, a za daleko efikasnije realizacije organizacionih ciljeva, postoji povećana potreba za znanjem jezika zemlje domaćina¹⁰. Znajući jezik zemlje domaćina omogućava se zaposlenim da budu u stanju da efikasno komuniciraju u preduzeću i izvan organizacije sa dobavljačima, podizvođačima, kupaca i ostalo okruženju. Uspesna poslovna komunikacija zahteva sposobnost da se precizno i efikasno komunicira. Iako je engleski primarni u privrednog međunarodno okruženje, poznavanja jezika lokalnog stanovništva je od posebnog značaja za efikasno sprovođenje organizacionih ciljeva. Zbog ovo, uspešne MNK poznavanje engleskog i drugih stranih jezika stavila kao prioritet za zapošljavanje osoblja u njihovoj organizaciji¹¹. Mike Semrau, pomoćnik potpredsednik i direktor međunarodnih ljudskih resursa na Coca-Cola je naveo da je jedan od glavnih pravila zapošljavanja u kompanije znanje na više jezika i multikulturne sposobnosti aplikantata. To je potvrdio George Gourlay, potpredsednik korporativnih proizvodnih operacija Coca-Cola: "Razumevanje različite kulture i poznavanje

⁹ Fang T., "From "Onion" to "Ocean": Paradox and Change in National Cultures", *International Studies of Management and Organization*, 35 (4), 2006, pp. 71–90

¹⁰ Barney J.B., "Firm Resources and Sustained Competitive Advantage", *Journal of Management* 17(1), 1991, pp. 99-120

¹¹ Laabs J.J., "The global talent search," *Personnel Journal*, August, 1991, p. 13.

stranih jezika je od suštinskog značaja za naš uspeh. Da bi našim klijentima dali ono što oni očekuju - stalno, kad god oni to traže, bez obzira na lokalnim uslovima - to je naš izazov¹². Izazov da se poznaje više jezika je postala interesantna za mnoge Amerikance koji su pratili primer svojim kolegama u Evropi i Aziji. Sve ovo i mnoge druge obuke potrebno da prođe menadžere pre odlaska na rad u filijalima izvan matične zemlje. Uz pomoć obuka, menadžeri da će biti konkurentniji na globalnom tržištu. Ali trenutak povratka menadžerima u svojoj domovini (repatrijacije) je deo koji trebamo razmotriti kada je u pitanju efikasno korišćenje veštine i znanja menadžerima koji su stikli.

3. ZAKLJUČAK

Obuka za menadžere i zaposlenih predstavljaju odskočnu dasku sa kojima se dođe do ličnog napredovanja u karijeri i predstavlja izazov i motivacija za svakog zaposlenog u savremenoj organizaciji. Obuka je preduslov za budući razvoj karijere rukovodilaca i zaposlenih u celini. Razvoj menadžera zahteva situacionog pristupa ciljeve, tehnike i metode za unapređenje performanse koje će biti u skladu sa realnim vrijednostima, normama i karakteristikama organizacione i životne sredine. Za efikasne programe obuke i stručnog usavršavanja menadžera i zaposlenih, smatraju se one programe koji su pokazali pozitivne rezultate u smislu njihovih relevantnosti, lojalnosti, diferencijacije i praktičnosti.¹³ Relevantnost u pogledu meri u kojoj su rezultati obuke u vezi sa sadržajem obuke. Lojalnost se odnosi na mogućnost kontinuiranog praćenja efekta obuke za duži vremenski period. Diferencijacija uključuje u kojoj meri su poboljšane performanse menadžera i zaposlenih nakon obuke i pogodnost je izražena u stepenu složenosti kriterijuma za vrednovanje u pogledu njihovog merenja.

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Jasmina VUKOTIĆ, Ph.D¹

THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF CLUSTER AS A FORM OF ASSOCIATION OF BUSINESS ENTITIES

ABSTRACT

Bearing in mind that one of the objectives of the Danube Region Strategy is the prosperity in the Danube region, and that this objective also includes support to the competitiveness of enterprises, the paper will be processed clusters, as forms of association of companies, entrepreneurs and other subjects in order to promote growth and competitiveness. In the paper will be discussed the establishment and the operation of the clusters, as well as their interconnection, especially the regional and geographical connecting businesses, in order to improve their operations and achieve other objectives. It will be analyzed the structure of clusters, their diversity, as well as opportunities to improve their organization. In order to achieve the objectives for which clusters was established it is necessary to consider some issues related to organizational support to clusters and the policy of clusters led by the competent authorities.

Key words: cluster, the Danube Region Strategy, business association, competitiveness, connecting business.

INTRODUCTION

In this paper will be discussed first about the concept of the clusters and its main characteristics, its benefits and weaknesses. After that, the central point of the article will be the establishment and the organization of the clusters according to Serbian law. Also, it will be discussed about clusters according to the Danube Region Strategy and its priority areas.

¹ University Business Academy, Novi Sad, Faculty of Applied Management, Economics and Finance, Belgrade.

THE EU STRATEGY FOR DANUBE REGION AND THE PRIORITY AREA 8 OF THE STRATEGY²

The priority area 8 of the EU Strategy for Danube Region (within the pillar Building prosperity³) includes supporting to the competitiveness of enterprises. One way of this supporting is a development of clusters. In the Action plan of the EU Strategy for Danube Region are mentioned different actions. One of them is the action – “to foster cooperation and exchange of knowledge between SMEs, academia and the public sector in areas of competence in the Danube Region”.⁴ This goal can be achieved through developing clusters, through the construction of new and the use of existing technology parks and through linking of existing networks. Cooperation should be fostered in areas where there is a particular knowledge in the Danube Region.⁵ In this priority area is formed working group “Cluster of Excellence“, which has established a cluster platform named “DanuClus“, which provides international networking space for future cluster success, innovation, competitiveness and prosperity in the Danube Region.⁶ A memorandum of understanding on cooperation in the field of cluster organization development and cluster policy support within the Danube Region countries has been signed at the 2nd Workshop of the Priority Area 8 “Cluster networking and development prospects in the Danube Region” in Vukovar, Croatia on 13th September 2013.⁷ The main goals of this understanding are: inter-cluster cooperation and internationalization of clusters within the Danube Region, the aggregation and exchange of knowledge, data, information and best practices on clusters in the participating countries, the boosting of key factors for cluster excellence, such as awareness and capacity building, training, evaluation, innovation and R&D, technology transfer, emerging industry and responses to social challenges, the development and strengthening of cluster strategies at the regional, national and EU level through joint projects and active joint participation in the DanuClus (Danube Cluster Networks) initiative.⁸

² Internet: [http://www/Communication%20of%20the%20Commission%20EUSDR%20\(1\).pdf](http://www/Communication%20of%20the%20Commission%20EUSDR%20(1).pdf), 13.10.2015.

³ According to the Strategy clusters and links between centers of excellence, binding them into existing education and research networks, will extend the competitiveness of upstream enterprises to the whole region. Internet: [http://www/Communication%20of%20the%20Commission%20EUSDR%20\(1\).pdf](http://www/Communication%20of%20the%20Commission%20EUSDR%20(1).pdf), 13.10.2015.

⁴ Action Plan of EU Strategy of Danube Region, Internet: <http://www/Action%20Plan%20EUSDR.pdf>, pp. 64-6, 13.10.2015.

⁵ *Ibid.*, p. 64.

⁶ Internet: <http://groupspaces.com/Competitiveness/pages/wg-2-cluster-of-excellence>, 14.10.2015.

⁷ Internet: <http://groupspaces.com/Competitiveness/item/504786>, 14.10.2015.

⁸ Internet: <http://groupspaces.com/Competitiveness/item/504786>, 14.10.2015. The agreement is signed among following national cluster associations: The Association of Business Clusters

THE CONCEPT OF THE CLUSTER

There are many definitions of clusters. According to Michael E. Porter clusters are geographic concentrations of interconnected companies, specialized suppliers, service providers, firms in related industries, and associated institutions (e.g., universities, standards agencies, trade associations) in a particular field that compete but also cooperate.⁹ Clusters are a striking feature of virtually every national, regional, state, and even metropolitan economy, especially in more advanced nations.¹⁰ There are also other definitions of the cluster.¹¹

THE CHARACTERISTICS OF THE CLUSTER, ITS BENEFITS AND WEAKNESSES

The main characteristics of the cluster are: geographical proximity, what means that the clusters are geographically interconnected, active interaction between members of a cluster, the common interests of the members and critical mass of participants or significant numbers of participants of a cluster. The members of the cluster are interdependent; there is the rapid diffusion of the knowledge in the cluster and strategic partnerships with suppliers and customers.¹² The clusters could lead to the rise of the competitiveness. The benefits of the clusters are on the one hand the growth of productivity (exchange of information, lowering of cost, using common resources, easier access to inputs, rapid diffusion of the best practice, etc.) and on the other hand the growth of innovations (exchange of ideas, development of new

ABC in Bulgaria, the Affiliation of Croatian Clusters within CEE, The National Cluster Association of the Czech Republic, Clustero – The Romanian Cluster Association, The Cluster House in Serbia and The Union of Slovak Clusters.

⁹ Michael E. Porter, "Location, Competition, and Economic Development: Local Clusters in a Global Economy", *Economic Development Quarterly*, February 2000, p. 15. Internet: http://ibr.hi.is/sites/ibr.hi.is/files/Location_Competition_and_Economic_Development_Local_Clusters_in_a_Global_Economy.pdf, 14.10.2015.

¹⁰ Michael E. Porter, "Clusters and the New Economics of Competition", *Harvard Business Review*, November-December 1998. Internet: <https://hbr.org/1998/11/clusters-and-the-new-economics-of-competition>, 14.10.2015.

¹¹ For more definitions of the concept of the cluster see: Georgi Zheliazkov, Darina Zaimova, Evgeni Genchev, Krasimira Toneva, „Cluster development in rural areas”, *Economics of Agriculture*, vol. 62, no. 1/2015, pp. 76-7. See: Milan Ilić, "Poslovni inkubatori i klasteri kao model razvoja malih i srednjih preduzeća u industriji -Business incubators and clusters as a model development of small and medium-sized enterprises in the industry" (in Serbian), *Industrija – Industry*, vol. 34, no. 4/2006, pp. 75-6.

¹² More about characteristics of the cluster see: *Ibid.*, 78.

products, knowledge creation, concentration of experts, etc.). Therefore, clusters can foster high levels of productivity and innovation.¹³ The concept of cluster has his weakness. The problem could be the selection of the branches or of the level of the strategy, skepticism among entrepreneurs, domination of big companies, institutional barriers, etc.¹⁴ Among them, the most important are: insufficient visibility of clusters (low number of participants, low interaction, etc.), lacking of human resources for developing a cluster, lacking of appropriate infrastructure and lacking interaction between institutions and companies as potential members of a cluster.

THE ESTABLISHMENT OF CLUSTERS

In Serbian law clusters aren't particularly regulated, but they could be established. In Serbian law, there are any particular law which regulates clusters and the notion of cluster isn't mentioned in any law, except in the Regulation for the rules for granting state aid¹⁵, where is regulated the state aid for innovative clusters, the types of the aid and the amount of the aid. This means that clusters in Serbian law belong to the category of unnamed business entities, which are allowed to exist, but aren't particularly regulated.¹⁶ Now, in Serbian law, there are 2 statutory ways of establishing clusters. First is regulated in the Law on Companies and second is regulated in the Law of Associations.¹⁷ Also, clusters could be made by contracts. According to the Law on Companies cluster could be established as a business association, which aim is achieving the common interests of the members, not making the profit. The business association has to be a legal entity, which could be founded by two or more companies or entrepreneurs. The business association has to be registered in the register when acquires the status of the legal entity. Such form of association couldn't change its legal form into a company. On issues related to business associations that are not regulated by the Law on Companies shall be accordingly applied the rules governing the position of the association (the rules of

¹³ See: Yovka Bankova, "Bulgarian Clusters Under Development: Political Framework and Results", Marketing, vol. 42, no 4/2011, p. 220.

¹⁴ Dijana Stojković, "Klasteri-Clusters" (in Serbian), *Pravo i privreda - Law and Economy*, no. 5-8/2007, p. 1045.

¹⁵ Regulations on the rules for granting state aid - Uredba o pravilima za dodelu državne pomoći, art. 75-80, *Serbian Official Gazette*, no. 13/2010, 100/2011, 91/2012, 37/2013 and 97/2013.

¹⁶ Siniša Varga, Nina Planojević, "Pravni okviri klastera -The legal frames for clusters" (in Serbian), *Pravo i privreda - Law and Economy*, no. 7-9/2012, p. 101.

¹⁷ In Serbia there were clusters, established before enacting these Laws, which were established in different legal ways (as companies, funds) because there weren't particular rules that encompass clusters.

the Law of Association).¹⁸ The act of establishment of the business association is the agreement between the founders. By this agreement are regulated the issues of the management of the business association, the accession and the resignation of the members, the funds and finance of this association, the cessation of the association and other significant question for which the founders consider to be of importance. The business association could be established without the capital.¹⁹ The business association is the statutory form that establishes on the autonomous basis, which aim is to improve and harmonize the performance of business activities.²⁰ The business association is liable for its obligations of all its assets and the members are liable in accordance with the founding act.²¹ The concept of the business association in Serbian law is similar to the institution formed in EU law – European Economic Interest Grouping (EEIG), which purpose is to facilitate or develop the economic activities of its members by a pooling of resources, activities or skills. An EEIG can be formed by companies, firms and other legal entities governed by public or private law which have been formed in accordance with the law of a Member State and which have their registered office in the European Union and also it could be formed by individuals carrying on an industrial, commercial, craft or agricultural activity or providing professional or other services in the EU.²² The EEIG does not necessarily have to be formed with capital, it is a suitable instrument for small and medium-sized enterprises (and for freelance activities), which does not correspond to the immobilization of large capital in order to realize some functions.²³ According to Law of Associations the association is a voluntary and non-profit organization based on the freedom of association of individuals or legal entities established in order to protect and improve certain common or general goals and interests, which are not prohibited by the Constitution or the Law.²⁴ The association could be

¹⁸ See: art. 578-580 of the Serbian Law on Companies – *Zakon o privrednim društvima Republike Srbije*, *Serbian Official Gazette*, no. 36/2011, 99/2011, 83/2014 and 5/2015.

¹⁹ Ivica Jankovec, Vladimir Kozar, *Commercial law – Privredno pravo* (in Serbian), Projuris, Beograd, 2010, p. 51.

²⁰ Mirko Vasiljević, *Business Law – Poslovno pravo* (in Serbian), Udruženje pravnik u privredi Srbije i Crne Gore, Beograd, 2004, p. 361.

²¹ Mirko Vasiljević, *Company law – Kompanijsko pravo* (in Serbian), Pravni fakultet Univerziteta u Beogradu, Beograd, 2013, p. 514.

²² Summary of Council Regulation (EEC) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping (EEIG). Internet: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l26015>, 20.10.2015.

²³ Mirko Vasiljević, Vuk Radović, Tatjana Jevremović Petrović, *Company law of European Union – Kompanijsko pravo Evropske unije* (in Serbian), Pravni fakultet Univerziteta u Beogradu, Beograd, 2012, p. 430.

²⁴ See: art. 2 of the Serbian Law of Associations – *Zakon o udruženjima Republike Srbije*, *Serbian Official Gazette*, no. 51/2009 and 99/2011.

registered when it becomes legal entity, but the registration isn't mandatory. For associations that do not have the status of a legal entity, shall apply accordingly, the legal rules for civil partnership. The association has to have minimum 3 members and it is provided that at least one of the founders must have a permanent address or headquarters in the territory of the Republic of Serbia. The founders of the association could be individuals or legal entities.²⁵ The association is established by adopting the act of establishment and the statute and by the election of the person authorized to represent the association at the constituent assembly of the association.²⁶ The members could manage the association directly or through their representatives in the bodies of the association. The Assembly is the highest body of the association, but the association could have the other bodies, provided by the statute.²⁷ Bearing in mind that according to the law on Companies the cluster as a business association could have minimum 2 members, but both of them have to be companies or entrepreneurs and that according to the Law of Associations the minimum members of the cluster as an association is 3, it could be concluded that when the members of the cluster are institutions or individuals (which aren't companies nor entrepreneurs) that the number of members of the cluster have to be minimum three, not two.²⁸ Observing the above mentioned legal rules which could be applied in the establishment of clusters, it could be concluded that in Serbian law some kind of clusters couldn't be established as legal entities or as associations and that they only could be established on the basis of the contract, not in a statutory way.²⁹ The clusters established on the basis of the contract couldn't apply for the state aid, according to the above mentioned Regulation, which regulates granting the state aid for the innovative clusters. One of the questions which we could mention is the question of the possibility of making a profit by the clusters. The clusters in the form of a business association according the Law on Companies couldn't make a profit, its aim is achieving the common interests of the members and such clusters are the centers of the costs, not the centers of the profit. On the other hand the clusters established in the form of an association according to the Law of Association could exceptionally make a profit under specific conditions: such activities have to be connected to its statutory goals, be regulated in its statute and be in a limited scope or be carried out to the extent necessary to achieve the

²⁵ See: art. 4 and 10 of the Serbian Law of Associations – Zakon o udruženjima Republike Srbije.

²⁶ See: art. 11 of the Serbian Law of Associations – Zakon o udruženjima Republike Srbije.

²⁷ See: art. 21, 22 and 24 of the Serbian Law of Associations – Zakon o udruženjima Republike Srbije.

²⁸ About the question if it is possible that an unregistered association according to the Law of Association with less than 3 subjects could be the association on which the legal rules for civil partnership will be applied see more: Siniša Varga, Nina Planojević, *op. cit.*, p. 104.

²⁹ *Ibid.*, p. 105.

objectives of the association. The activities have to be registered in the Register and the association can start with the activities only after entry of the activities in the Register.³⁰ Bearing in mind that the main goal of the cluster couldn't be making the profit the cluster could make the commercial activities, but conditionally and in a limited scope, according to the Law which regulates the tax on profits of legal entities.³¹ The other question which could be set up is the question of the subjectivity of the cluster itself. The cluster could be a legal entity itself, but it is not necessary. There are clusters where the members are connected with contracts and such clusters aren't legal entities. On the other hand members of a cluster could be connected on a statutory basis and then the cluster is a particular legal entity, which could be registered or not. The clusters which are legal entities are private associations with non-profit purpose and their unique purpose is achievement of the common goals (mainly economic goals) of the members of the clusters, not its own goals.

THE ORGANIZATION OF CLUSTERS

The clusters could be organized in different ways. A cluster as a kind of association could include individuals, legal entities, companies, institutions, etc. One cluster could be made by both individuals and legal entities or the members could be only legal entities. Among legal entities the members of a cluster could be as private as public legal entities (for example, universities, institutes, etc.) and as business as no business legal entities. The question about individuals as the unique members of a cluster is open.³² As it is said the minimum of members for a cluster is 2. The interconnection between members of a cluster could be vertical (between complementary companies from different sectors), horizontal (between companies from the same sector on a local or regional level) and mixed (vertical-horizontal).

The aim of a cluster is concentration and harmonization between companies, financial, scientific and other institutions, as well as other governmental and non-governmental institutions, in order to increase the competitive advantages of each individual participant and the cluster as a whole. Working together companies associated in the cluster generate synergy effects which are due to the improvements of the mutual interaction relationship and exchange of information, knowledge and own experiences.³³ There are different types of clusters, according to certain characteristics. Among them, we could differentiate organic clusters, transplant

³⁰ See: art 37 of the Serbian Law of Associations – Zakon o udruženjima Republike Srbije.

³¹ Siniša Varga, Nina Planojević, *op.cit.*, p.105.

³² See more about the members of a cluster: *Ibid.*, pp. 97-9.

³³ Milan Ilić, *op. cit.*, p. 77.

clusters, dense clusters, rare clusters, wide clusters, narrow clusters, deep clusters, latent clusters, potential clusters, policy driven clusters etc.^{34 35}

THE GOVERNMENT AND THE CLUSTERS

The state and its bodies couldn't be members of clusters, but the government could help or could initiate the formation of clusters. When the government initiates the process of forming of clusters, such clusters are called public clusters. The cluster could also be formed from the bottom when the members themselves initiate forming a cluster. The government could help and influences the development of adequate environment for clusters, which could contribute to the formation of adequate intellectual infrastructure. The prerequisite for the establishment of clusters is the existence of a network of local economic development. The central actors in the process of the establishment of clusters are leading companies, which roles could be as market, as incubators, as support to business startups, as initiator of development, as archetype of the best practice or the way of business and as agent of development.³⁶ Within Serbian Chamber of Commerce is formed the Cluster Council. The goals of the Cluster Council are: affirmation of clusters in order to promote entrepreneurship and business conditions, initiation of establishing new clusters and contribution to the development of individual clusters for the sake of economic development and increasing of the competitiveness of businesses, with particular focus being on small and medium-sized enterprises and launching of relevant initiatives on issues of current clusters strategies and strategies of economic development, education, promotion, development in the field of business, as well as regional and international linking of clusters.³⁷ The Cluster Council supports the cluster development in Serbia through mapping, informing, and advocacy of clusters interests, networking and promotion of clusters. The first Training Center for Cluster Development in Serbia was established in Niš in 2012, with the aim to promote capacity building of cluster facilitators, cluster management, supporting institutions and partners in the public sector. Also, an exclusive magazine on clusters INFOCLUSTER was designed and an annual October Balkans Conference DAYS OF CLUSTERS set up in Niš.³⁸ The first catalogue on clusters in Serbia³⁹ is designed in collaboration with 40

³⁴ See more about different types of clusters: Dijana Stojković, *op.cit.*, pp.1043-4.

³⁵ About different types of clusters see also: Milan Ilić, *op. cit.*, p. 78.

³⁶ Dijana Stojković, *op. cit.*, pp.1046-7.

³⁷ Internet: <http://www.pks.rs/PrivredaSrbije.aspx?id=1234&p=0&idjezik=1>, 19.10.2015.

³⁸ Internet: <http://www.pks.rs/SADRZAJ/Files/Odbor%20za%20MSPD/katalog%20klastera%202012.pdf>, 19.10.2015.

³⁹ The project is financed by the Kingdom of Denmark, through the Neighbourhood Programme and managed by the LEDIB Programme.

clusters, LEDIB (Local Economic Development in the Balkans) Cluster House and the Cluster Council.⁴⁰ National Agency for Regional Development also supports innovative clusters through programs of support and assigns them the grant.⁴¹ The aim of the National Agency for Regional Development is to implement the policy of regional development, provide support to entrepreneurship, manage infrastructure projects, and establish and strengthen the international and interregional cooperation, in order to contribute to the reduction of the gap between developed and underdeveloped areas by encouraging development.⁴²

CONCLUSION

Clusters are very significant way of interaction and association between companies, individuals, institutions and others and the aim of clusters is achieving common interests of the members. They could be established on the initiative of future members or on the initiative of the government. Clusters aren't particularly regulated in Serbian Law and it has to be changed in order to avoid mistakes and applying different rules. Clusters has significant role for the Danube Region because they could improve the competitiveness of the enterprises in the region and their interconnectivity.

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⁴¹ One program grant scheme to support clusters in 2015., Internet: <http://narr.gov.rs/index.php/Info/Konkursi/PSD-Programa-dodele-bespovratnih-sredstava-za-podrshku-klasterima-u-2015.-godini>, 19.10.2015.

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Prof. dr Pero PETROVIĆ¹

Prof. dr Milenko DŽELETOVIĆ²

RAZVOJ TURIZMA U DUNAVSKOM REGIONU PRIMENOM LANCA VREDNOSTI

APSTRAKT

U savremenim uslovima razvoj turizma zavisi od mnogobrojnih faktora, ali najvažnije je primenjivati koncept visokog kvaliteta turističkog proizvoda i usluga na ovoj destinaciji. Rad se bavi proučavanjem vrednosti dobijene i generisane duž lanca. To je nov pristup koji danas koriste mnoge upravljačke strategije. Kako je poslovanje preduzeća u turizmu u sprezi sa čitavom ponudom na destinaciji to se strategijsko upravljanje pojedinačnim preduzećem obavlja u kontekstu razvoja konkretne destinacije. Vrednost koju stvara preduzeće u turizmu meri se količinom kupovina koju su potrošači spremni da plate za njegove proizvode i usluge. Preduzeće u turizmu je profitabilno ukoliko premaši ukupne troškove koji su neophodni za obavljanje svih aktivnosti u lancu. Današnja vrednost kreacija mora biti multidirekciona, a ne linearna, kako bi bila konkurentna, uspešno istražila mogućnosti, pretnje i upravljanje rizicima i istovremeno generisala nove načine za stvaranje vrednosti za potrošače. Primena koncepta lanca vrednosti na destinaciji Podunavlja je vrlo kompleksna i zahteva dobro poznavanje želja i zahteva turističkih potrošača koji postaju sve probirljiviji.

Ključne reči: kvalitet, strategijski menadžment, primarne i sekundarne aktivnosti, lanac vrednosti.

1. UVOD

Razvoj turizma u region Dunava je direktno povezan sa razvojem celog područja. Dunavski region predstavlja gotovo idealno područje gde može da se primenjuje koncept lanca vrednosti u poslovanju turističkih preduzeća i ponude kvalitetnog

¹ Institut za međunarodnu politiku i privredu, Beograd.

² Univerzitet Edukons, Novi Sad.

turističkog proizvoda. U primeni lanca vrednosti kao bitnog pravca kreiranja upravljačkih strategija turističkih preduzeća valitet predstavlja najznačajniju komponentu. Sam lanac vrednosti je, u stvari, vrlo zahvalan koncept poslovnog upravljanja koji je, pre svih, predstavio Majkl Porter još 1995 godine.³ Lanac vrednosti je osnov za kreiranje generičkih strategija. Dakle, vrednosni lanac karakterišu generičke aktivnosti dodavanja vrednosti jednog preduzeća kroz primarne i prateće aktivnosti. Pri tome su troškovi pojedinačnih aktivnosti u lancu posebno identifikovani. Tada okvir vrednosti lanca postaje u primenom moćan analitički alat u celokupnom procesu strateškog planiranju. Osnovni cilj je maksimiranje vrednosti proizvoda i usluga uz minimiziranje ukupnih troškova, što dalje, predstavlja osnov strateškog pozicioniranja (kvalitet, kontinuitet, konkurentnost). To znači da je u pitanju model koji opisuje seriju aktivnosti koje povezuju dobavljačku stranu svake kompanije (sirovine, materijal, unutrašnju logistiku i proces kreiranja proizvodnje i pružanja usluga) sa stranom tražnje (spoljnom logistikom, marketingom i plasmanom proizvoda i usluga). Svi ovi faktori deluju u cilju podizanja nivoa kvaliteta turističkih proizvoda i usluga na ovoj destinaciji.

2. PRIMENA KONCEPTA VREDNOSNOG SISTEMA

Postoje brojni modeli koji bi se mogli primeniti za razvoj turističke delatnosti, ali koncept vrednosnog sistema odnosno koncept lanca vrednost čini se najprihvatljiviji za ovu propulzivnu delatnost kao što je turizam. U cilju objašnjavanja neophodne potrebe odvajanja koncepta vrednosnog lanca od troškova koji nastaju samim procesom njegovog nastanka, Porter navodi primer dijamantskog rezača, čiji su troškovi sečenja, svakako, niži od dodatne vrednosti koju ova aktivnost donosi krajnjem proizvodu⁴. Integralni koncept se može koristiti u okviru preduzeća, može biti proširen na čitav nabavljački lanac i distributivnu mrežu. Dostava miksa proizvoda i usluga krajnjem potrošaču mobilise različite faktore, od kojih svaki upravlja svojim sopstvenim lancem. Međutim, industrijski široko sinhronizovane interakcije ovakvih lokalnih vrednosnih lanaca stvaraju jedan sveobuhvatniji lanac vrednosti, koji ponekad prerasta i u globalni. Ovaj veliki, međusobno povezani sistem vrednosnih lanaca naziva se „vrednosnim sistemom”. Ovaj vrednosni sistem uključuje vrednosne lance kompanija nabavljača i svih njihovih nabavljača unazad; samu kompaniju, kompanije iz distributivnih kanala; i kompanije koje predstavljaju kupce, koji uključuju i sve naredne njihove kupce u lancu. Dakle sve one faktore i elemente iz eksternog okruženja koje utiču na poslovanje i razvoj turističkog

³ Porter, M., *Competitive Advantage: Creating and Sustaining Superior Performance*, The Free Press, New York, 1985, str.33.

⁴ Porter zaključuje: “kao što je grubi, neobrađeni dijamant manje vredan od sečenog i obrađenog”.

preduzeća. To je posebno složeno u regionu Dunava koji je povezan sa privredama susednih regiona odnosno država. Lanac vrednosti je kompleksan koncept koji dezagregira preduzeće u njegove strategijski relevantne aktivnosti da bi se razumelo ponašanje troškova i okvir potencijalnog izvora za diferenciranje.⁵ Upravo je dobijanje vrednosti generisane duž lanca predstavlja nov pristup koji se koristi u primeni upravljačkih strategija.⁶ Podrobnije analiziranje vrednosnog lanca omogućava menadžerima da preformulišu svoje interne i eksterne procese da bi podigli nivo efikasnosti i efektivnosti. U tradicionalnom vrednosnom lancu informacije dobijene, npr. od roba, iz proizvodnje ili logistike, tretiraju se kao podrška sistemu, koju menadžeri češće koriste kao pomoć u monitoringu i kontroli ovih procesa, a ređe kao izvor stvaranja nove vrednosti za potrošače.⁷ Međutim, iako su mnogi upravljački sistemi, u savremenim uslovima, zasnovani na Porterovom vrednosnom lancu, postoje brojne primedbe i kritike ovog vrednosnog sistema, kako iz akademski redova, tako i od eksperata iz prakse. Na primer, "SCOR", US DOD, koji je inoviran u DCOR i VRM samo su neki od brojnih upravljačkih sistema koji su podudarni sa Porterovim vrednosnim lancem. Rasprave idu u pravcu da model lanca vrednosti ne može biti "panaceja" za rešavanje svih ekonomskih problema. Suština kritika odnosi se na potrebe promena ovog linearnog modela u vertikalne, horizontalne, čak i dijagonalne koncepte. Zagovornici smatraju da je prošlo vreme kada je, u dvadesetom veku, ovaj tradicionalni menadžerski model, mogao uspešno rešavati poslovne situacije "duž zemaljskih telekomunikacija i automobilske industrije", s obzirom na to da su današnje inovacije kreirane kroz različite oblike i veličine i prilično neočekivane. Stoga pojedini eksperti argumentuju da današnja vrednosna kreacija mora biti multidirekionalna, a ne linearna, da treba da istraži mogućnosti i pretnje i da uspešno upravlja rizicima, ispostavljujući dodatni uticaj na potrošačku tražnju i generišući nove načine za kreiranje vrednosti za potrošače.⁸ Na primer, izvesne kompanije svoje inovacije kritičnih komponenti u nabavci dobro zaštićuju, te tako obezbeđuju sebi značajan rast tržišnog učešća. To iskustvo koriste mnoge savremene kompanije u turističkoj delatnosti, mada ta strategija ima niz specifičnosti u radno

⁵ Milisavljević, M., Maričić, B., Gligorijević, M., Osnovi marketinga, CID, Ekonomski fakultet, Beograd, 2005, str. 164.

⁶ Na primer, proizvođač može da traži od dela svojih nabavljača da budu locirani u blizini fabrike da bi smanjio transportne troškove. Tako istražujući informacije duž vrednosnog lanca, kompanije mogu da zaobiđu posrednika, kreirajući novi poslovni model ili dizajnirajući poboljšanja u sopstvenom vrednosnom sistemu.

⁷ Kim, Ch.W., "Enhancing the Role of Tourism SMEs in Global Value chain, A Case Analysis on Travel Agencies and Tour Operators in Korea, OECD, 2005.

⁸ Pil, F.K., Holweg, M., "Evolving from value chain to value grid", MIT Sloan Management Review, 2006, str.72-80.

intezivnim granama što predstavlja turizam. Međutim, adaptibilnost turističkih preduzeća tržišnim turbulencijama predstavlja nov kvalitet. Ton se posebno odnosi u onim vremenima velikih finansijskih i opštih ekonomskih kriza.

3. TURISTIČKA PREDUZEĆA KAO NOSIOCI LANCA VREDNOSTI

Poslovni subjekti, zajedno sa turističkim organizacijama su nosioci razvoja turizma u regionu Dunava. Od efikasnog i efektivnog poslovanja preduzeća turističke delatnosti ne zavisi salo regionalni i lokalni razvoj nego i povećanje nivoa zaposlenosti. Stoga, najveću pažnju, na nivou strateških analiza poslovanja preduzeća, svakako zaslužuje interna analiza elemenata poslovanja. Dakle, od angažovanih inputa, njihove sposobnosti za stvaranje ekonomske rente, svih jakih i slabih strana u poslovanju, koje na kraju lanca vrednosti integrišu i isporučuju dodatnu vrednost potrošaču, zavisi strateški izbor koncepta koji će najbolje da doprinese ne samo valorizaciji raspoloživih resursa preduzeća nego i satisfakciji potrošača odnosno sadašnjih i potencijalnih turista. U kontekstu posmatranja konkurentnosti, na tržištu, jednog turističkog preduzeća neophodno je imati u vidu više faktora koji pojedinačno ostvaruju određene troškove, stvarajući time osnov za diferencijaciju. Lanac vrednosti obuhvata devet strateških relevantnih aktivnosti koje kreiraju vrednost i troškove u određenom poslu. U pitanju je pet primarnih aktivnosti i četiri aktivnosti podrške⁹. Turističko preduzeće stvara vrednost za svoje potrošače koja se meri količinom kupovina koji su ovi spremni da plate za proizvode i usluge preduzeća. S druge strane, treba imati u vidu da je preduzeće profitabilno u ovom lancu ukoliko premaši ukupne troškove koji su potrebni za obavljanje svih aktivnosti u lancu. Prednost na tržištu najčešće obezbeđuje kreiranjem strateški važne aktivnosti po nižim troškovima, ili pak, bolje od konkurencije. Ukupne aktivnosti u vrednosnom lancu doprinose lancu potrošača i na taj način stvaraju dodatnu vrednost. Primarne aktivnosti odnose se na poslove uzlazne logistike, znači poslove prijema, skladištenja i raspodele ulaznih materijala na proizvode:

- na proizvodnju, znači obavljaju se izvesne operacije kako bi se finalizovao proizvod;
- na izlaznu logistiku, znači prevoz finalnih proizvoda;
- marketing i prodaju i usluge, znači servisiranje proizvoda;

U aktivnosti podrške spadaju nabavka, razvoj tehnologije, menadžment ljudskih resursa i infrastruktura preduzeća, kao što su finansije, planiranje i generalni menadžment. Naravno da uspeh turističkog preduzeća ne zavisi samo od

⁹ Kotler, Ph., Marketing Management: Analysis, Planning, Implementation and Control, 8th ed., Prentice Hall International, New Jersey, 1994, str. 43.

pojedinačnih performansi sektora u preduzeću, već i od njihove međusobne koordinacije. Svaka od aktivnosti u turističkom preduzeću, bez obzira o kojoj vrsti poslovanja se radi, npr. organizovanju putovanja, podrazumeva da se određeni ulazni imputi (smeštaj, prevoz, itd.) troše, kao i radna snaga (turoperatora ili turističkih agencija), da se troše određene tehnologije (npr. CRS, GDS ili Internet); da se zapošljavaju određene fiksne službe (finansija, planiranja ili generalni menadžment) koje, isto tako, proizvode određene troškove. Strategija lanca vrednosti, međutim, podrazumeva način na koji preduzeće obavlja pojedine aktivnosti i kako organizuje čitav lanac vrednosti da bi postiglo konkurentsku prednost. Aktivnosti koje znače konkurentsku prednost u ostvarivanju lanca vrednosti variraju po značaju u različitim delovima turističke industrije. Tako je u slučaju velikih organizatora putovanja krucijalna aktivnost nabavka imputa smeštaja i prevoza na veliko, što im u startu daje bolju poziciju u odnosu na manja i srednja preduzeća u formiranju turističkog proizvoda, a pogotovo u poređenju sa individualnom prodajom ovih elemenata. Međutim, ako su u pitanju kategorije turoperatora približno iste snage (gde postoji pretpostavka da će ulazne impute za formiranje proizvoda nabaviti po približno istim cenama, onda su, najčešće, opredeljujuća aktivnost kanali prodaje i s tim u vezi s tim organizovana promocija, a tek onda aktivnosti vezane za uspostavljanje cenovne politike. S druge strane, ako se radi o jakoj mreži turističkih agencija koji imaju geografski dobru pokrivenost i dobru lokaciju, koriste savremenu tehnologiju, kako u sistemu prodaje, tako i u promociji, onda će ostvareni prihodi, svakako, premašiti plaćenu agencijsku proviziju, što će značiti konkurentsku prednost u lancu vrednosti. Pri tome, treba imati u vidu da kompanije često stiču konkurentsku prednost u zavisnosti od načina na koji obave određenu aktivnost.¹⁰ Međutim, kompanija predstavlja više od skupa sopstvenih aktivnosti. Moguć je nastanak dodatnih troškova, obično od strane onih koji utiču na posao kompanije, ali su sami van njenog sistema. Na primer, kad je u pitanju proces pružanja usluga na terenu, ukoliko domicilni agent, „hendler”, ne reši moguće nesporazume i prigovore gostiju na licu mesta, to može biti izvor njihovog nezadovoljstva i može značajno da poljulja konkurentnost organizatora putovanja, posebno imajući u vidu karakteristike većine turističkih usluga koje su „neopipljive” i obično vezane za doživljaj gosta. Stoga je neophodno pažljivo upravljanje eventualnim „odlivanjima”, jer se upravlja lancem vrednosti u preduzeću obavlja na nivou sistema, a ne u njegovim separantnim delovima.¹¹ Međutim, kako je poslovanje preduzeća u turizmu u sprezi sa čitavom ponudom na destinaciji, to organizovanje lanca vrednosti u

¹⁰ Na primer, veliki nemački koncern TUI prvi se odvažio i počeo internacionalno da posluje, prelazeći granice drugih evropskih zemalja i time stekao konkurentsku prednost u odnosu na ostale, posebno nemačke i britanske organizatore putovanja.

¹¹ U ovome su najdalje otišle japanske kompanije, koje imaju posebne sektore koji se bave menadžmentom “odlivanja” u kompaniji.

preduzeću ne može da se posmatra izolovano od njegove uloge u lancu vrednosti čitave destinacije.

4. TURISTIČKE DESTINACIJE PODUNAVLJA I PRIMENA LANCA VREDNOSTI

Region Podunavlja može pružiti čitavu lepezu turističkih proizvoda u brojnim vidovima turizma (lovni, tranzitni, rekreativni, manifestacioni, sportski, plovidbeni – marine, zdravstveni, i dr.). Stoga, turistički proizvod koji nudi određena turistička destinacija različiti segmenti turističke tražnje vide na različite načine. S druge strane, oni koji upravljaju određenom destinacijom imaju na raspolaganju proizvodni miks ili asortiman.¹² Razumevanje načina na koji jedna industrija stvara vrednost ključ je za razumevanje uloge svakog igrača u industriji pojedinačno, kao i primene njihove pozicije u zavisnosti od promena pravila igre.¹³ Koncept lanca vrednosti destinacije koristi se za dublju analizu turističkog lanca vrednosti, odnosno usklađivanje internih i eksternih inputa na destinaciji radi postizanja konkurentske prednosti. Lanac vrednosti upućuje da se konkurentska prednost stiče, u velikoj meri, zavisno od načina upravljanja svakom pojedinačnom aktivnošću i njihovom međusobnom interakcijom. U ovom konceptu osnovni cilj je smanjenje troškova u svakoj aktivnosti, ne samo u turističkom preduzeću, već i kod njegovih dobavljača na destinaciji, kao i distributera. Na taj način ostvaruje se konkurentska prednost, a za potrošače ostvaruje dodatna vrednost. Turistička preduzeća na destinaciji treba međusobno da koordiniraju svoje aktivnosti, da sarađuju, da usklade sopstvene i destinacijske strateške interese radi formiranja proizvoda destinacije.¹⁴ Dakle, tržišno orijentisana preduzeća moraju sama da odluče gde će u svetu da obavljaju pojedine svoje aktivnosti u lancu vrednosti. Taj koncept se naziva konfiguracijom, za razliku od koordinacije, koja govori o stepenu povezanosti određenih aktivnosti u pojedinim zemljama i njihove prilagođenosti lokalnim uslovima na destinaciji.¹⁵ Tako u primarne aktivnosti turističkog lanca vrednosti spadaju: transport, usluge na destinaciji, prodaja na veliko/pakovanje paket-aranžmana, marketing i prodaja, prodaja na malo i servisiranje potrošača. Svaka od ovih aktivnosti kreira sopstvenu vrednost, obavljajući različite poslove. Prateće aktivnosti u turističkom lancu iste su vrednosti kao i kod drugih grana i obuhvataju:

¹² Petrović, P., Menadžment kvaliteta i monitoring integrisanog turističkog proizvoda, DQM 2007, str. 148-157.

¹³ Poon, A., Tourism, Technology and Competitive Strategies, CABI Publishing, New York, 1998, str. 208.

¹⁴ Đurašević, S., "Koncept lanca vrednosti u turizmu", Hotellink, Visoka hotelijerska škola, Beograd, br. 12, 2008., str. 11-21.

¹⁵ Porter, M., navedeni rad, str. 123.

infrastrukturu preduzeća, razvoj radne snage, razvoj proizvoda i usluga, razvoj tehnologije i nabavku roba i usluga. Kao odgovor na širenje globalizacije i sve veću konkurenciju, preduzeća se, najpre u okviru svoje grane na destinaciji, horizontalno ili vertikalno, u cilju povećanja tržišnog učešća. Pojedina preduzeća nastoje da pokriju što je moguće više aktivnosti na terenu, da bi seostvarila što veća kontrola u lancu vrednosti. Granice između grana se gube, delatnosti se mešaju, a kontrola nad aktivnostima postaje sve važnija. U takvim uslovima dolazi do redefinisanja odnosa među učesnicima, kao na određenoj destinaciji tako i u turizmu uopšte. Turizam menja lanac vrednosti u dve oblasti:

- veći udeo u lancu vrednosti imaju oni igrači koji prikupljaju i distribuiraju informacije (oni koji određuju rute putovanja, koji se bave marketingom i odnosima sa javnošću, turistički vodiči, savetnici, kupci avio-sedišta i hotelskih kapaciteta, predstavnici na destinaciji, distributeri i dr.);
- učesnici koji su bliži potrošačima (turističke agencije, hoteli i svi drugi dobavljači na terenu);

S druge strane, mnogi eksperti smatraju da je distribucija najvažnija aktivnost u turističkom lancu. Bez odgovarajućeg avio-prevoza i kanala prodaje, koji će proizvod izneti na tržište, najbolje destinacije na svetu teško bi opstale. Dva ključna faktora distribucije vrlo su bitna za turističku destinaciju: avio-prevoz, nacionalne turističke organizacije i agencija za promociju na tržištu. Međutim, da bi se obezbedila koordinacija aktivnosti na destinaciji sa kanalima prodaje, sama destinacija treba da obezbedi:

- odgovarajući pristup destinaciji,
- transformaciju uloge nacionalne turističke organizacije sa emitivnim tržištima,
- fokusiranje na razvoj proizvoda kod kuće;

Osim toga, značajan doprinos turističkom lancu vrednosti daju turoperator. Imajući u vidu neophodnu koheziju i međusobnu interakciju učesnika u pružanju turističkih usluga na destinaciji, njihova pozicija između dobavljača, principala i sa strane tražnje turističkih agencija i potrošača, daje im prednost u odnosu na ove dve grupacije. Turoperator može da podrži ostale članove, isto tako, kao što može da izazove konflikt iz više razloga. Turoperator i turističke agencije kroz programe putovanja uvek promovišu i plasiraju destinaciju, što i proizilazi iz sadržaja usluga u njihovim paket aranžmanima¹⁶. Pozitivne i negativne reakcije turoperatora na ostale članove u lancu vrednosti date su u sledećoj tabeli.

¹⁶ Čačić, K., Poslovanje preduzeća u turizmu, Ekonomski fakultet, Beograd, 1998, str. 400.

Tabela br. 1. Zahtevi članova kanala i tehnike u rešavanju konflikta

Podrška turoperatora	Konflikt koji izazivaju turoperatora
Veliki turoperatora pružaju osećaj sigurnosti i finansijske doslednosti deleći svoja ekspertska znanja sa tržištem	Nizak nivo privrženosti destinaciji i nedostatak lojalnosti
	Pritisak turoperatora za dobijanje nižih cena
Usmeravaju mala i srednja preduzeća prema produktivnim investicijama i kreiraju međusobno korisnu sinergiju	„Prinuda” u pregovaranju
	Nedostatak faktora čovek u kontaktima i višeg nivoa uključenosti
Manji turoperatora nude bolje odnose kroz lični kontakt i komunikaciju i međusobno uvažavanje i poštovanje	Odsustvo lokalnog “incoming” agenta kao rezultat uvođenja “incoming” agenta kroz vertikalnu integraciju sa principalom, koji radi u skladu sa strategijom svoje osnivačke kompanije

Izvor: Buhalis, D., Marketing the competitive destination of the future, Tourism Management, br.21, (1): 97-116, 2006, str.177.

Sagledavajući lanac vrednosti na destinaciji potrebno je imati u vidu da destinacija funkcioniše na principu podele rada, što, u većini slučajeva uključuje mnogo nezavisnih subjekata, te je neophodno uspostaviti saradnju unutar mreže. U savremenim privredama unutar mreže javlja se posrednik “katalizator”, koji povezuje aktivnosti na području marketinga, dok tržišni mehanizam podstiče na takmičenje i saradnju. Pri tome veći obim ponude garantuje sigurnost, fleksibilnost i takmičenje umesto međuzavisnosti, stalnosti i saradnji. Osim toga povećava se mogućnost sticanja novih znanja i uvoz inovacija. Potom, savremeni informacioni sistemi unapređuju komunikaciju među saradnicima u mreži, doprinose stvaranju međusobnog poverenja i omogućavaju direktan pristup tržištima putem informacione tehnologije. Sistem turističke saradnje tako nastupa pre globalizacije, deregulacije i primene novih tehnologija. Zahvaljujući fleksibilnosti, mreže su superiornije nego strogi hijerarhijski sistemi i uspešnije sprovode marketinške aktivnosti. Brz razvoj i promene na turističkim tržištima zahtevaju veću fleksibilnost u radu organizacija na destinaciji, uz jačanje saradnje javnog i privatnog sektora, s obzirom da javne strukture teže nalaze brze odgovore na nove izazove. Stoga, treba razvijati javno privatno preduzetništvo u onim vidovima turizma koji se najbrže razvijaju u regionu Dunava, kao što je, na primer, nautički turizam.

5. ZAKLJUČAK

Turizam predstavlja takvu privrednu delatnost koja može bitno uticati na razvoj čitavog regiona Dunava (od Nemačke do Ukrajine). Podunavlje predstavlja stratešku

destinaciju u razvoju turizma u Srbiji i regionu. Međutim, da bi ovaj strateški pravac bio atraktivan za turiste ali i profitabilan za turistička preduzeća neophodno je u strategiju razvoja ugrađivati kvalitativni aspekt za brži razvoj turističke delatnosti. Dunav i priobalje predstavljaju upravo takvu destinaciju gde je to moguće. Savremen pristup upravljanja destinacijskim lancem vrednosti jače je orijentisan na potencijalne potrošače, nudeći destinaciju kao jedinstven skup različitih proizvoda. Jedan od izazova nacionalne turističke organizacije je upravo stvaranje nacionalne turističke mreže, koja je omogućena primenom nove, informacione i komunikacione tehnologije. Ta mreža omogućava destinacijskom menadžmentu fleksibilnost i prepoznavanje specifičnih zahteva različitih tržišta i tržišnih segmenata. Koncept lanca vrednosti destinacije koristi se za dublju analizu turističkog lanca vrednosti, odnosno usklađivanje internih i eksternih inputa na destinaciji radi postizanja konkurentne prednosti. Zato turistička preduzeća na destinaciji treba međusobno da koordiniraju svoje aktivnosti, da sarađuju i usklade sopstvene i destinacijske strateške interese. Promene na globalnom nivou posredno u prvi plan stavljaju potrošača. Stoga postaje normalna pojava da se proizvođači okreću ne samo potrebama kupaca, već traže od njih saradnju u svim fazama razvoja proizvoda. Zato misija savremenog preduzeća u turizmu mora biti kreiranje i isporuka vrednosti potrošačima, gde sve aktivnosti u vrednosnom lancu doprinose lancu potrošača i tako stvaraju dodatnu vrednost. S druge strane, njihov cilj poslovanja je upravo zadovoljenje turističkih potrošača, a pre svega raznovrsnošću i kvalitetom usluge.

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dr Dobrica VESIĆ¹
Jovan RUDEŽ²

RAZVOJ TURISTIČKIH PREDUZEĆA DUNAVSKOG REGIONA – PRILAGOĐAVANJE SADRŽAJA STRATEGIJSKOG MENADŽMENTA

APSTRAKT

Turistička preduzeća u regionu Dunava treba da, sa aspekta strategijskog menadžmenta, prilagode sadržaj svog poslovanja. Turisti u ovom regionu postaju sve zahtevniji sa aspekta ne samo asortimana nego i kvaliteta turističkog proizvoda. Uspešno poslovanje mora da se prilagođava zahtevima turista brojnih vidova turizma: tranzitni, lovni, sportski, nautički, manifestacioni, i drugi. Razvijaju se menadžment sistemi koji se zasnivaju na fleksibilnom/brzom odgovoru. Promene u okruženju organizacija i uslovi kojima se mnoge promene razvijaju su isuviše brzo odvijaju, pa se ne može primeniti klasično vremensko predviđanje. Takvim nivoima turbulentnosti okruženja, gde je moguće samo delimično predvideti šanse na bazi istraživanja i kreativnosti, menadžment tima (ili kad se javljaju nepredvidljiva iznenađenja). To se posebno odnosi na turistička preduzeća u Dunavskom regionu. Promene su uslovile pojavu pravovremenih (*real-time*) koncepata strategijskog menadžmenta: kontigentno (viševarijantno) planiranje, upravljanje strategijskim pitanjima, strategijsko upravljanje pomoću slabih signala i upravljanje iznenađenjima. U radu se nastoji izložiti suština koncepta strategijskog planiranja i strategijskog upravljanja pozicijom, kao i pravovremenih sistema strategijskog menadžmenta.

Ključne reči: Strategijski menadžment, okruženje, promene, sistem, razvoj, proces, Dunav.

¹ Institut za međunarodnu politiku i privredu, Beograd. Rad je realizovan u okviru naučnog projekta: „Srbija u savremenim međunarodnim odnosima: Strateški pravci razvoja i učvršćivanja položaja Srbije u međunarodnim integrativnim procesima – spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti” (broj 179029), koji finansira Ministarstvo prosvete i nauke Vlade Republike Srbije, za period 2011–2014. godine.

² Privredna akademija, Novi Sad.

1. UVOD

Razvoj turističke delatnosti u podunavskom regionu se nameće kao neminovnost da bi se zaposlilo ne samo lokalno stanovništvo, nego i da bi se ubrzao opšti privredni razvoj. Stoga se i promene sadržaja strategijskog upravljanja u preduzećima turističke privrede Srbije, na tom području, nameće kao neminovnost. Turistička privreda podunavskog regiona naročito je izložena mnogim i sofisticiranim zahtevima savremenih turista, koji postaju sve probirljiviji. Zato se u ovom prilogu nastoji izložiti suština koncepta strategijskog planiranja i strategijskog upravljanja pozicijom, kao i pravovremenih sistema strategijskog menadžmenta koji odgovaraju višim nivoima turbulencije i kompleksnosti sredine, u kojoj organizacije obavljaju svoju poslovnu i širu, društvenu misiju. Menadžment sistemi su se dugi niz godina zasnivali na pozicioniranim sistemima (dugoročno planiranje kao menadžment sistem koji se zasnivao na ekstrapolaciji prošlosti, nema upotrebnu vrednost u budućnosti te se više ne koristi u praksi organizacija). To su sistemi čije se okruženje i budućnost, odnosno promene mogu inticipirati tj. predvideti sa velikom izvesnošću (dugoročno planiranje, povremeno tj. periodično strategijsko planiranje i upravljanje postaje sve složenije i manje predvidljivo, te zato dolazi do promene sadržaja strategijskog menadžmenta, odnosno razvijaju se različiti menadžment sistemi, koji omogućuju njihovu povećanu responsivnost na nagle promene. Strategijsko planiranje može se definisati kao sistematski, i više ili manje formalizovanih napora kompanije na utvrđivanju osnovne svrhe, ciljeva, politike i strategije kompanije, kao i razvoj detaljnih planova za implementiranje politike i strategije i ostvarivanje ciljeva i osnovne svrhe kompanije.³ Primena ovog koncepta se nameće kao nužnost ako se nastoji da srpska turistička preduzeća budu konkurentna sa većinom turističkih preduzeća u regionu Dunava

2. RAZVOJ TURISTIČKIH PREDUZEĆA PO OSNOVU STRATEGIJSKOG PLANIRANJA

U sadašnjim okolnostima razvoj odnosno evoluciju strategijskih menadžment sistema možemo najbolje sagledati posmatrajući razvoj strategijskog planiranja.⁴ Za efikasno poslovanje turističkih preduzeća u Podunavlju neophodna je primena strategijskog planiranja kao jednog od najvažnijih metoda i modela savremenog

³ G.A. Stainer, *Strategic planning: What Every Manager Must Know*, The Free Press, 2009.

⁴ Nastalo je šezdesetih godina XX veka, nešto manje od 10 godina posle dugoročnog planiranja. Podsticaj za nastanak ovog koncepta menadžment sistema bio je u saturaciji i padu rasta jednog broja preduzeća. Zasićenost i padanje rasta u to vreme nisu bili najbolje razumljivi. Radilo se o ubrzanju promena, organizacije su ušle u "doba diskontinuiteta" u kojem prošlo iskustvo nije više bilo dovoljno pouzdan vodič za budućnost.

međunarodnog menadžmenta. Efikasno stratezijsko planiranje se posmatra i opisuje sa različitih aspekata, da bi se u potpunosti shvatilo:⁵

1. Predstavlja donošenje sadašnjih odluka u svetlu njihove budućnosti, a ne znači pravljenje budućih odluka, jer se odluke mogu praviti samo u sadašnjosti;
2. Suština formalnog stratezijskog planiranja je u sistematskoj identifikaciji šansi i pretnji koje leže u budućnosti (iskorišćavanje šansi i izbegavanje pretnji);
3. Proces počinje utvrđivanjem organizacionih ciljeva, usmeravanjem organizacije putem: vizijem misije i razvojnih ciljeva;
4. Prema njima se definišu politike i strategije za njihovo dostizanje (ostvarenje) i razvoj detaljnih planova koji će osigurati da se strategije implementiraju, kako bi se ostvarili ciljevi i misija organizacije;
5. Predstavlja i način života (*way of life*), a posvećenost ovom planiranju zači i viši od propisanog seta procesa, procedura, struktura ili tehnika;
6. za postizanje najboljih rezultata menadžeri i zaposleni moraju verovati i moraju želeći to da rade u skladu sa svojim mogućnostima;
7. Predstavlja sistem povezanosti tri glavne vrste planova: stratezijskog plana, srednjoročnih programa i kratkoročnih budžeta i operativnih planova.

Uglavnom, struktura i proces stratezijskog planiranja, u preduzećima turističke privrede orijentisani su na:

- preciznu identifikaciju i ocenu šansi i pretnji iz okruženja,
- identifikaciju i ocenu snaga i slabosti organizacije,
- identifikaciju postojećih i potencijalnih komparativnih prednosti u odnosu na konkurenciju,
- definisanje: misije, svrhe, ciljeva, politika i konzistentnosti strategija.

Pri tome se polazi od očekivanja glavnih autsajdera i insajdera i baze podataka koja sadrži prethodne rezultate, tekuću situaciju i planske pretpostavke (premise) kao rezultate predviđanja. Osnovna pažnja stratezijskog planiranja usmerena je na probleme eksterne povezanosti osnovnih pretpostavki sa internom konfiguracijom preduzeća. Rešavanje problema je primarnog karaktera, a implementacija i kontrola su sekundarne aktivnosti.⁶ Stratezijsko planiranje naznačava izbor buduće pozicije preduzeća u odnosu na njeno okruženje. Dakle, dimenzije stratezijskog problema, kao menadžerskog problema zavisi od:

- eksterne povezanosti,
- interne konfiguracije.

⁵ G.A. Stainer, op. cit.

⁶ I. Ansoff, Hayes, R., *From Strategic Planning to Strategic Management*, John Wiley & Sons, 2006.

- zatim od procesa:
- planiranja (rešavanja problema),
- implementacije (kontrola akcija),
- te tri vrste varijable:
- političke,
- psiho-sociološke,
- tehno-ekonomsko-informativne.

Dakle, strategijsko planiranje je usmereno na donošenje odluka strategijskog karaktera vezanih za odnos organizacije i njenog okruženja. Pri tome strategijsko planiranje koristi različite tehnike: portfolio matrice, scenario metod, analiza gepa itd., ali se ne može svesti samo na te tehnike, jer je strategijsko planiranje esecijalni deo strategijskog menadžmenta. Ceo proces obuhvata prilagođavanje organizacije na promene okruženja. Te promene obuhvataju:⁷

- nadgledanje promene sredine (eksterne i interne),
- identifikacija šansi iz okruženja kako bi se iskoristile, i opasnosti da bi se izbegle,
- analiza snaga i slabosti kompanija (važna pri formulisanju i oceni strategija),
- formiranje misije i ciljeva,
- identifikacija strategijskih programa za distizanje ciljeva kompanije,
- ocena strategijskih programa i izbor onih koji će biti implementarne i
- utvrđivanje svih neophodnih menadžerskih procesa.

Strategijsko planiranje postaje nužnost na visokom nivou turbulencije, kada se promene i izazovi u budućnosti ne dešavaju u kontinuitetu, već se dešavaju diskontinuiteti u odnosu na prošlost, ali takvi diskontinuiteti koji su predvidljivi. Nivo nemira (turbulencije) u okruženju organizacije je veliki i značajan, ali se istraživačkim aktivnostima menadžera mogu predvideti šanse i pretnje za njen dalji razvoj (zato je analiza slabosti i jakih strana jedne firme postala prvi korak u strategijskom planiranju). Međutim, u savremenim uslovima, nije dovoljno imati kvalitetnu strategijsku analizu i strategijski izbor (predmet strategijskog planiranja), već je potrebno i ostvariti strategijsku promenu.⁸ Dakle, javlja se potreba za strategijskim reagovanjem i upravljanjem sve ubrzanijim promenama.

⁷ I. Ansoff, Edward J. Mc Donnell, *Implanting Strategic Management*, Prentice Hall, 1990.

⁸ Jedan od početnih koncepata strategijskog menadžmenta je upravljanje strategijskim pozicijama (strategic posture management).

3. PROMENE U UPRAVLJANJU STRATEGIJSKIM POZICIJAMA

Upravljanje strategijskim pozicijama je tzv. pozicioniran menadžment sistem, koji odgovara razvoju i poslovanju preduzeća u uslovima diskontinuiteta, koji su predvidljivi odnosno poznati. Na ovaj način obezbeđuje se upravljanje preduzećem pomoću anticipiranja promena. Strategijska pozicija preduzeća podrazumeva položaj preduzeća na tržištu u odnosu na konkurenciju. Strategijska pozicija turističkog preduzeća opredeljuje se prema raznim parametrima:⁹

- tržišno učešće,
- finansijska snaga,
- tehničko-tehnološki nivo,
- ulazne barijere,
- frekvencija promena i dr.

S druge strane, proces promena u upravljanju strategijskim pozicijama zavisi od tri ključna faktora:

- strategije preduzeća,
- funkcionalne sposobnosti (marketing, proizvodnja, finansije, kadrovi i dr.),
- opšte sposobnosti menadžmenta.

U strategijskom menadžmentu planiranje sposobnosti (funkcionalnih i opšteg menadžmenta) promenama strategijskih pozicija preduzeća dodaju se strategijskom planiranju. Pri tome se opšta sposobnost menadžmenta određuje za sledećih pet međusobno povezanih komponenata:¹⁰

- kvalifikacije i mentalitet ključnih menadžera,
- društvena klima (kultura) unutar preduzeća,
- snaga strukture,
- sistemi i organizaciona struktura, i
- sposobnost opšteg (generalnog) menadžmenta da obavlja svoje poslove.

Dakle, koncept upravljanja strategijskim pozicijama, pored strategijskog planiranja (strategijska analiza i strategijski izbor) uključuje i strategijske promene. Efikasnost promenama u upravljanju strategijskim pozicijama, u preduzeću, zavisi od planiranja sposobnosti pojedinih funkcija i opšteg nivoa menadžmenta u preduzeću.

⁹ B. Mašić, *Strategijski menadžment*, Univerzitet "Braća Karić", 2001, str. 35.

¹⁰ I. Ansoff, Edward J. Mc Donnell, op.cit.

4. VIŠEVARIJANTNO (KONTIGENTNO) PLANIRANJE

Izgradnja upravljačkih sistema koji će doprinosti da se odgovori izazovima okruženja (povećanje turbulencija i kompleksnosti tj. povećanje frekvencija promena i smanjenjem predvidljivosti budućnosti) je permanentan proces koji treba da obezbedi uspeh i osiguranje od iznaneđenja. Zato su se razvijali različiti koncepti koji obezbeđuju pravovremene, fleksibilne i brze odgovore. Tako se početkom sedamdesetih godina pozvoja viševarijantno planiranje, koje se zasniva na menadžment pristupu kontigentne teorije (*contingency theory*).

Kontigenta ili situaciona teorija predstavlja menadžment pristup koji je fokusiran na adaptiranje menadžment ponašanja prema posebnim okolnostima organizacije i svakoj datoj situaciji.¹¹ Situacioni pristup (*contingency approach*) menadžmentu naglašava da odluke menadžera, u praksi, zavise uglavnom od situacije, odnosno od niza okolnosti. To znači da se na različite situacije mora različito i reagovati (a ne na standardan način) koji ističe pristup “ako – tada”, odnosno prilagođavanje situacionim varijablama.¹² Pošto kontigentno planiranje se odnosi na promene koje se mogu desiti u budućnosti, ovaj menadžment sistem koristi scenario metod. To je nastojanje da se izvrši identifikacija seta mogućih budućnosti koje su zasnovane na različitim pretpostavkama o kretanju i promenama ključnih faktora sredine organizacije u budućnosti. Tako kontigentno planiranje omogućava stvaranje više varijanti plana za scenarije budućnosti. Viševarijantni planovi kao proizvod kontigentnog planiranja, omogućuju menadžerima i organizacijama da imaju fleksibilan i brz odgovor na promene kritičnih faktora u poslovanju organizacija. Pri tome je vrlo bitno proceniti verovatnoću dešavanja događaja. Ovim menadžment sistemom ostvaruje se postavka – bolje je biti približno tačan, nego precizno pogrešan.¹³ Kontigentnim planiranjem stvaraju se planovi za različite scenarije, odnosno situacije. Na taj način strateški menadžment preduseća zna koje menadžment akcije treba preduseti u različitim, konkretnim situacijama, a koje mogu doneti promene. Tako se stvara ambijent iz koga proizilazi fleksibilna i brz odgovor na promene, odnosno izazove koje nosi budućnost. Naglim razvojem informacione tehnologije (adekvatnih softverskih programa, kao podrške) stvorile su se pretpostavke za uspešnije kontigentno (viševarijantno) planiranje, koje je našlo primenu u praksi brojnih organizacija, pogotovo u uslovima naglih tržišnih promena.

5. UPRAVLJANJE STRATEGIJSKIM PITANJIMA

Jedan od bitnih vidova promene sadržaja strateškog menadžmenta, turističkih preduzeća podunavskog regiona, odvija se u okviru sistema upravljanja strateškim

¹¹ L. Courtland Bovee at. al: *Management*, Mc Graw – Hill, Inc., 1993.

¹² V. Milićević, *Strateško poslovno planiranje: Menadžment pristup*, Kultura, Beograd, 1993.

¹³ B. Mašić, op. cit., str. 39.

pitanjima (*strategic issue management*).¹⁴ Ovaj strategijski menadžment sistem je jednostavan za uvođenje i korišćenje i ne zalazi u postojeće strukture i sisteme, pa se naziva pravovremeni (*real-time*). Upravljanje strategijskim pitanjima predstavlja sistematsku proceduru za rano identifikovanje i brz odgovor na iznenadne promene unutar i izvan preduzeća, koje treba da ima značajan efekat na funkcionisanje preduzeća i njegove buduće rezultate.¹⁵ U suštini, koncept upravljanja strategijskim pitanjima sastoji se iz:

1. Stalna posmatranja sredine – poslovanja – tehnoloških – ekonomskih – društvenih – političkih trendova;
2. Uticajnih i brzih trendova koji su procenjeni kao ključna strategijska pitanja od strane top menadžmenta;
3. Top menadžment zajedno sa osobljem za planiranje, klasifikuje pitanja u jednu od kategorija:
 - veoma hitna pitanja sa dalekosežnim efektima koji zahtevaju hitnu pažnju,
 - osrednje (manje) hitna pitanja sa dalekosežnim efektima koja mogu da se reše u toku sledećeg ciklusa planiranja,
 - pitanja koja nisu uopšte urgentna, ali zahtevaju kontinuirano nadgledanje (monitoring),
 - pitanja koja su “lažna uzbuna” (*false alarm*) i mogu biti “kap” za naknadna razmišljanja.
4. Hitna pitanja dodeljuju se na proučavanje i rešavanje bilo postojećim organizacionim jedinicama, ili kad god je potreban brz odgovor, specijalnim privremenim (operativnim) grupama;
5. Top menadžment rešava pitanja nadgledanjem strategijskih i taktičkih implikacija;
6. Top menadžment stalno drži ažurirane preglede liste pitanja i njihove prioritete.

Dakle, samo su neka pitanja strategijskog karaktera veoma hitna koja zahtevaju veliku pažnju i akciju, a neka se mogu rešavati u toku periodičnog ciklusa planiranja u turističkim preduzećima podunavskog regiona.

6. UPRAVLJANJE POMOĆU SLABIH SIGNALA

U okruženju kakvo predstavlja region Dunava, pitanja koja se otkrivaju prismotrom (nadgledavanjem sredine organizacije) razlikuju se po količini

¹⁴ Već sredinom sedamdesetih godina XX veka, s povećanjem promenljivosti u okruženju, s jedne strane, i smanjenjem predvidljivosti budućnosti, s druge strane, došlo se do zaključka da ni kontingentni (viševarijantni) planovi nisu dovoljni za takvu budućnost.

¹⁵ I. Ansoff, Edward J. Mc Donnell, op.cit.

informacija koje sadrže. Veliki broj pitanja se odentifikuju kao vidljiva i konkretna, te su to jaki signali (*strong signal issues*) koji pružaju preduzeću mogućnost da napravi specifične planove kao odgovor i akciju na te signale. Međutim, druga pitanja, iz okruženja, sadrže netačne i nedovoljne indikacije u vezi s događajima, a koji mogu imati uticaj na razvoj i poslovanje organizacije, i koja sadrže slabe signale (*weak signals*). Ti slabi, početni signali, vremenom sazrevaju i postaju jaki signali. Obično se problem javlja na visokom nivou turbulentnosti i kompleksnosti sredine, odnosno kad promene počinju da se dešavaju sve brže. Pri tome, treba imati u vidu da ukoliko organizacija čeka da slabi signali postanu jaki, postoji opasnost da ne reaguje racionalno i da izgubi svoju strategijsku poziciju. Zato se u takvim uslovima visokog nivoa turbulencije i poremećenosti, javlja potreba da organizacija počne sa traženjem odgovora dok su signali sredine još slabi. Koncept upravljanja pomoću slabih signala ilustruje sledeća slika.

Slika br. 1. Slabi signali i generisanje odgovora

Odgovor Snaga Signala	A Prisмотра sredine	B Identifikacija Relativnih Snaga i slabosti	C Redukcija interne strategijske fleksibilnosti	D Povećanje interne strategijske fleksibilnosti	E Sposobni planovi i odgovori	F Akcioni planovi iodgovori
I Osećaju se pretnje/šanse	Područje izvodljivog odgovora					
II Izvor pretnji/šansi je poznat						
III Razvoj pretnji/šansi je konkretan						
IV Reakcija Strategijska i Razumljiva						
V Ishod akcije je predvidljiv						

Izvor: Ansoff, I., and E. Mc Donnell, *Implanting Strategic Management*, Prentice Hall, 1990.

Veština i sposobnost menadžera ogleda se u prikupljanju informacija o slabim signalima i upravljanju takvim signalima s ciljem adekvatnog strategijskog reagovanja i uvođenja programa, projekata i akcija, na osnovu kojih se stiče konkurentska dinstinktivna prednost na turističkom tržištu podunavskog regiona.

7. PROMENE U MENADŽMENTU IZNANEĐENJA

Neizvesnot u poslovanju turističkih preduzeća u regionu Dunava, u savremenim uslovima, permanentno se povećava. U turbulentnim situacijama, i pored najboljih znanja i veština, kao posledica toga neke stvari promaknu i postaju strategijska nepredvidiva iznaneđenja. Zbog toga organizacije izgrađuju novi menadžment sistem: upravljanje strategijskim iznaneđenjima (*strategic surprise management*).

Strategijska iznaneđenja predstavljaju:¹⁶

- događaji se dešavaju iznenada: neočekivano.
- nametanje novih problema u kojima firma ima malo prethodnog iskustva,
- nemogućnost odgovora implicira glavni finansijski preokret ili gubitak glavne šanse,
- neophodan je hitan odgovor, a ustaljeni sistemi i procedure ne mogu da se time bave.

Sistem upravljanja strategijskim iznaneđenjima ima sledeće bitne elemente:

- plan mreže komunikacija u slučaju opasnosti (iznaneđenja),
- *emergency communications network*,
- plan odgovornosti top menadžmenta u slučaju iznaneđenja,

Plan operativnih (privremenih – taktičkih) grupa i njihove strategijske mreže (*strategic taskforce network*).

Promene koncepta upravljanja strategijskim iznaneđenjima sastoje se u sledećim aktivnostima:¹⁷

1. U slučaju strategijskih iznaneđenja “mreža komunikacija u slučaju opasnosti” se odmah aktivira, prelazi normalne granice organizacije i ostvaruje brzu komunikaciju unutar cele organizacije;
2. U okviru ove mreže određuje se centar za dodeljivanje i evaluaciju informacija, koji procenjuje ulazne informacije i prenosi ih na delove mreže koji su odgovorni za rešenja;
3. Odgovornost menadžmenta za vreme opasnosti su:
 - kontrola i održavanje morala u organizaciji,
 - kontinuiranost “biznisa kao obično” uz minimalne smetnje,
 - odgovornost brzih odgovora na iznaneđenja.

¹⁶ I. Ansoff, Edward J. Mc Donnell, op. cit.

¹⁷ M. Đurić, „Upravljanje u kriznim situacijama“, u: *Menadžment, ekonomska kriza i promene*, FON, Zlatibor, 1995.

4. U poslu sa iznenađenjima strategijska operativna mreža utiče da:
 - lideri članovi operativne grupe prelaze normalne organizacione linije i stvaraju strategijske akcione jedinice (ne samo planiranje).
 - komunikacija se direktno ostvaruje između operativnih i centralne top menadžment grupe,
 - top menadžment formuliše sveobuhvatnu strategiju, određuje odgovornosti za implementaciju i koordinira implementacijom,
 - decentralizovane operativne grupe implementiraju njihove komponente nove strategije,
 - stvara se nekoliko mreža unapred (za iznenađenja na tržištu, za tehnološka iznenađenja, za politička iznenađenja i dr.).
5. Članovi operativnih grupa i mreže komunikacija obučeni su za brzo donošenje odgovora na nove probleme, koji podrazumevaju kreativnost, analitičke tehnike i timski rad.
6. Mreže su vežbe u uslovima kada nema kriza u datim strategijskim pitanjima, ako ona nisu iznenađenja.

8. ZAKLJUČAK

Region Dunava treba da razvija turističku delatnost, kao osnovnu privrednu granu, da bi se i sam razvijao, odnosno da bi povećao zaposlenost stanovništva i njihov životni standard podigao na viši nivo. Procesom globalizacije i naglim promenama u okruženju, posebno turističkih preduzeća koja posluju u regionu Dunava, nužne su i promene sadržaja strategijskog menadžmenta. Promene imaju, pre svega, cilj da se izaberu adekvatni menadžment sistemi za konkretne organizacije. U tom smislu, neophodno je istražiti nivo turbulentnosti i kompleksnosti okruženja, a potom odrediti adekvatan menadžment sistem, koji će odgovarati takvim očekivanim uslovima sredine. U uslovima diverzifikovane organizacije, s obzirom na različite nivoe turbulentnosti sredine pojedinih poslovnih aktivnosti, potrebno je da kombinuju različite strategijske menadžment sisteme. Promenama sadržaja strategijskog menadžmenta doprinosi i koncept ograničene racionalnosti (*bounded rationality*), a to znači da pojedinci kao i organizacije ne mogu da reše probleme kada se na njih prebaci određeni nivo kompetentnosti (kada prevaziđu ovaj nivo, oni niti shvataju šta se događa u okruženju, niti mogu da racionalno rukovode strategijama preduzeća). U strategijskom menadžmentu, redukcija kompleksnosti dovodi do promena nastupa organizacije na tržištu i njene efikasne adaptibilnosti na iznenađenja koja dolaze iz sve kompleksnijeg okruženja. U svakom slučaju turistička preduzeća, u regionu dunava, ne samo da bi uspešno poslovala nego i da bi se brže razvijala, sa aspekta

strategijskog vođstva, treba da imaju adaptibilne i fleksibilne strategije odnosno takav menadžment koji bi kreirao i sprovodio upravo onu vrstu strategija koje su opisane, ukratko, u ovom radu.

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István SZILVÁSSY¹

LEISURE BOATING ON DANUBIAN CANALS, TRIBUTARIES IN CARPATHIAN BASIN

ABSTRACT

The share of the leisure boating has a much smaller scale and there are many white patches in the area of the Danube's tributaries and canals in the Carpathians and Carpathian basin as compared to Western Europe. But it is possible a very dynamic development in the medium term. The paper shows hire leisure boating branch in Europe and opportunities and steps to develop in Carpathian basin.

Key words: Leisure boating, Canals, Tributaries, Carpathian basin.

1. CRAFT & BOAT FOR LEISURE OF INLAND WATERWAYS

Most of the canals and inland waterways in Europe experienced a deep-seated change in purpose and use during the last decades of the 20th century. Tools of the Industrial Revolution from the late 18th century, they gradually became “historic”, in other words no longer adapted to the transport needs of our modern society, but nonetheless representing an extraordinary heritage of navigation structures, landscapes, operational buildings, down to the smallest architectural detail, all testifying to the “golden age” of expansion of industrial activities throughout Europe.

In addition to their importance as factors of regional identity, canals are also unique ecosystems in their own right, which have become increasingly fragile through the ravages of time, lack of maintenance and the pressures of increasing leisure use. Why maintain these structures as “living waterways”? Because they offer hundreds of millions of Europeans a whole range of possibilities of leisure, tourism, cultural visits and discovering the environment. To this end, they have to be rehabilitated, maintained, their structures operated. Just as important, they have to be promoted to clients near and far. Considering that canals thus entered the category of “endangered river systems”, according to the terms of the call for tenders “TERRA - ERDF article

¹ Association of Business Planners, Hungary.

Fleet and number of boats per capita estimated in some European countries

COUNTRY	Vessel/Inhabitants	Fleet
Norway	1:6	793.000
Finland	1:7	731.200
Sweden	1:12	753.000
Netherlands	1:32	523.473
Switzerland	1:75	100.093
Greece	1:84	130.552
Italy	1:98	592.000
UK	1:111	541.560
France	1:127	483.823
Ireland	1:168	25.830
Germany	1:183	450.273
Spain	1:207	220.000

10” issued by the European Commission in 1996. The recreational craft industry has attracted the interest of the EU Commission because of its impact on the environment and its economic significance in the European Union.

To implement EU-wide initiatives in this sector, the Commission has legislated on recreational craft, which are boats of any type, regardless of their means of propulsion, between 2.5 and 24 metres hull length. This EU legislation (Directive 94/25/EC, as amended by Directive 2003/44/EC) includes a number of exceptions and derogations. As an example, craft designed for racing, as well as canoes, kayaks, gondolas and pedalos, are excluded from EU requirements related to the design and construction of recreational craft. In order to

With over 27,000 km of inland waterways and more than 70,000 km of coastline. Europe offers the perfect environment for the 48 million European citizens who regularly participate in recreational marine activities (36 million of whom are boaters), as well as countless numbers of tourists. Over 6 million boats are kept in European waters while 4,500 marinas provide 1.75 million berths both inland and in coastal areas. (European Boating Industry) *Comment: But probably these data are concerning without of Middle East-Europe.* (by author)

promote sustainable development, the European legislation on recreational craft also introduced standard requirements regarding user safety, as well as exhaust and noise

Recreational craft means any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2,5 m to 24 m, regardless of the means of propulsion

Personal watercraft means a watercraft intended for sports and leisure purposes of less than 4 m in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull; Directive 2013/53/EU on recreational craft and personal watercraft and repealing Directive 94/25/EC

*Boating – the activity of travelling on water in a boat for pleasure
Cambridge Dictionaries on-line*

Leisure/Pleasure/Recreational, etc. boating – boating on a large motorboat that has a cabin and plumbing and other conveniences necessary for living on board

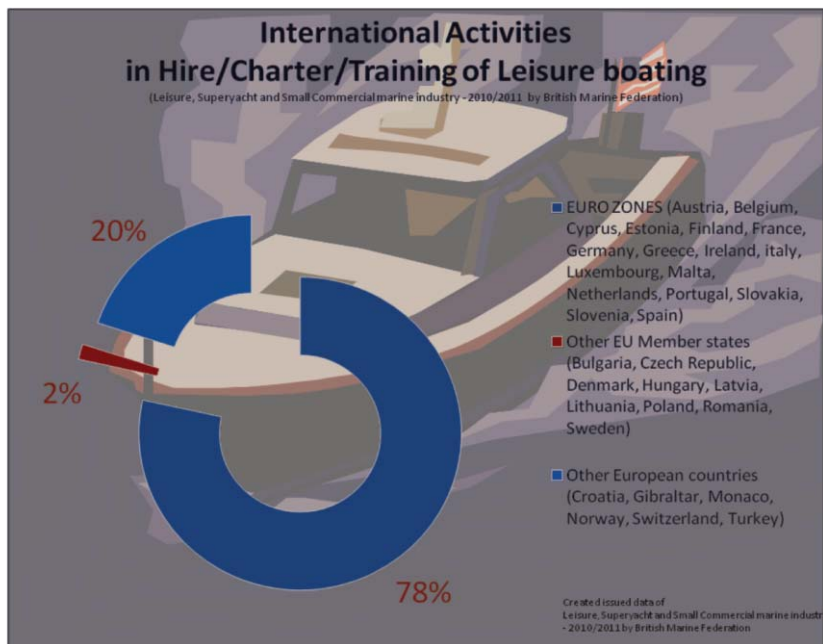
emissions. As a result, this European legal framework has removed disparities among Member States, while facilitating free competition across the Union and trade with foreign countries.

The boating industry in Europe is a dynamic and competitive sector and a significant contributor to the European economy. The industry is made up of boat builders, engine manufacturers, equipment manufacturers, and trade and service providers and consists of approximately 32,000 companies, directly employing over 280,000 people. Prior to the financial crisis, the boating industry achieved an annual average growth rate of 6% and a turnover of over 23 billion Euros (today its turnover is approximately 20 billion Euros). The leisure boat market represents a very small part of the leisure industry as a whole. The leisure boat industry has shown significant growth during the last decade in terms of adult participation, production units and revenues.

1.1. Leisure boating in Europe

The leisure boating exists on the international public consciousness only in Western Europe. Indeed, the small motor boat in the tourism market is vibrant there. Boating on Masurian Lakes in Poland and the Czech Republic on the Vltava and Elbe rivers can only be found in the international markets of Central and Eastern European region.

There is no such a type of leisure power boating's system and business in Central and Eastern Europe, the Carpathians and the Carpathian Basin as it exists across



Europe, related chiefly to western, northern, southern part of Europe. However, there are possibilities to the leisure boating and can assume a dynamic development in the tourism sector in the medium term. Currently, the majority of human-powered vehicles water flow of tourism on the Danube and its tributaries. There are some local opportunities – mainly ferry – boating, but special the leisure boating can be find in same system and intensive as that is in West-, South-, North-Europe. On these countries a lot of vessels can obtain for hire, services are for boating tourist are wide, reliable and quality containing the security on board and riverbanks. The leisure boating is a relevant, important activity in rural areas and of rural development (see rural tourism, wine taste, slow-food programmes), furthermore of cultural routes systems, and not only local public (municipalities, authorities) and private (enterprises, civil) stakeholders have their contributions to sustainability and management but the state also has.

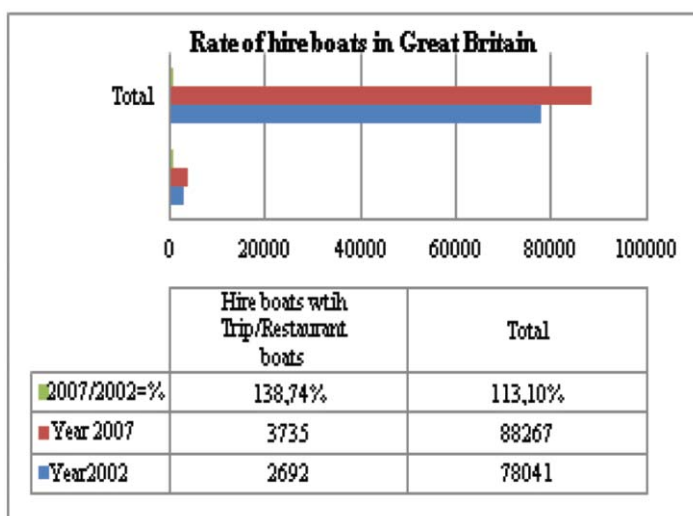
2. CANAL BOATING, CHANNEL SHIPPING FOR TOURISM

There are two branches and more combinations of the two. One of when the tourists travelling in the craft on the channels, tributaries and on the other, when approaching the shore from the land close to shore and rest (strand, fishing, etc.) at the water. This occasion in focus mainly will be the leisure or pleasure or recreational

boating. In East-Central Europe, the latter is widespread. This section generally means a mass tourism. We are dealing with the tourist boating, which has per capita a much higher income. What do we mean by canal boating? Most travel to the little boats on river tributaries, canals. This is complemented by small boat navigation in coastal waters of the sea but in this context the focus is on some details of the inner shipping.

2.1. How is it in the past and nowadays in Great Britain?

In the latter half of the 20th century, while the use of canals for transporting goods was dying out, there was a rise in interest in their history and potential use for leisure. A large amount of credit for this is usually given to L. T. C. Rolt, whose book “Narrow Boat” about a journey made in nb Cressy was published in 1944. A key development was the foundation of the Inland Waterways Association, and the establishment of fledgling weekly boat-hire companies, following the example of such companies on the Norfolk Broads, which had long been used for leisure boating. The authority responsible for the canals, British Waterways Board, encouraged this process from the late 1950s by operating a fleet of holiday hire boats, initially converted from cut down working boats. Holidaymakers began renting ‘narrowboats’ and roaming the canals, visiting towns and villages they passed. Local authorities began to see how a cleaned-up and well-used waterway was bringing visitors to other towns and waterside pubs — not just boaters, but people who just like being near water and watching boats. They began to clean up their own watersides, and to campaign for “their” canal to be restored.



2.2. Present status

There are now about 2,200 miles of navigable canals and rivers throughout the United Kingdom. This network is navigable in its entirety by a narrow boat (a boat 7 ft wide) no longer than about 56 feet. There are also several through-routes not connected to the main network, notably those in Scotland. The aim of campaigning bodies such as the Inland Waterways Association is to persuade the Canal & River Trust (which owns about half of Britain's inland waterway network) to fully reopen all disused canals. The speed limit for the majority of inland waterways in the United Kingdom managed by the Canal & River Trust is four miles per hour. All speed measurements on Canal & River Trust waterways are expressed in terms of speed over the ground, rather than speed through the water. There are more than 270 waterway societies, charities, trusts, associations, clubs and other non-governmental waterway organisations, concerned with the restoration, regeneration and use of the waterways in the United Kingdom. The inland waterways sector in² Britain is firmly established as a major component of the leisure and tourism scenes. Boating as a hobby and boating holidays have long been the choice of a very wide public. However, it is increasingly the case that the waterways network also provides jobs and boosts local regeneration, is good for the environment and heritage, and enhanced health and wellbeing. There are many other benefits apparent or claimed. Waterways and other inland navigational resources are a platform for water-based sports, and for major events and festivals. Increasingly, houses, businesses, shops, restaurants and hotels enjoy an advantage if they boast a waterfront location.

3. LEISURE BOATING IN WESTERN AND MIDDLE EUROPE

The development and current conditions are broadly similar to continental Europe than in Britain. The tourism-related channel shipping in the sixties throughout France has already begun. Canal boats are comfortable self contained vessels that float on water and are easy and economical to operate. Canal boats are available for rental - hire or rent from a large variety of popular tourist destinations in many countries throughout Western and Middle Europe, it is relevant in Belgium, Czech Republic, Denmark, England, Finland, France, Germany, Holland, Ireland, Italy, Luxembourg, Norway, Poland, Portugal, Scotland, Spain, Sweden, Switzerland.

² Own data based on *Report of the 2008 AINA survey*

3.1. Tourism on canals, channels, tributaries

3.1.1. Vessels for tourism on canals, channels, tributaries

In focus of our theme are those vessels which are powerboats, small passenger vessel, hire craft, and can work on canals, small rivers of Carpathian basin in generally rural areas. Boating is the leisurely activity of travelling by boat, or the recreational use of a boat whether 1. Powerboats; 2. Sailboats and 3. man-powered vessels (such as rowing and paddle boats), focused on the travel itself, as well as sports activities, such as fishing or waterskiing.³ Safety and environment: EU harmonised requirements for recreational craft - Recreational craft marketed in the EU must comply with harmonised technical safety and environmental requirements and meet a number of administrative obligations defined by Directive 94/25/EC, as amended in 2003. These safety and environmental requirements address the design and construction of the craft, and set limit values for their exhaust and noise emissions.

3.2. Revised definitions for the purpose of licensing conditions for the use and operation of vessels on inland waters (GB)

3.2.1. General

- Sailing vessel - Any vessel propelled by sails, providing that any propelling machinery, if fitted, is not being used.
- Unpowered vessel - Any vessel not propelled by machinery and not being a houseboat, a lighter or floating equipment.
- Vessel means - Every description of watercraft whatsoever, including non displacement watercraft, used or capable of being used as:- a means of transportation on water whether for persons or goods, and includes, without prejudice to the generality of the forgoing, a houseboat or floating equipment.
- Other - Any vessel, craft or form of construction that may be in, on or over an inland waterway, eg. raft, hovercraft, seaplane, submarine
- Functional
- Floating Equipment - A floating installation, not being a power driven vessel, carrying working gear such as cranes, dredgers, pile drivers, compressors, elevators or like working gear

³ More information can find in national level code and the Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (OJ L 164, 30.6.1994, p. 15)

- Lighter - Any unpowered barge or other like vessel, not being floating equipment, which is solely used for the carriage of goods
- Passenger vessel - Any vessel carrying more than twelve passengers, whether for profit or not.
- Small passenger vessel - Any vessel not being a pleasure vessel carrying less than twelve passengers, whether for profit or not.
- Tug - A power driven vessel solely used to tow or push other vessels or to carry goods

3.2.2. Hire

- Hire craft - Power driven and unpowered vessels of every description, excepting houseboats or hired houseboats, used for sport or pleasure on inland waters and not intended for the carriage of more than twelve passengers which are either: let or hired under an arrangement with no skipper or crew being provided, whether or not that arrangement is on a pre-contract basis, the subject of a bare boat charter arrangement, owned by a club for the use of its members with no skipper or crew being provided, whether or not the user makes any payment for use of the vessel, owned by a body corporate for the use of its employees with no skipper or crew being provided, whether or not the user makes any payment for use of the vessel, the subject of any form of shared use arrangement with no skipper or crew being provided, excepting where the vessel is wholly owned by her users and no other person or organization receives money for or in connection with the management of the vessel, other than as a contribution to the direct expenses of operating the vessel on an individual voyage or excursion.
- Day hire craft - Any power driven hire craft not fitted or furnished with cooking equipment and which is not decked over the greater part of the hull
- Residential
- Hired houseboat - Any vessel, not being a power driven vessel or capable of being readily adapted to become a power driven vessel, may or may not be available for hire, which is kept stationary and is, or is capable of being, used as: a place of habitation, whether by day or night, or a place for receiving or accommodating persons for the purposes of shelter, recreation, entertainment or refreshment, or club premises, offices, kitchen, pantry or store.
- Residential vessel - Any power driven vessel, not being a hire craft or passenger vessel, which is used as a place of habitation, whether by day or night, for twenty eight or more continuous days in any twelve month period, whether or not the vessel is kept stationary.

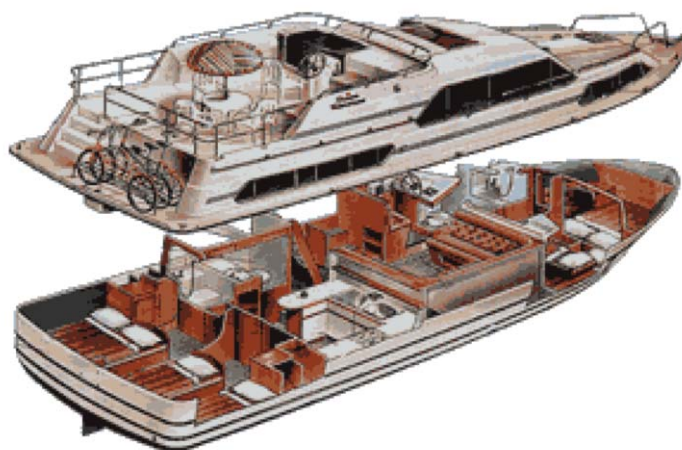
3.2.3.Recreational

- Private/pleasure craft - Any vessel which, for the time it is being used, is: in the case of a vessel wholly owned by an individual or individuals solely used for the sport or pleasure of the owner or their immediate family or friends or in the case of a vessel owned by a body corporate, used solely for the sport or pleasure of the employees or officers of that body corporate or their immediate family or friends, and is on a voyage or excursion which is one for which the owner or other organization does not receive money for, or in connection with, the operation of the vessel other than as a contribution to the direct expenses of that voyage or excursion or any manually propelled craft used for racing or race training.⁴

3.3. *Types of boats for leisure and rural tourism*

There is a variety of tourism cruising on rivers, canals with wide variety types of small passenger vessels. This time we focus based on hired powerboats, generally named canal or channel boating of the leisure/pleasure boating. The leisure craft (or pleasure boat) is a small passenger vessel, a boat used for personal, family, and sometimes sportsmanlike recreation. Typically such watercraft is motorized and is used for holidays, on a river, lake, canal or waterway.

CRUISER - The Classique is a typical cruiser: a luxury 42 ft 8-berth cruisers and flagship of the range, with two steering positions.



⁴ AINA see 2)

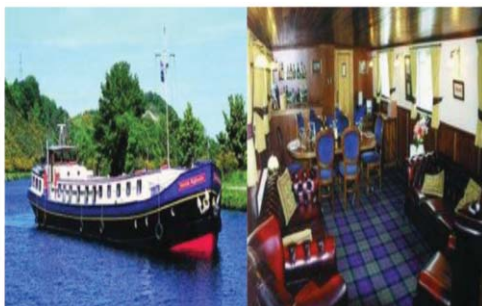
PÉNICHETTE – The name “Pénichette” is a Registered Trade Mark referring exclusively to the range of boats designed and built in France by Locaboat Plaisance. Pénichette is a river boat craft inspired by traditional craft mariners for navigation without a license on the canals and rivers of France, Ireland, Holland and Germany. These boats have similarities to both compact barges and motor cruisers and provide comfortable accommodation for between 2 and 12 people. Across Europe there are now over 400 Pénichettes. Whether for couples, families or groups of friends there is always a Pénichette



Light and airy with large windows, twin sliding sunroofs and fully glazed rear doors. A stylish extended roofline gives protection both from sun and rain. Powered by diesel engine from 28 to 50 hp. 12 volt electricity is provided from dual engine-driven alternators. On the dashboard is a 12V power point (for mobile phone, camcorder etc) Hot and cold water are pressurised. Hot water is provided by a heat exchanger on the engine. Each boat has twin gas-fired forced air heating systems. Radio/cassette or CD fitted in the saloon. The kitchen has refrigerator, cooker with oven and 3 rings, sink and storage. The table and chairs can be used either inside or on the aft deck. A full inventory is provided with tourist's confirmation. Gangplank provided.

HOTEL BARGE

The luxury hotel barges are specially converted from vessels originally designed to carry cargo on the shallow inland waterways.



They offer air conditioned en-suite cabins for between 4 and 20 passengers. The barge is tastefully furnished in exotic hardwoods creating a bright and airy atmosphere. Eight bikes are available to be used at any point during your cruise. It is a highly professional crew of four is comprised of Master Chef, Tour guide and Housekeeper and is led by a knowledgeable and experienced Captain who will ensure your cruise is memorable and more!

NARROW BOAT – In the context of British Inland Waterways, “narrow boat” refers to the original working boats built in the 18th, 19th, and 20th centuries for carrying goods on the narrow canals (where locks and bridge holes would have a minimum width of 7 feet (2.1 m); some locks on the Shropshire Union are even smaller). The term is extended to modern “narrowboats” used for recreation and more and more as homes, whose design is an interpretation of the old boats for



modern purposes and modern materials. The key distinguishing feature of a narrowboat is its width: it must be no more than 7 feet (2.13 m) wide to navigate the British narrow canals. Some old boats are very close to this limit (often built 7 feet 1 1/2 inches or 2.17 metres or slightly wider), and can have trouble using locks that are not quite as wide as they should be because of subsidence. Modern boats are usually 6 feet 10 inches (2.08 m) wide to guarantee easy passage everywhere. The number of licensed boats on canals and rivers managed by British Waterways (BW), a government organisation, was estimated at about 27,000 in 2006. There are perhaps another 5,000 unlicensed boats kept in private moorings or on other waterways. Most of the boats on BW waterways are steel cruisers popularly referred to as narrowboats.

BOAT&BIKE

A unique concept that combines cycling and cruising, boating. Boat-Bike tours offer both groups and individual travellers. During a trip the accommodation will simply follow cyclists. This avoids the hassle of having to move from one hotel to another. Some favourable boat-bike tours: Amsterdam City Cruise 5 days (€499/ps),

Donau Passau - Vienna - Passau MS (from € 595/ps), Mosel: Koblenz – Saarburg (from € 599/ps)

And here is a newest system the Shuttle bike ('bay bike') the bike is simply attached to inflatable catamaran when reached the water shore and the tour goes on water. These kits, which fit in backpack, can be used to create a pedal-powered boat out of a bicycle. And the walk on water by Sea Jogger.



Seservices for canal boating, channel shipping and system of leisure boating

SELF-DRIVE HIRE BOATS - the British call it hire boats. In France, this is advertised as '*sans permis*', meaning that the skipper will not need to be licensed (and that the rental operator has paid the necessary fees for use of the canals.) A brief lesson at the base, perhaps followed by accompaniment for a short portion of the trip, will acquaint the skipper and crew with the operation of the boat and the rules of the road for the waterway to be travelled. Once underway, the skipper is in full control of the itinerary. Each day of travel can be as short or as long as desired, with stops for dining, sightseeing, and overnight stays usually decided by tourist. The only limits are the schedule of locks that must be passed through and the need to return the boat at the agreed place and time. Usually the cruise is round-trip, back to the starting point, but multi-base rental companies can offer one-way trips. Going ashore for dining, provisioning or sightseeing is done on foot, on bicycles (which can usually be rented at the start of the cruise). In most areas, the boat can be moored anywhere along the banks of the waterway. Many towns and cities have special offer for shipping tourists (wine-taste, riding, golf, entertainments). Boats are available for families or groups of 2 to 12 passengers (can hire also a Full-Boat Charter Barges for 2-24 persons) and equipped with separate cabins and bathroom facilities. Initial or complete provisioning can usually be ordered in advance from the base; however a major part of the enjoyment of the trip is shopping at local stores or at the many local market days. The boats will be fitted with toilets and showers (some with bathtubs), often one per cabin. Navigation is not difficult, since the trip is usually in a confined waterway. The base will supply a chart and guide that will give detailed information for navigation, restaurants, shopping, sightseeing and mooring.

HOTEL BARGES - Activities that are available on either type of barge cruise include golf, tennis, riding, ballooning, hiking, cultural excursions, wine tasting and special events such as tulip season, gardens, antiques, opera, etc. Onboard features

will vary from barge to barge, but may include air conditioning, central heat, sauna and hot tub. Bicycles are usually provided for the use of guests. Gourmet meals, wine and open bar are usually included. Transfer by van or rail from, and return to, a central meeting point such as a hotel-accommodation in the city is often included in the price.

3.4. Prices for the touristic boating on canals, channels, tributaries and market

In tourist market for all target groups of customers the leisure boating can provide attractive programs form 0-99 age. Already available in the leisure boating on each group of the solvency, of course it is on different service levels and duration. The most frequent groups are senior couples (up40 age), families with children, and small groups, teams especially of young people. The market and the it's opportunities fully assess, research and predictions based on them is yet to release. In the Carpathian Basin, however, there can be said that the power-driven leisure boating is a virgin territory. Typically, there is a shortage of supply, not demand. So you've got the market pattern for development. The price of an English canal holiday can vary widely and is dependent upon a number of factors, such as how many people are going, the length of the break you are taking, and the time of year you are going. Couples can expect to pay around €340 – 450 for a short break, or €550 – 900 for a week-long break. Whilst a family of four can expect a cost of around €550 – 800 for a short break, and €800 – 1,200 for a week-long cruise. Prices are typically higher during the peak times of December and the summer months of May, June, July, August and September. To split the cost of a canal holiday between friends it's a very affordable option

<i>Price for a week / Meals, activities and transfers are included</i>	<i>cca €</i>
the boat and can bring as many guests as will conveniently fit: NO	350-1800
the cruise per person, double occupancy, for a one-week cruise: YES	1050-3000
the full-Boat charter barges, one price pays for everybody: YES	7000-35000

At hire boat the chief additional fee/cost of extra fuel fee for the lock, and used to calculate ship clean-up fee, in addition to the bike, internet usage fee, and must be added to pay a deposit (cca. €500-1500) when renting a boat. Meals, entertainment and travel to & back the base port, personal insurance expenses to be taken into account. There is the likelihood that two persons for an average of €2000-

2500 need. The market is in Hire/Charter/Training of Leisure boating not too big but in 2011 its withdraws have been cca. 70 million Euros in Europe⁵.

4. OPPORTUNITIES ON CANALS, TRIBUTARIES OF DANUBE BASIN

The Danube River has 198 tributaries. Main tributaries are of Danube River: Argeş, Drava, Great Morava, Hron, Ialomiţa, Iller, Inn, Ipel', Isar, Iskar, Jiu, Lech, Morava, Olt, Osam, Prut, Regen, Sava, Siret, Timiş/Tamiš, Timok, Tisza/Tisa, Váh, Vedea, Yantra. Carpathian Basin has sixteen longer than 100 km river, their length is 5,600 km, to which must be added the less rivers and lakes can use to leisure boating, so the total length of waterways interior Europe has the most. Our mainstream is canals, small rivers in sub-river basins of Danube River in the Carpathian basin.

4.1. Boating on some rivers in Danube basin

River TISZA/TISA has its springs in Romania, the Carpathian Mountains. It flows first to the south and turns then to the west, forming partially the border to Ukraine. As from Tiszabecs it becomes for some kilometres Border River between Romania and Hungary. It turns then in Hungary to the north and meets again the border to Romania. At the border triangle of Slovenia / Hungary / Romania it turns again towards southwest. Having crossed the entire east of Hungary, the river crosses at Szeged in the border to Serbia. River Tisza is full of bows and bends and has therefore a length of 1308 km even though the direct distance between its spring and the mouth at River Danube is only 467 km. River Tisza in Serbia: Immediately after the border one gets to the town of Kanjia followed by Novi Knezevac and the next wharf follows at Senta. At the town of Ada is a small marina and in Becej one finds with some luck something like a wharf. Short after the town comes the connecting lock to DTD-Canal to the northwest. After Novi Becej is on the east the inflow of the south-eastern stretch of Danube-Tisza-Canal. Over this, one has access to upper Becej and the Bega-Canal. The last bigger place before the mouth into Danube is Tegel but there is no possibility to stop anywhere. The mouth into River Danube lies opposite the town of Stari Lankamen, 23 km below Novi Sad. Because of the shallow, sandy banks one has normally no problems to stop somewhere.

River SAVA has a length of 940 kilometres and is the side river which is most abundant with water to River Danube. It has its spring in the Julian Alps in Slovenia and forms then first the border to Bosnia and Herzegovina. After the Bosnian town

⁵ Admitted data by the British Marine Federation.

of Brcko, River Save meets Serbia and is again for 30 km the border to Bosnia and Herzegovina before it flows into River Drina.

The last 216 km to the mouth of River Danube are navigable and the underflow is very important to leisure boating. Skippers of Belgrade prefer the comfortable River Sava to the main waterway of Danube with heavy commercial traffic. There are uncountable private wharfs and pontoons along the banks on the last 14 km before it flows into River Danube. Upstream it gets calm later. The river is then with some exceptions (Obrenovac, Sabac, Stremska Mitovica) crossing woods and meadows.

River TIMIS/TAMIS flows below the town of Pancevo below of Belgrade into River Danube. In Pancevo are therefore trans-shipment centres and harbour facilities but also leisure boaters find possibilities to dock. The river is for about 40 km off its mouth limitedly navigable.

The last “serious” wharfs can be found at Sefkarina, afterwards the river gets lost in the forbidding woods of the area. However, there use to be a link to River Danube over Karas - Canal further up.

River PRUT flows out of the Carpathians comes originally from Ukraine and forms then to the confluence with River Danube the Border River between Romania and Moldova and is navigable from Stanca. Easterly of Galati it flows into the Danube and is therefore back to the Ukraine.

Since River Prut is a rather moody companion, the villages on the Moldavian just fields and graze land and on the eastern, woods and more woods. Romanian side are only a few bigger places.

It's navigable on the last kilometres before the confluence.

There are no bigger places along the river further up, neither on Romanian nor on Moldovan side of it. Navigation made therefore no sense.

River VAH / River Nyitra/ is not really navigable. Coming from the Danube, one stands after 52 km in front of the weir of Neded which doesn't have a lock. From the Town of Hlohovec, the river is till Zilina accompanied by a canal with quite a few electric power stations. Most of them even with a lock but they are not working. But there are always small stretches in between which are navigable. Above of Nove Mesto and Vahom (town on the Vah) navigation has definitely an end since the remaining 5 weirs to Ziloina have no locks. Nyitra River used to have a connection on its underflow from the Vah at Kolárovo to Nove Zámky. As from there the Nyitra was then navigable until above Preselany. Between the town of Nitra and the water reservoir are still 4 locks, none of them is working.

5. VISION AND DRAFT FOR DEVELOP OF THE LEISURE BOATING ON CANALS, TRIBUTARIES OF CARPATHIAN BASIN AND CARPATHIANS

The Western and Central European type and size of the leisure cruise cannot find in the Carpathian Basin, the Carpathian region, despite the fact that here is very much suitable channel, smaller rivers in the region. Not developed this line of business. The reason for the underdevelopment of the canals and waterways of smaller rivers, the fleet is only suitable for short-term and short-term stays. Human-powered boats organized active water sports tourism industry, but it is intense, however, in terms of this topic is now secondary. It is possible to evaluate and draw the canal shipping and other types of leisure boating by territorially in three sectors of Carpathian basin. But it is possible to highlight landscapes of Tisa/Tisza and its tributaries and waterways in Vojvodina (RS) and Drava, Sava connections. It is not only a necessity but a good strategy to develop the leisure boating, in focus hire canal, power boating system as new touristic product of Carpathians and Danube basin. It can be a dedicated implementation of priorities the Danube macro-regional strategy and EU2020 strategy. In Carpathian basin there are wide and huge opportunities for a very dynamic development on waterways, banks of canals, small rivers, and tributaries of Danube river although also on it.



6. GO AHEAD AND ACTION!

The primary tasks of governments, regional, local governments, and the further stakeholder investors, enterprises, organisations,

- first and most important goal is the development of the deserted river banks should be liveable, to ensure the flow of water through the canal and small tributaries
- ensure that the waterways and shores of the canals and tributaries remain national property
- provide for the border section of canals in and by rivers that water routes to work, be possible to keep the crossing for international tourism: in particular the Hungarian-Slovak, Hungarian-Ukrainian, Slovak-Ukrainian, Romanian-Hungarian, Romanian-Serbian, Croatian-Serbian, Hungarian-Croatian, Bosnian-Serbian, Croatian-Slovenian, Hungarian-Slovenian, Austrian-Slovenian, Hungarian-Slovenian border sections;
- Need to standardize of leisure boats driving license for a system of education and official procedures in the Danube basin, not only for the prevention of accidents, but also to be able to sail through the borders and get on with the international market. All follow the EU rules or to be the standard for the EU after it is established.
- development programs - particularly in relation to the rural, recreational, active tourism - include measures to improve the conditions for recreational boating, the required fleet, the water management, coastal areas, ICT, native and cultural heritages, local foods, etc.
- create a special and full TDM system in relation to the canals and small rivers, to the tributaries of the development and management of the leisure boat trip, especially in the coastal services, available vessels, safety conditions, uniform provision of hire arrangements, and common marketing, publicity

The Operational Program for the leisure boating creation, development
in Carpathian basin

	GV	LG	EN	CS
1. Design and development of primary infrastructure				
1.1. Water direction				
1.1.1. Canals, tributaries, water regulation, water yield stability	X	X	X	
1.1.2. Part conversions, maintenance, water (sea walls, collapsed trees and vegetation obstructing navigation, floating waste, strengthening pollution, etc.).	S	X		X
1.2. Water facilities and vehicles				
1.2.1. Base and moorings creation, development	S	X	X	X
1.2.2. Shipyard Park (leisure sailing under EU standard)	SX	S	X	X
1.2.3. Uniformly regulated in the boat driving license and without the navigation of ships, speed limitation of small rivers, canals part of accident prevention, in part to ensure that the tourism experience	X	X	S	S
1.3. Town and Country Planning Direction				
1.3.1. By water side				
1.3.1.1. The viewing experience destructive wound healing (debris, rubbish dumps, decaying buildings, etc eradication, and elimination by vegetation such as hedges, etc.)	S	X	X	X
1.3.1.2. Fishing and fishing sites, also irrigation works, etc... and the coordination of ship routes with the leisure boating		X		X
1.3.1.3. cityscape development, creating places that provide a memorable experience	S	X	SX	
1.3.2. Starting from the mooring location and waterfront to establish and maintain the infrastructure for walking, cycling, horse-trekking tours of the countryside: passing among pastures, gardens, agro-production zones	S	X	X	X
2. Secondary development of infrastructure and infrastructure services				
2.1. Fuel, electricity, water intake, and liquid, solid waste disposal sites	S	X	X	
2.2. Development of intermodal transport links - usually at the base, port locations	SX	X	X	
2.2.1. bike paths, hiking trails	SX	X	X	
2.2.2. to public transport (bus , train, plane)	SX	X	X	
2.2.3. parked space station's passenger cars	SX	X	X	

	GV	LG	EN	CS
2.3. Repair and maintenance ship dock boat storage establishment on bases ,	S	S	X	
2.4. Information - multi-linguistically - tables and signs on ground and water road	S	X	X	X
2.5. Wired and wireless Internet connection on boats and on banks	SX	X	X	X
2.6. Network and information system of support service along the shipping routes	S	X	X	X
3. Tourists care, personal services				
3.1. Opportunities to purchase food and personal needs items, and restaurants on the banks or nearby in the local markets, shops and on- farm sales		SX	X	S
3.2. Achieve health , law enforcement , banking, insurance services, same such as local residents		X	X	
4. Adventure Activities , attractions				
4.1. bathing, swimming, waterfront active programs	S	SX	X	X
4.2. fishing, horseback riding , hunting, golf , etc.	S	S	X	X
4.3. cellar visit, wine tasting, slow-food - cheese maker, etc., craft - farm programs		S	X	X
4.4. Presentation of cultural heritage sites (museums, monuments, etc) and events (festivals, meetings, celebrations, sporting events, etc.).		SX	X	X
5. Network development, franchise				
5.1. Establish and operation of a network for service providers		SX	X	X
5.1.1. Leisure boating, TDM franchise		SX	X	X
5.1.2. Rating system	X	X	X	X
5.1.3. Strengthening the social media, civil society	S	X	X	X
5.1.4. One-way travel logistics and service accounts			X	X
5.2. Coordinated development and maintenance of canals/channels and river banks	SX	X	X	
6. Marketing & Brand building program				
6.1. Marketing-mix – 4P	S	X	X	X
6.2. Media	SX	X	X	
6.3. Participation on Fairs, Exhibitions	S	S	X	X
6.4. Brand management	S	S	X	X

GV-government, LG-local government, EN-enterprise, CS-civil society, S= supporter; Supporter may be not only the state, governmental body, but EU program or institute, X= actor, stakeholder

6.1. Next steps, Actions

- Explore opportunities for leisure boating the canals, tributaries of Danube
- A Memorandum draws attention of governments, public authorities, rural development - water and tourism institutions, local governments the direct and indirect benefits of recreational boating
- Cross-Border Boating – CBB: implementation of international tours of discovery
- To create and implement a joint project: Interested several colleges, universities implement the Carpathian Basin 3-6 expeditionary study visit to the northern sector of the central and southern sectors (e.g., Bega, Timis, canal Danube-Tisa, Danube and Sava rivers, from Timisoara to Ljubljana, etc.) and of such a report, which will be published to stakeholders.
- Take advantage of the opportunities for European territorial cooperation (joint projects, workshops, action groups, actions) and EU funds, programs
- Make recommendations to the European Territorial Co-operation organizations and national managing authorities of operational programs to 2014-2020. take programs from the development of leisure boating
- Show the program of the EU Danube Strategy the develop of leisure boating
- Joint letter to request the steering groups of EUSDR to take up the contacts of ‘leisure boating’ to own priority area in the implementation program of the action plan

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Maps of Danube basin and its rivers by ICPDR, Budapest, 2nd April, 2014 ©István Szilvássy

Nikola JOKANOVIĆ, LL.M.¹

THE ATTRACTIVENESS OF RIVER DANUBE TO THE PEOPLE'S REPUBLIC OF CHINA

ABSTRACT

The Danube is the second longest river in Europe and also the longest river flowing through south-eastern Europe. This river is a very important regional waterway and a connection between the Black Sea region and the Atlantic Ocean. As the industrial activity along its coasts develops, and as the living standards of the littoral states improves, the scale of the river-based traffic of people and goods will also grow. The potential for development of infrastructure and industry of the Danube River countries, especially along the middle and lower Danube, is tremendous. The author argues that it is possible to find the financial support for infrastructural projects in People's Republic of China. Particular importance belongs to the Chinese Maritime Silk Road initiative, aimed at supporting the modernisation of port facilities, roads and railroads; while the primary target of the Maritime Silk Road initiative (and its funds) are the countries along the Maritime Silk Road, the author argues that a pronounced joint interest of Danube River countries would be sufficient motivation for the Chinese Government to support similar projects in south-eastern Europe. The success of the existing cooperation between China and 16 countries of Central and Eastern Europe would be a key stimulus for future Chinese support. When it comes to Chinese individuals and companies, the importance of the Danube as a waterway and tourist attraction would be bolstered with the successful completion of construction projects (in association with local partners), with investments in the local industries, but also with the influx of Chinese tourists (the attractiveness of the Danube would be enhanced through temporary visa exemption). In that sense, a good example is the development of six technological parks in the Romanian port of Constanța. If this project is successfully completed, the initialising of similar projects in other Danube River countries is to be expected.

Key words: People's Republic of China, river Danube, Maritime Silk Road, infrastructure, investment, transport of people and goods, tourism.

¹ China Foreign Affairs University.

1. DANUBE AS AN IMPORTANT WATERWAY

This paper deals with the infrastructural and industrial projects, as well as tourism, in the Danube River basin, and the potential interest of People's Republic of China in the region. The importance of the river Danube in Europe cannot be overstated – with its 2860 km in length, it is the continent's second longest river, and the longest flowing through south-eastern Europe. The river basin covers the territory of 10 European countries (19 if all tributaries are counted) (New World Encyclopedia, 2015). The river is usually divided to three sections – the Upper Danube (source - Devin Gate), Middle Danube (Devin Gate - Iron Gate) and Lower Danube (Iron Gate - Black Sea). Some of the important ports along the river include: Regensburg, Vienna, Bratislava, Budapest, Novi Sad, Belgrade, Smederevo, Vidin, Brăila and Galați. One of the auxiliary waterways is the canal Constanța – Cernavodă in Romania, facilitating the access to the Black Sea and taking over part of the open sea-bound traffic. The immense importance of river Danube is apparent if the annual traffic in goods is taken into account. Some examples include the Danubian ports of Bratislava (240 000 tons, 2010 estimate), Budapest Ferroport (273 765 tons, 2007 estimate), Smederevo Tomi Trade Port (210 723 tons, 2010 estimate) and Brăila (579 275 tons, 2007 estimate) (Danube Ports Online, 2015). Still, the growth potential especially in Middle and Lower Danube region is yet to be tapped; the living standard of the littoral states' population, their industrial activity, the development of port, road, railway and other infrastructure – they all represent the factors which could additionally boost the river's key position among the European inland waterways. Finally, the Danube is not only an important international waterway, it also has potentials for becoming a major tourist attraction – a cruise on this river is an opportunity for seeing the natural beauties and the cultural, historical and other heritage of Danube River countries first-hand.

2. A PARALLEL WITH CHINA'S MARITIME SILK ROAD INITIATIVE

A similar example of an important international waterway begins at the southern and eastern China's coasts and leads through south-eastern Asia, southern Asia, eastern Africa, and eastern Mediterranean. It is known as the Maritime Silk Road (Hǎishàng Sīchóu Zhī Lù); the Maritime Silk Road initiative was launched in 2013 (Xinhua, 2015). The primary stated purpose of the initiative is the maritime cooperation between its participants (with the emphasis on infrastructure (ports, roads and railways) construction and modernisation, resources exploitation and industrial and financial cooperation). The financial support to the initiative will be provided through Asian Infrastructure Investment Bank, founded in 2015 and with estimated funds exceeding 40 billion US\$. One

example of the infrastructure projects associated with the New Silk Road initiative could be the projected Hambantota port facilities in Sri Lanka (also known as the Magampura Mahinda Rajapaksa Port, named after the previous president of Sri Lanka). China Harbour Engineering Company (CHEC) was charged with construction of the port's shipbuilding and repair dockyard (Panda, 2015). The CHEC company has been engaged in port's construction activities since 2008; the project realisation became uncertain after the Sri Lankan elections and the electoral defeat of president Mahinda Rajapaksa, due to the new president Maithripala Sirisena's promise to examine (and possibly terminate) the agreement with CHEC on the grounds of corruption, but was eventually allowed to continue. The new Sri Lankan government decided to hand over the supervision of the port construction project to Sri Lankan Urban Development Authority (UDA) (Global Construction Review, 2015). Upon completion, the Hambantota port is expected to simultaneously host 33 vessels, making it the biggest port of South Asia. In addition, the project has a certain strategic dimension – the prospect of the new port hosting Chinese naval vessels has concerned the Indian analysts and defence circles; the Indian Government feared the military encirclement by China, and therefore attempted (and succeeded) in persuading the Sri Lanka authorities to ban Chinese submarines' port visits (Panda, 2015).

3. COOPERATION BETWEEN CHINA AND CEE COUNTRIES

As it was noted before, the primary targets of the Maritime Silk Road initiative (and its funds) are the countries along the Maritime Silk Road. Still, a pronounced interest of Danube River countries (especially the countries along the middle and lower Danube) proved to be a sufficient motivation for Chinese financial institutions to support similar projects in south-eastern Europe. The cooperation between China and Central and Eastern European countries (CEEC) regarding the infrastructure has been initiated in Warsaw during the China-CEEC 2012 summit. One of its pillars is a special credit line for infrastructural projects, technology and green economy, worth 10 billion US\$; this credit line partly consists of preferential loans (Cooperation between China and Central and Eastern European Countries, 2012). The next year's China-CEEC summit was held in Bucharest and resulted in "Bucharest Guidelines for Cooperation between China and CEE countries", with an emphasis on construction of roads, railways (especially the railway connection between China and CEE), ports and airports (so as to benefit all sides), and the construction of distribution centres along the route (Cooperation between China and Central and Eastern European Countries, 2015). The Bucharest Guidelines also underlined promotion of investment, economic and trade cooperation both in China and CEEC as well as people-to-people and cultural exchange. The cooperation supported by the Bucharest

Guidelines has been furthered with “Belgrade Guidelines for Cooperation between China and CEE countries”, adopted in 2014. All CEE countries have been invited to participate in the China-EU Smart and Secure Trade Lines (SSTL) pilot project; other connectivity topics included facilitation of customs clearance, opening up of new direct flights between China and CEEC and logistics cooperation. On the financial point, the Belgrade Guidelines supported the opening up of financial institutions branches in China and CEEC and the currency swap agreements (Cooperation between China and Central and Eastern European Countries, 2015).

4. INFRASTRUCTURAL PROJECTS

The media coverage of Chinese investment initiatives in Danube Region countries has been particularly high when it comes to infrastructural projects. Such projects are performed by Chinese companies (such as China Road and Bridge Corporation) and their local partners, and for the most part financed by China’s financial institutions such as the Export-Import Bank of China. An example of a successfully completed project is the 170 million euro worth Pupin Bridge in Belgrade (initiated in 2011 and open in December 2014). The forthcoming projects include the high-speed railway Belgrade-Budapest (with possible extension to Macedonia and Greek port of Piraeus) and the high-speed railway Constanța-Bucharest (with planned subsequent extension to Budapest and Vienna) (Daniel Stroe, 2014). The notable announced highway projects include the highway Banjaluka-Doboj (an improvement of road infrastructure of Republika Srpska, with long-term extension towards the international corridor Vc), the highway connecting Banjaluka with Croatian port of Split (Nezavisne novine, 2011) (B92, 2014) and the proposed Black Sea highway in Bulgaria (Balkan Insight/Novinite, 2014).

5. INDUSTRIAL INVESTMENTS

A significant increase in river traffic of people and goods on the Danube is not to be expected through improvement of infrastructure alone. Another important contributor to the greater use of this waterway could be the Chinese companies’ investment into local industries and an increase of productivity and living standard. The sectors which are the most frequent point of interest of Chinese companies include agriculture, energy, mining, IT industry and logistics. The logistics sector is expected to gain even greater importance in circumstances when Chinese goods made in Danube River countries try to make their way towards the developed economies of Western Europe (which in turn would be

accelerated through the newly built port, road and railroad infrastructure). The benefits from Chinese industrial investment are also expected to include the better living standard of the littoral states. In Middle and Lower Danube countries such as Serbia, Hungary, Bulgaria and Romania, some of the announced Chinese investments have been met with significant media coverage. The sectors of interest in Serbia include agriculture, energy and telecommunication; China Machinery Engineering Corporation (CMEC) has been participating in the reconstruction of coal power plant in Kostolac and has been interested in constructing a meat-processing facility in Kragujevac (Večernje Novosti, 2015). Cooperation has also been agreed between Serbian Ministry of Trade and Telecommunications and China's ZTE Corporation, regarding the modernisation of telecommunications equipment (Blic, 2014). Chinese companies' presence in Hungary is already worth billions of US\$ and focuses inter alia on logistics, telecommunications and chemicals. In addition to the Huawei Corporation interest in expanding its Hungarian distribution centre (with employment of 3000 new people), worth of mentioning is Waihua Industrial Group's 1.6 billion US\$ investment in BorsodChem biochemical company. All of these announced investments were coupled with China's interest in upgrading the Szombathely airport and turning it into a hub for cargo air transportation (European Dialogue, 2011). Agricultural sector is also attractive to Chinese partners in Lower Danube countries such as Bulgaria and Romania. Bulgaria has seen the arrival of Tianjin State Farms Agribusiness Group and its intention to invest 100 million euros in food processing industrial park (some years after Tianjin company rented about 2000 hectares of land in northwest Bulgaria for agricultural purposes) (Novinite, 2014). The most notable result of China-Romania agricultural cooperation was the announced 3 million euro investment by China's Cofco company in the construction of a granary in Romanian Danube port of Corabia. This company has acquired another granary in Constanța, which amounts to a significant access to Danube-based grain transport (New Europe Investor, 2015). There was also the agreement to export Romanian beef and pork to China to meet the growing meat needs (Raluca Besliu, 2014). As regards the other fields of cooperation, Bulgaria has sought to continue the development of its automotive industry after the success of China's Great Wall Motors production facility in Lovech, with the capacity of 50 thousand vehicles per annum (Claire Bal, 2013). Romania's industrial cooperation with China has also included energy projects worth at least 6 billion euro (ranging from the support of nuclear power plant in Cernavoda to construction of a new power plant in Tarnita) (Raluca Besliu, 2014) and the announced construction of industrial parks in Romanian port of Constanța (Ovidiu Posirca, 2014).

6. GREATER INFLUX OF TOURISTS FROM CHINA

The people-to-people and cultural exchange was among the topics of the November 2013 China-CEEC summit in Bucharest, and was included among the seven Bucharest Guidelines for Cooperation between China and CEEC countries. The signatories of this document have called upon the establishment of a China-CEEC association of tourism promotion agencies and businesses (Cooperation between China and Central and Eastern European Countries, 2013). In addition, the guidelines call for effective measures to ease the movement of people - while China has offered 72-hour visa-free transit in Beijing, Shanghai and other ports or airports for CEEC nationals, some measures regarding the visa procedure facilitation for Chinese citizens have already been taken by Romania and Czech Republic. Soon, the other CEE countries are expected to follow suit (the boat cruise along the Danube could be used as another basis to grant Chinese citizens a 48 or 72-hour visa exemption). A step further was made with the Belgrade Guidelines for Cooperation between China and CEEC countries; one agreed point was the call for establishing the China-CEEC Association of Tourism Promotion Agencies and Businesses (tasked with organising promotion events, opening a webpage with tourist information in English and Mandarin, and developing travel routes that suit the needs of Chinese and CEEC tourists), while the other important point consisted in organising the promotion event of Chinese tourism products and a visit to CEEC countries by 1000 Chinese tourists (Cooperation between China and Central and Eastern European Countries, 2015). This way, the Chinese tourists will be able to see first-hand the tourist offer along the river Danube.

7. CONCLUSION

The Danube Region countries, with their ambition to improve living standards, industrial activity and income per capita, are facing the challenge of improving their transport infrastructure; in this case, the use of Danube as an important transportation route for people and goods and as a tourist attraction, is yet to increase. There is place for contribution from the People's Republic of China – in infrastructural aspect, Chinese construction companies have proven themselves capable of delivering high-quality construction works (on roads, railroads, ports and airports) at affordable prices. On the other hand, Chinese businesses in their pursuit of profit and stronghold in the region will help improve the income per capita, which will open the door for further such investments and the greater use of the Danube for transportation of people and goods. The interest of Serbia and other Danube Region countries is best served through participation of their businesses in China-funded projects. Finally, local economies will benefit from Chinese tourists' stay in the region and their experience of the natural

beauties and cultural and historical heritage along the river, especially when their arrival, short-term stay and transit throughout this region are made easier.

8. SUMMARY

The untapped potentials of the river Danube (especially the Middle and Lower Danube) as a waterway and tourist attraction can best be used through the development of infrastructure, industrial investment and improvements of the tourist offer. A potential source of funding (for infrastructural projects) and investment is the People's Republic of China; the region would also benefit from the influx of Chinese tourists. Chinese Government is already funding infrastructural projects (such as port construction and modernisation, and the improvement of road and railway infrastructure) in Southeast Asia, South Asia, Africa and East Mediterranean through the 40-billion-dollar New Silk Road initiative. That sort of cooperation also exists between China and the Danube River countries, and it fits into the greater cooperation framework between China and Central and Eastern European countries, officially initiated in Warsaw in 2012. A number of infrastructure projects have been completed in the meantime (among them, the Pupin Bridge in Belgrade, Serbia), and many others have been agreed upon or announced. Another point is the gradual open-up of China and CEE countries economies to each other, with several Chinese investments into the region already bearing fruits or expected soon (and usually directed at agriculture, energy, mining, logistics, IT and telecommunication etc.). Finally, the Bucharest and Belgrade Guidelines for Cooperation between China and Central and Eastern European Countries called for greater people-to-people contact and exchange. With the promotion of tourism, temporary visa exemptions and developing of tourist offer that suits the needs of Chinese tourists, the Danube Region will be able to attract more Chinese tourists and to let them experience its natural beauties and cultural and historical heritage.

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Никола ЈОКАНОВИЋ

Мастер правних наука (LLM) из међународних односа на Дипломатској академији Министарства спољних послова Народне Републике Кине (Wàijīào Xuéyuàn), e-mail: nikola.jokanovic@gmail.com

ПРИВЛАЧНОСТ РЕКЕ ДУНАВ НАРОДНОЈ РЕПУБЛИЦИ КИНИ

АПСТРАКТ

Дунав је друга најдужа река у Европи и најдужа река која протиче кроз југоисточну Европу. Ова река представља веома важан регионални пловни пут и везу црноморског региона и земаља уз обалу Атлантског океана. Обим речног саобраћаја и транспорта људи и робе ће расти како се буде развијала индустријска активност дуж њених обала и како се буде побољшавао животни стандард становништва приобалних држава.

Могућности развоја инфраструктуре и индустрије подунавских земаља, нарочито кад је реч о земљама у средњем и доњем Подунављу, су изузетне. Аутор сматра да је финансијску подршку за инфраструктурне пројекте могуће наћи у Народној Републици Кини. Посебно је интересантна кинеска иницијатива поморског Пута свиле, којој је циљ подршка модернизацији лучких постројења, путева и пруга; мада је ова иницијатива (и средства којима располаже) првенствено усмерена ка земљама дуж поморског Пута свиле, аутор тврди да би заједничко интересовање и наступ подунавских земаља било довољан разлог да Влада НР Кине подржи сличне пројекте и у југоисточној Европи. Успех постојеће сарадње између Кине и 16 земаља средње и источне Европе би био кључни подстрек будућој кинеској подршци.

Када се ради о кинеским појединцима и предузећима, значај Дунава као пловног пута и туристичке атракције би био додатно повећан успешним окончањем грађевинских пројеката (у сарадњи са локалним партнерима), улагањем у индустрију подунавских земаља, али и приливом кинеских туриста (на пример, привлачност реке Дунав би била повећана увођењем визних олакшица, временски ограничених на 48 или 72 часа). У том смислу, добар пример представља изградња шест технолошких паркова у румунској луци Констанци. Уколико овај пројекат буде успешно окончан, може се очекивати реализација сличних пројеката и у другим подунавским земљама.

Кључне речи: Народна Република Кина, река Дунав, поморски Пут свиле, инфраструктура, улагање, транспорт људи и робе, туризам.

ZNAČAJ DUNAVSKE STRATEGIJE
ZA UNAPREĐENJE DRŽAVNIH INSTITUCIJA
I VLADAVINE PRAVA

dr Nenad VASIĆ¹

STRATEGIJA EVROPSKE UNIJE ZA DUNAVSKI REGION I OTVORENA PITANJA SA SUSEDNIM DRŽAVAMA REPUBLIKE SRBIJE

APSTRAKT

Strategija Evropske unije za Dunavski region je važan dokument i za Republiku Srbiju u svojstvu kandidata za punopravno člansvo u Evropskoj uniji ali i za susedne države. Svakako plovidba i rečni transport i mogućnost prekogranične saradnje sa susedima su važni elementi bilateralnih i multilateralnih odnosa. Makroregionalni pristup u Dunavskoj strategiji omogućava otvoreni dijalog i saradnju regiona, opština, međunarodnih organizacija, finansijskih institucija i javno-privatno partnerstvo. Celovito ostvarivanje Dunavske strategije kroz različite akcione planove i projekte važno je i za rešavanje otvorenih pitanja između zvaničnika Republike Srbije i zvaničnika susednih država.

Ključne reči: Dunavska strategija, Republika Srbija, Evropska unija, otvorena pitanja, bilateralna i multilateralna saradnja, makroregionalni pristup, plovidba i rečni transport, prekogranična saradnja.

1. UVODNE NAPOMENE

Dunav je reka saradnje,² druga (posle Volge), najduža reka na Evropskom kontinentu dužine 2.850 km. koja povezuje Švarcvald u Saveznoj Republici Nemačkoj i Crno more.³ Prolazi kroz deset država u svom dugačkom, vodenom

¹ Institut za međunarodnu politiku i privredu, Beograd.

² Edita Stojić-Karanović, *Dunav – reka saradnje: Od principa dobrosusedstva do Regionalnog modela srednjeg Podunavlja/Danube – River of Cooperation: From the Principles of Good Neighbourhood to the Middle Danube Regional Model*, Međunarodni naučni forum “Dunav – reka saradnje”, Beograd, 2005, str. 15-110.

³ O značaju Dunavskog regiona i regiona Crnog mora kao geopolitičkog, energetskog i bezbednosnog prostora vidi: Nevenka Jeftić-Šarčević, *Dunavsko-crnomorski region kao*

slivu. Svojom dužinom, prirodnom lepotom obale u nekim delovima, bistrinom vode ali i florom i faunom bio je važan za ljude, narode i države kroz istoriju i različite vremenske epohe. Mnogi ljudi su živeli i žive od Dunava, na Dunavu i pored Dunava. Međutim, za neke je Dunav prirodni problem koji u svom koritu vodenog toka povremeno plavi ili odnosi zemlju sa kopna u nepovrat, ali je i sastavni deo raznih bilateralnih i multilateralnih rešenja u odnosima zvaničnika država na Evropskom kontinentu. Upravo, potenciranje, između ostalih nekonfliktni rešenja kao što je, makroregionalni pristup problemima u Dunavskom regionu, omogućava se i otvoreni dijalog. Ali, pored otvorenih pitanja Dunavska strategija omogućava saradnju predstavnika vlasti opština, regiona, međunarodnih organizacija, finansijskih institucija u sferi biznisa i javno-privatna partnerstva.

2. STRATEGIJA EVROPSKE UNIJE ZA DUNAVSKI REGION I REPUBLIKA SRBIJA

U vreme zvaničnog predsedavanja Republike Mađarske Evropskom unijom, 24. juna 2011. godine, donešena je Strategija Evropske unije za Dunavski region. "Najinternacionalniji" rečni sliv u svetu sada je većim delom prostor Evropske unije."⁴ Inače, pomenuta Strategija je važan dokument i za Republiku Srbiju u svojstvu države kandidata za punopravno člansvo u Evropskoj uniji ali i za zvaničnike naroda iz susednih država. Četiri, stuba Strategije Evropske unije za Dunavski region su opšti prioriteti:

- 1) povezivanje Dunavskog regiona,
- 2) zaštita životne sredine u Dunavskom regionu,
- 3) izgradnja prosperiteta u Dunavskom regionu i
- 4) jačanje Dunavskog regiona.

Važno zapažanje i komentar u vezi Strategije Evropske unije za Dunavski region izneo je Evropski komesar za regionalnu politiku, Johanes Han. "Strategija predstavlja instrument za omogućavanje konkretnog ostvarivanja vizije. Da bismo to uradili, postoje tri glavna elementa: snažna politička podrška, spisak konkretnih akcija i kooperativan metod rada."⁵

geopolitički, energetski i bezbednosni prostor/Danube-Black Sea Region as Geopolitical, Energetic and Safety Area, Institut za međunarodnu politiku i privredu, Beograd, 2012, str. 21-113.

⁴ *Strategija Evropske unije za Dunavski region*, Evropska komisija, Brisel, COM(2010) 715/4, str. 3.

⁵ *Johanes Han*, u: *Panorama inforegio*, Brisel, br. 27/2011, str. 9.

3. TRETIRANJE OTVORENIH PITANJA U STRATEGIJI EVROPSKE UNIJE ZA DUNAVSKI REGION

U dokumentu, Strategija Evropske unije za Dunavski region ne pominju se i ne razmatraju problemi, fenomeni i materija otvorenih pitanja u odnosima, zvaničnika država. Međutim, u Strategiji je naveden i razrađen katalog instrumenata i međunarodnih mehanizama koji su i te kako korisni i upotrebljivi za političare, biznismene i diplomate. Pomenimo ih posebno:

- nekonfliktno rešavanje problema,
- makroregionalni pristupa problemima u Dunavskom regionu,
- otvoreni dijalog,
- saradnju predstavnika vlasti regiona, opština, međunarodnih organizacija, finansijskih institucija i
- javno-privatna partnerstva.

4. DUNAVSKI REGION I OTVORENA PITANJA SA SUSEDNIM DRŽAVAMA REPUBLIKE SRBIJE

Značajne i dalekosežne promene u međunarodnim odnosima ali i povećanje broja punopravnih država članica Evropske unije, odrazile su se neminovno i na region Podunavlja. Sa druge strane došlo je do raspada bivše države Socijalističke Federativne Republike Jugoslavije i formiranja Savezne Republike Jugoslavije 27. aprila 1992. godine od dve preostale republike Srbije i Crne Gore ali i nastanka novih nacionalnih država. Uspostavljeni su novi oblici saradnje zvaničnika SR Jugoslavije sa zvaničnicima novonastalih država na tlu bivše SFRJ. Samim time i na Republiku Srbiju kao Podunavsku državu.⁶ “U Podunavlju je u punoj meri došla do izražaja revizija Versaja i Jalte, kao i helsinškog pravila o nepovredivosti granica.”⁷ Posle, redefinisanja odnosa i petooktobarskih promena 2000. godine, formirana je Državna zajednica Srbija i Crna Gora, donošenjem Ustavne povelje 4. februara 2003. godine. Državna zajednica Srbija i Crna Gora prestala je da postoji, 5. juna 2006. godine čemu je doprinelo najpre proglašenjem nezavisnosti⁸ države Crne Gore 3. juna 2006.

⁶ O novonastalim oblicima saradnje na tlu bivše SFRJ vidi: Milovan Radaković, *Oblici saradnje SR Jugoslavije sa novonastalim balkanskim državama*, u: *BALCANICA XXIX*, Srpska akademija nauka i umetnosti/Institut za balkanske studije, Beograd, 1998, str. 381-403.

⁷ Dragana Petković-Gajić, *Regionalna saradnja u Podunavlju i strategija Srbije*, Međunarodni naučni forum “Dunav – reka saradnje”, Beograd, 2008, str. 9.

⁸ Najpre je bio raspisan i sproveden referendum o državno-pravnom statusu Republike Crne Gore 21. maja 2006. godine.

Šarengadska ada je problem za zvaničnike dveju Vlade u Beogradu i Zagrebu ali u suštini predstavlja zemljani deo kopna šumovitog i nenastanjenog ostrva sa peščanom obalom, florom i faunom, površine 938 hektara.

4.1. Istorija spora Srba i Hrvata na reci Dunav

Nesporna je, činjenica da bi trebalo da se zna, čija je Vukovarska i Šarengadska ada. Međutim, to u našem i hrvatskom slučaju je dugačak teritorijalni spor koji još nije rešen na prihvatljiv način između zvaničnika dveju, podunavskih država. Prema običajnom međunarodnom pravu, „za utvrđivanje granica na rekama koje protiču kroz dve ili više država ili čine samu granicu između država (*boundary rivers*), ustanovljen je princip da se neplovne reke dele sredinom korita, (*midium filium aquae*), dok se plovne dele pomoću principa matice (nem. *Thalweg*, fr. *Fil de l'eau*, eng. *mid-channel*).”¹⁰ U srpskoj stručnoj javnosti preovladava mišljenje da se u međunarodnoj praksi, „kod plovniha reka danas redovno uzima sredina matice kao granična linija.”¹¹ Kao dokaz ističe se razgraničenje na međunarodnoj reci Dunav čija matica čini *de facto* i *de iure* međudržavnu granicu između Savezne Republike Nemačke i Austrije potom Austrije i Republike Slovačke ali i Republike Slovačke i Republike Mađarske isto tako i Republike Rumunije i Republike Srbije i najzad Republike Rumunije i Republike Bugarske. Iako je razgraničenje na Dunavu dobar primer postojanja međunarodnog običajnog pravila o postojanju pravila matice, ipak, to pravilo nije usvojeno u razgraničenju Srbije sa Republikom Hrvatskom gde postoji još uvek otvoreno pitanje delimitacije između dve susedne zemlje. Prema, Savi Stankoviću iz Ministarstva spoljnih poslova Vlade Republike Srbije tako ni državna granica između Srbije i Hrvatske uopšte ne izlazi izvan celokupnog vodenog toka reke Dunava po sredini u odnosu na njegove dve obale. Državna razgraničenja na rekama su po sredini vodotoka tamo gde je dubina naveća kako bi brodovi mogli da nesmetano plove. To bi trebalo da bude slučaj i sa rečnim tokom Dunava od njegovog ulaska iz Mađarske na plovnom kilometru 1433,1 pa sve do Bačke Palanke¹² i plovnog kilometra 1295,5. Završni argument srpske strane je da je na

¹⁰ Duško Dimitrijević, *Međunarodnopravno regulisanje teritorije država*, Institut za međunarodnu politiku i privredu, Beograd, 2008, str. 150.

¹¹ Duško Dimitrijević, "International Law of State Succession and Delimitation between Croatia and Serbia on Danube River" (Међународно право сукцесије држава и разграничење Србије и Хрватске на Дунаву), in: Edita Stojić-Karanović (ed.), *Proceedings of the XIII International Scientific Conference "Danube river of cooperation"*, October 18-20, 2002, Кладово, *Danubius*, 2002, no. 3-4, pp. 8-18.

¹² Branko Pavlica, *Državne granice Republike Srbije*, Radojković, Smederevo, 2011, str. 140; Duško Dimitrijević, *Državne granice nakon sukcesije SFR Jugoslavije*, Institut za međunarodnu politiku i privredu, Beograd 2012, str. 196-201.

osnovu člana 1 stav 3 Zakona o ustanovljenju i ustrojstvu Autonomne Pokrajine Vojvodine (*Službeni glasnik Narodne Republike Srbije* br. 28/45), određeno je “granice Autonomne Pokrajine Vojvodine prema federalnoj Hrvatskoj utvrđuju se privremeno na osnovu predloga naročite komisije AVNOJ.”¹³ Međutim, zvaničnici Vlade Republike Hrvatske, hoće da se vrati istorijska granica starog toka reke Dunava, iz doba vladavine Habzburške monarhije. Naime, još u vreme vladavine carice Marije Terezije Austrijske koja je bila prva i jedina žena vladarka u pomenutoj monarhiji ne samo u XVIII veku, a čija je imperijalna administracija bila bezprekorna, izvršena je korekcija vodenog meandra reke Dunava, zbog ispravljanja plovnog puta i nesmetanog odvijanja međunarodnog rečnog saobraćaja.

Slika 1. Heinrich Friedrich Füger:
Marija Terezija sa porodicom 1776. godine



U XIX veku, reka Dunav je počela da pravi sopstveni meandar. Taj prokopani vodeni kanal (Mohovo-Šarengradski kanal od 1909. godine), što je aktuelni srpsko-hrvatski bilateralni spor ali i međunarodna multilateralna specifičnost u pregovorima državnih zvaničnika. Razlog tome je, sadašnji, glavni tok reke Dunava.

¹³ Nenad Avramović, Marijana Mladenov, *Političko-pravni aspekti graničnog spora Hrvatske i Srbije na reci Dunav*, u: Priređivači Duško Dimitrijević, Žaklina Novičić, Mihajlo Vučić, *Regulisanje otvorenih pitanja između država sukcesora SFRJ*, Institut za međunarodnu politiku i privredu, Beograd, 2013, str. 499. U Komisiji za izradu predloga za utvrđivanje granice između Vojvodine i Hrvatske, Predsedništva AVNOJ-a bili su: Milovan Đilas, Vicko Krstulović, Milentije Popović, Jovan Veselinov Žarko i Jerka Zlatarić.

Karta 2. Satelitski snimak Vukovarske i Šarengradske ade



Posle, raspada bivše Socijalističke Federativne Republike Jugoslavije čija je personifikacija bio doživotni predsednik države Josip Broz Tito, Šarengradska ada ostala je u SR Jugoslaviji tj. Republici Srbiji i pod vlasničkom i poslovnom upravom je vojne ustanove – Karadorđevo. Luksuzna rezidencija koju je najpre koristio Broz, potom retko Slobodan Milošević, a sada je službeni objekat za odmor predsednika Republike Srbije. Po proglašenju, nezavisnosti, Republika Hrvatska 1992. godine i rata Vukovarsku i Šarengradsku adu, kontrolisala je Vojska Jugoslavije. Odlukama Arbitražne komisije na čijem čelu je bio poznati konstitucionalista Robert Badenter, unutrašnje avnojevske granice Republika bivše SFRJ proglašene su međunarodnim, a u sklopu Dejtonskog mirovnog sporazuma (Slobodan Milošević-Franjo Tuđman), 12. novembra 1995. godine, potpisan je i Temeljni sporazum o području istočne Slavonije, Baranje i zapadnog Srema (Erdutski sporazum). Sporazum su potpisali ispred srpske strane, Milan Milutinović ministar spoljnih poslova Savezne Republike Jugoslavije, a ispred hrvatske strane Hrvoje Šarinić šef kabineta predsednika Republike Hrvatske, ispred Američke ambasade u Zagrebu ambasador Piter Galbrajt i Torvald Stoltemberg potpredsednik Međunarodne konferencije za bivšu Jugoslaviju, ispred UN-a. Celokupnim procesom mirne reintegracije upravljao je predstavnik UNTAES, Žak Klajn kao privremeni upravitelj kada je postignut i

privremeni sporazum da međudržavna granica na Dunavu dužine 145 kilometara između Srbije i Hrvatske bude na sredini reke. Interesantno zapažanje u povodu mirne teritorijalne reintegracije istočne Slavonije, Baranje i zapadnog Srema dao je i historičar Albert Bing: „Mirna reintegracija hrvatskog Podunavlja 1996.-1998. može se ocijeniti kao jedan od najuspješnijih projekata hrvatsko-američkih odnosa devedesetih godina 20. stoljeća.”¹⁴ Ipak, 1998. godine, određena je privremena granica između dviju država koja ide sredinom reke Dunava i gde trenutno postoji teritorijalni *status quo*. Inače, važno bi bilo pomenuti da se Vojska Jugoslavije 2004. godine povukla sa Vukovarske i Šarganske ade. Svakako, važan događaj u vezi srpsko-hrvatskih odnosa bio je događaj od 31. jula 2006. godine kada su državljani hrvatske iz Vukovara po prvi put posle 1991. godine i rata posetili čamcima Vukovarsku adu.

Slika 2. Sadašnji znak za državnu granicu Republike Hrvatske

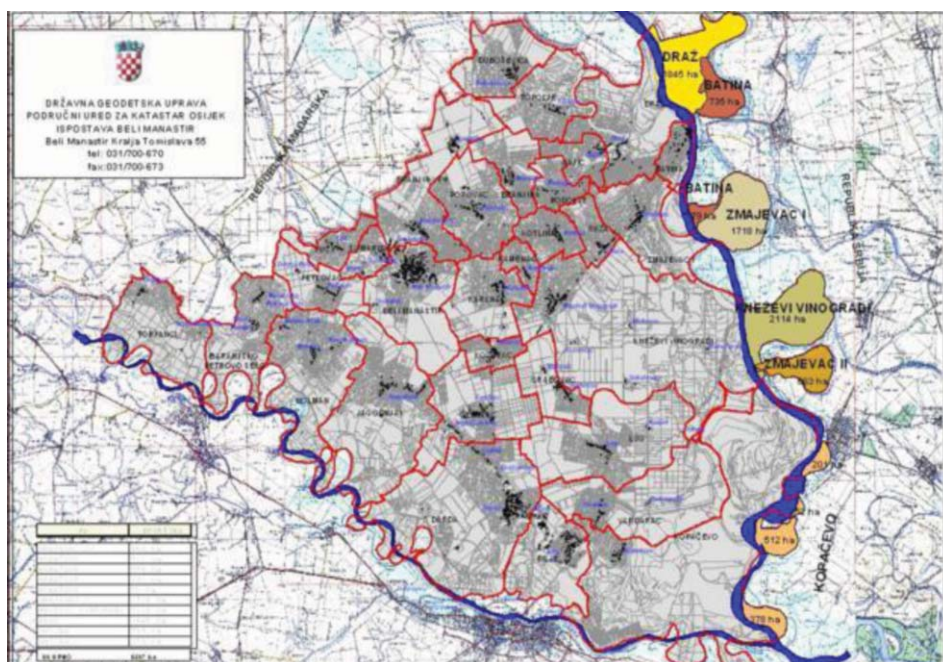


Zvaničnici iz Republike Hrvatske, naravno, imaju svoje protivargumente: Vukovarska i Šarengradaska ada su po katastru hrvatske. Jedan od hrvatskih eksperata jeste i inženjer geodezije iz Osjeka mr sc. Želimir Buzuk koji se tim problemom i otvorenim pitanjem bavi još od aerofotogrametrijskog snimanja teritorije SFRJ za potrebe izrade državne karte. Inače, međudržavnu graničnu liniju, utvrdio je prema geografskoj karti Jugoslovenske narodne armije (JNA – izdanju Vojnogeografskog instituta Beograd iz 1967. godine) i Preglednoj karti Srbije (Geokarta Beograd iz 1978. godine).

¹⁴ Albert Bing, *Sjedinjene Američke Države i reintegracija hrvatskog Podunavlja*, u: *Scrinia Slavonica*, Slavonski Brod, Broj 8/2008, str. 336.

Zanimljivo je napomenuti da su republičku tj. pokrajinsku granicu između Hrvatske i tadašnje Socijalističke Autonomne Pokrajine Vojvodine, odnosno SR Srbije, utvrdili na način kako je to ucrtano u Katastarskim planovima koji se čuvaju u katastru u Belom Manastiru.

Karta 3. Katastarska karta Državne geodetske uprave Osijek isp ostavu Beli Manastir



„Prema tim podacima, s lijeve strane Dunava nalaze se dijelovi Katastarske općine Draž Karapanda i Kendija, dijelovi k.o. Zmajevac Kalandoš i Šmaguč, potom Adica, Kazuk, Zmajevačka kučka, Kopačko Poluostrvo koje se nalazi u neposrednom dodiru s gradom Apatinom te Varošviz, Zverinjak i Srebrnica. Na svim je kartama bivše SFRJ to teritorij Hrvatske.”¹⁵ Važno je napomenuti da gradonačelnika Iloka Miroslava Janića 2010. godine međudržavna granična polemika zvaničnika nije sprečila da njegov grad i Bačka Palanka ostvaruju kontakte i saradnju u obostranom interesu. „Naše vlade će to već rešiti, a mi nemamo vremena

¹⁵ Igor Bošnjak, Dražen Ciglencečki, *Hrvatskoj nedostupno 10.000 hektara uz Dunav, Srbija izbjegava dogovor*, (Internet, 12/11/2015), <http://www.glas-slavonije.hr/229900/1/Hrvatskoj-nedostupno-10000-hektara-uz-Dunav-Srbija-izbjegava-dogovor>.

za čekanje. Ilok sa opštinom Bačka Palanka učestvuje u zajedničkim programima prekogranične saradnje koje finansira EU. U stalnoj smo vezi i tražimo zajedničke projekte. Saradujemo i sa drugim opštinama iz Srbije. Bilo bi glupo da se mrštimo sa obala jedni na druge. Bolje je da radimo zajedno. Lepši je osećaj, a Evropa to ionako finansira...”¹⁶

Slika 3. Vukovarska i Šarengradaska ada



Međudržavna *ad hoc* diplomatska komisija koja je formirana 23. aprila 2002. godine prilikom posete ondašnjeg Ministra spoljnih poslova Republike Hrvatske Tonina Picule, ondašnjem Ministru spoljnih poslova Savezne Republike Jugoslavije Goranu Svilanoviću, nije do sada uspjela da reši sporni deo rečne granice na Dunavu, između Srbije i Hrvatske. Inače, pomenuta Komisija do sada ne samo da nije ni približila međunarodnopravno, politički i ekspertski stavove, a što je potpuno neprihvatljivo, još od 2011. godine se uopšte nije ni sastala da nastavi bilateralni međudržavni proces razgraničenja. Međutim, važno je napomenuti da je 2011. godine na predlog ondašnje predsednice Vlade Republike Hrvatske Jadranke Kosor, dat je 11. jula predsedniku Hrvatskog Sabora: *Prijedlog deklaracije o promicanju evropskih vrijednosti u jugoistočnoj Europi*. U pomenutoj Deklaraciji koju je usvojio hrvatski Sabor 21. oktobra 2011. godine, čiji je predsednik bio Luka Bebić, navedeno je između ostalog i sledeće: „Čvrsto je stajalište Republike Hrvatske da otvorena pitanja između država, koja su bilateralnog karaktera, kao što su, na primjer, granična pitanja, ne smiju kočiti pristupanje država kandidata u Evropsku uniju, od početka procesa do stupanja na snagu Ugovora o pristupanju.”¹⁷ Ta Deklaracija je posebno pohvaljena u Izveštaju Evropske komisije o napretku Hrvatske u integracijama u EU 2011. godine. Rešavanjem, otvoreno pitanja dveju ada na Dunavu bavio se i bivši predsednik Republike Hrvatske Ivo Josipović koji je bio najpre za direktnu međunarodnu arbitražu kako bi se smanjili novčani troškovi

¹⁶ Aleksandar Apostolovski, *Bilo jednom na Šarengradskoj Adi*, (Internet, 12/11/2015), <http://www.politika.rs/rubrike/Drustvo/Bilo-jednom-na-SHarengradskoj-adi.lt.html>.

¹⁷ Vidi: *Deklaraciju o promicanju evropskih vrijednosti u jugoistočnoj Europi*, Hrvatski Sabor, Zagreb, Urbroj: 5030104-11-1/14. srpanj 2011, str. 2.

i vreme suđenja ili alternativno za suđenje u Međunarodnom sudu pravde u Hagu. Pored njega, otvorenim pitanjem dveju ada na Dunavu bavio se i premijer Vlade Republike Hrvatske, Zoran Milanović koji se izjasnio za presuđenje pred Međunarodnim sudom pravde.

4.2. Spisak otvorenih pitanja zvaničnika Republike Srbije i Republike Hrvatske

Između zvaničnika Republike Srbije i Republike Hrvatske postoje 12 otvorenih pitanja. Što se tiče Dunava, samo je jedno otvoreno pitanje oko dveju ada Vukovarske i Šaregradske.

1. Migranti sa Bliskog istoka, Azije i Afrike i pitanje readmisije.
2. Jednostrano zatvoreni pa otvoreni međudržavni granični prelazi.
3. Naknada finansijske štete načinjene jednostranom blokadom međudržavnih graničnih prelaza od strane Vlade Republike Hrvatske.
4. Provizorno međudržavno razgraničenje od 1995. godine na međunarodnoj reci Dunavu i problem Vukovarske i Šaregradske ade.
5. Razjašnjavanje pitanja kidnapovanih, nestalih i masovnih grobnica.
6. Procesuiranje vinovnika ratnih zločina i Vojoslava Šešelja.
7. Povraćaj hrvatskog kulturnog nasleđa.
8. Status i tretman hrvatske manjine i odnos prema Bunjevcima i Šokcima.
9. Kanonizacija Alojzija Stepinca za sveca u Katoličkoj crkvi.
10. Status srpske manjine i tretman ćirilice.
11. Sukcesija imovine, deložacije i restitucija.
12. Problem jednostranog proglašenja i priznanje državne nezavisnosti Republike Kosova.

4.3. Spisak otvorenih pitanja u odnosima zvaničnika Republike Srbije i Republike Mađarske

U odnosima zvaničnika Republike Srbije i Republike Mađarske, tri su otvorena pitanja.

1. Migranti sa Bliskog istoka, Azije i Afrike i readmisija.
2. Restitucija imovine Mađara oduzete posle II svetskog rata.
3. Jednostrano proglašenje i priznanje državne nezavisnosti Republike Kosova.

4.4. Spisak otvorenih pitanja u odnosima zvaničnika Republike Srbije i Republike Rumunije

U odnosima zvaničnika Republike Srbije i Republike Rumunije, dva su otvorena pitanja.

1. Status i tretman rumunske manjine u odnosu na Vlahe.
2. Status i tretman Rumunske pravoslavne crkve u Republici Srbiji.

4.5. Spisak otvorenih pitanja u odnosima zvaničnika Republike Srbije i Republike Bugarske

U odnosima zvaničnika Republike Srbije i Republike Rumunije, dva su otvorena pitanja.

1. Poštovanje prava Bugarske nacionalne manjine.
2. Problem jednostranog proglašenja i priznavanje državne nezavisnosti Republike Kosova.

5. ZAVRŠNO RAZMATRANJE

Imajući u vidu Strategiju Evropske unije za Dunavski regiona ali i otvorena pitanja, mogli bi se izvući, između ostalih četiri zaključka.

1. Strategija Evropske unije za Dunavski region ne tretira direktno otvorena pitanja između zvaničnika država.
2. Zvanično država, Republika Srbija ima otvorena pitanja sa svim državama u Dunavskom regionu, od kojih imamo direktno samo zvanični teritorijalni spor sa Republikom Hrvatskom na međunarodnoj reci Dunavu, a koji je u bilateralnim i multilateralnim odnosima u *statusu quo* od 2011. godine.
3. Otvorena pitanja sa zvaničnicima susednih država (sve četiri države Republika Hrvatska, Republika Mađarska, Republika Rumunija i Republika Bugarska su punopravne države članice Evropske unije i NATO), nisu destabilizirajuća i nemaju potencijal ratna već konflikta niskog intenziteta, a koja se rešavaju partnerski u uslovima mira, dijaloga i tolerancije.
4. Trebalo bi zvanično reaktivirati Međudržavnu diplomatsku komisiju za nastavak pregovora u vezi teritorijalnog razgraničenja inače, pogotovu u vezi Šarengradске i Vukovarske ade, a ukoliko to nije moguće spor završiti u Međunarodnom sudu pravde.

Najzad, nijedno od otvorenih pitanja nije međudržavno, regionalno i diplomatski nerešivo kako za srpsku stranu ali i naše susede u bilateralnim i multilateralnim međunarodnim odnosima. Samo je pitanje načina i vreme njihovog rešavanja. Zato

je potreban proaktivan, partnerski i konstruktivan pristup ali u ovom međunarodnom slučaju i inicijativa sa srpske strane.

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Prof. dr Dragoljub TODIĆ¹

INSTITUCIONALNI ASPEKTI SARADNJE DRŽAVA U SLIVU REKE DUNAV, EU INTEGRACIJE I REPUBLIKA SRBIJA

APSTRAKT

Autor razmatra pitanje formi institucionalnog organizovanja saradnje država u slivu reke Dunav i činioce koji determinišu saradnju Republike Srbije (RS). U prvom delu rada se ukazuje na najznačajnije institucije u oblasti životne sredine – od značaja za dunavsku saradnju. Daje se prikaz institucija koje su formirane u okviru Evropske unije (EU), budući da se polazi od stava da je za ostvarivanje saradnje u slivu reke Dunav od primarne važnosti ostvarivanje ciljeva EU u oblasti životne sredine u celini. Potom se ukazuje na najznačajnije institucije koje su formirane u okviru sistema međunarodnih ugovora u oblasti upravljanja vodnim resursima, uključujući i Dunav. U drugom delu rada se daje prikaz najznačajnijih institucija RS koje imaju određene nadležnosti u ostvarivanju ciljeva saradnje u slivu reke Dunav. Takođe, naglašava se i pitanje statusa RS u relevantnim međunarodnim ugovorima od značaja za saradnju u slivu reke Dunav. Ukazuje se na nivo usaglašenosti nacionalnih propisa sa propisima EU u oblasti upravljanja vodnim resursima, zbog uticaja koje usaglašavanje propisa ima na institucionalne aspekte upravljanja vodnim resursima. U radu se razmatra nekoliko teza. Dve su najznačajnije. 1) Saradnju država u slivu reke Dunav treba posmatrati u širem kontekstu sistema institucija u oblasti životne sredine koje su razvijene u okviru EU, odnosno u okviru sistema institucija formiranih na osnovu međunarodnih ugovora. Centralni deo sistema pripada institucijama formiranim u okviru Konvencije o saradnji na zaštiti i održivom korišćenju reke Dunav (1994) i drugih međunarodnih ugovora u oblasti upravljanja vodnim resursima. 2) Potpuno ostvarivanje saradnje RS zavisi od više različitih činilaca (od statusa

¹ Institut za međunarodnu politiku i privredu, Beograd. Rad je realizovan u okviru naučnog projekta: „Srbija u savremenim međunarodnim odnosima: Strateški pravci razvoja i učvršćivanja položaja Srbije u međunarodnim integrativnim procesima – spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti” (broj 179029), koji finansira Ministarstvo prosvete i nauke Vlade Republike Srbije, za period 2011–2014. godine.

u procesu EU integracija, od statusa u međunarodnim ugovorima, odnosno stanja usaglašenosti nacionalnih propisa sa propisima EU, stanja i kapaciteta nadležnih institucija, funkcionisanja javne uprave, privrednih interesa, itd). Konstatuje se da RS učestvuje u značajnom delu postojećih institucija, u skladu sa svojim statusom u odnosu na EU, odnosno članstvom u relevantnim međunarodnim ugovorima. Osim toga, intenziviranje saradnje i ostvarivanje ciljeva Dunavske strategije podrazumeva, između ostalog, i dalje usaglašavanje nacionalnih propisa sa propisima EU. Planirano je da se usklađivanje najznačajnijeg dela propisa obavi do kraja 2018. godine, ali puna primena bi mogla biti ostvarena u narednih dvadesetak godina. Razvoj kapaciteta nacionalnih institucija nadležnih za saradnju u području upravljanja vodama je suočen sa ozbiljnim problemima zbog ubrzanog procesa usklađivanja nacionalnih propisa sa propisima EU-a, kao i zakonodavne procedure koja ima više nedostataka koji direktno utiču na institucionalne aspekte saradnje RS u regionu.

Ključne reči: Dunav, institucionalni aspekti, međunarodne organizacije, Dunavska strategija, Međunarodna komisija za Dunav, Republika Srbija, upravljanje vodnim resursima, usklađivanje nacionalnih propisa sa propisima EU, zakonodavni postupak.

1. UVOD

Saradnja država u slivu reke Dunav determinisana je različitim činiocima među kojima dostignuti nivo i forme institucionalnog organizovanja imaju posebno mesto.² Forme institucionalnog organizovanja zasnovane su na rešenjima iz međunarodnih ugovora koji su osnova njihovog ustanovljavanja i izvor različitih prava i obaveza država članica. Dva pitanja su suštinski povezana sa načinom institucionalnog organizovanja država u slivu reke Dunav. Opšti okvir predstavlja pitanje statusa u međunarodnim ugovorima u oblasti voda i životne sredine u celini, dok pitanje usaglašavanja nacionalnih propisa sa propisima EU proističe iz težnji država regiona da postanu članice ove organizacije, odnosno obaveza država potencijalnih kandidata i kandidata za članstvo u ovoj organizaciji. Članstvo u međunarodnim ugovorima i usaglašavanje nacionalnih propisa sa propisima EU predstavljaju prve formalne zahteve koji se postavljaju pred države kandidate za članstvo. Otuda je na relativno jasno prepoznatljiv način moguće govoriti o nekoliko institucija formiranih relevantnim međunarodnim ugovorima, odnosno nekoliko institucija koje se bave

² Ovde se ne ulazi u raspravu o torijskim i metodološki aspektima i dilemama institucionalnog organizovanja već se u najširem smislu reči, pod „institucijama“ podrazumevaju tela ili organizacije koje su oblikovane u formi međunarodnih komisija i komiteta, osnovnih formalnim i na pravu zasnovanim sporazumima kao što su ugovori o upravljanju prekograničnim resursima. Nurit Kliot, Deborah Shmueli, Shamir U. “Development of institutional frameworks for the management of transboundary water resources”, *International Journal of Global Environmental Issues*, Vol. 1, Nos. 3/4, 2001, pp. 306–328.

poslovima u oblasti životne sredine u okviru EU, koje imaju naročit uticaj na ostvarivanje ciljeva saradnje, odnosno dinamiku EU integracija država u slivu.³

2. INSTITUCIJE EU NADLEŽNE ZA KREIRANJE I SPROVOĐENJE POLITIKE I PRAVA ŽIVOTNE SREDINE

Veći broj različitih institucija EU ima određene nadležnosti u oblasti životne sredine ili mogu biti od značaja za oblast životne sredine.⁴ Neke od njih imaju opšti karakter sa formalno definisanim nadležnostima u Lisabonskom ugovoru kao što su, npr. Evropski parlament, Savet Evropske unije (ili Savet ministara), Evropska komisija, Evropska investiciona banka, Sud pravde EU, itd, dok se neke od njih prevashodno bave pitanjima životne sredine.⁵ Agencije Evropske unije, za razliku od institucija kao što su Savet, Parlament, Komisija, itd. su tela koja su formirana aktima sekundarnog zakonodavstva radi sprovođenja određenih tehničkih, naučnih i drugih zadataka.⁶ Veći broj agencija ima ili može da ima značaj za oblast životne sredine a posebno su značajne Evropska agencija za životnu sredinu i Evropska agencija za hemikalije. a) Evropska agencija za životnu sredinu (EEA) je osnovana 1990. godine i njena uloga je da podrži održivi razvoj i postigne značajan i merljiv napredak u očuvanju životne sredine u Evropi, pružajući važne i pouzdane informacije institucijama koje kreiraju politike i donose odluke, ali i najširoj javnosti.⁷ EEA započela je sa radom 1994. godine. Sedište joj je u Kopenhagenu /Danska/. Agencija je otvorena prema državama koje nisu članice EU, ali su zainteresovane za pojedina pitanja u oblasti životne sredine, kao što su Island, Lihtenštajn i Norveška koje su članice od osnivanja, kao i države koje su u različitim fazama pristupanja EU. b) Evropska agencija za hemikalije (ECHA) je institucija EU koja se bavi unapređivanjem kvaliteta života kroz obezbeđivanje bezbednog korišćenja hemikalija

³ Članstvo država regiona u EU ima poseban značaj u svim raspravama koje se odnose na politiku upravljanja vodnim resursima u dunavskom regionu. Ovo, pre svega, imajući u vidu nivo razvijenosti propisa ove organizacije u oblasti životne sredine (uključujući i upravljanje vodnim resursima) kao i liderske ambicije organizacije kada se radi o globalnoj politici u oblasti životne sredine (posebno u nekim oblastima, kao što su klimatske promene koje su direktno povezane sa upravljanjem vodama). Od ukupno 19 država regiona u EU je ukupno 11, a većina ostalih je u nekoj fazi procesa pridruživanja sa EU ili ima izgrađene posebne odnose sa ovom organizacijom.

⁴ Za šire o institucijama EU od značaja za oblast životne sredine videti u Dragoljub Todić, *Vodiči kroz EU politike – Životna sredina*, Evropski pokret u Srbiji, Beograd, 2011. str. 30–35.

⁵ Zbog karaktera ovog rada ovde će biti ukazano samo na nekoliko institucija čiji predmet delovanja ima specifičan i jasno prepoznatljiv okvir od značaja za upravljanje vodama, tj. neće biti govora o institucijama koje imaju širi karakter.

⁶ Internet: http://europa.eu/pol/env/index_en.htm (datum pristupanja: 10.10.2015)

⁷ Internet: <http://www.eea.europa.eu/> (datum pristupanja: 10.10.2015)

i podsticanje inovacija.⁸ U skladu sa ovim, osnovni propisi kojima se bavi ova institucija odnose se na hemikalije a naročito REACH Uredba o registraciji, proceni i ograničenjima hemikalija iz 2007. godine i CLP Uredba o klasifikaciji, obeležavanju i pakovanju supstanci i jedinjenja iz 2009. godine. Agencija obezbeđuje koordinaciju aktivnosti u vezi sa primenom ovih propisa radi postizanja konzistentne i dosledne primene. Istovremeno, Agencija državama članicama i evropskim institucijama obezbeđuje odgovarajuće naučne informacije o pitanjima koja se tiču bezbednosti i različitih društveno-ekonomskih aspekata korišćenja pojedinih hemikalija. Sedište Agencije je u Helsinkiju (Finska). c) Eurostat, sa sedištem u Luksemburgu, je osnovan 1953. godine.⁹ Osnovne funkcije Eurostata su: pružanje neophodnih statističkih podataka institucijama EU kako bi mogle da analiziraju, vode i procenjuju komunitarne politike, kao i snabdevanje javnih ustanova, preduzeća, obrazovnih ustanova, novinara i građana statističkim podacima. Komunitarna statistika se deli na 9 grupa: opšta statistika; ekonomija i finansije; stanovništvo i socijalni uslovi; industrija, trgovina i usluge; poljoprivreda i vodoprivreda; spoljna trgovina; saobraćaj; životna sredina i energetika, i nauka i tehnologija. U delu koji se odnosi na životnu sredinu obuhvaćene su sledeće oblasti: proizvodnja, tretman i reciklaža otpada, vodni resursi i tretman otpadnih voda, troškovi zaštite životne sredine, porezi u oblasti životne sredine, proizvodi za zaštitu bilja, zaštita vazduha i klimatske promene, korišćenje zemljišta, uticaji pojedinih ekonomskih sektora (deo o poljoprivredi koji obuhvata podatke o pesticidima, đubrivu i organskoj proizvodnji, a deo o transportu obuhvata različite aspekte životne sredine uključujući efikasnost transporta i cene).

3. INSTITUCIJE FORMIRANE MEĐUNARODNIM UGOVORIMA U OBLASTI UPRAVLJANJA VODNIM RESURSIMA¹⁰

3.1. Međunarodna komisija za Dunav¹¹

Sofijskom Konvencijom o saradnji na zaštiti i održivom korišćenju reke Dunava (1994) se predviđa, između ostalog, i formiranje „Međunarodne komisije” koja treba

⁸ Internet: <http://echa.europa.eu/web/guest/home> (datum pristupanja: 10.10.2015)

⁹ Internet: <http://ec.europa.eu/eurostat/about/overview> (datum pristupanja: 20.10.2015)

¹⁰ Ovde se ne ulazi se u raspravu o drugim subjektima kao što su sekretarijati pojedinih međunarodnih ugovora u oblasti upravljanja vodama koji imaju opšti značaj. Poseban značaj imaju sekretarijati međunarodnih ugovora zaključenih u okviru Ekonomske komisije UN za životnu sredinu među kojima je i Helsinška konvencija o zaštiti i korišćenju prekograničnih vodotokova i međunarodnih jezera. Internet: <http://www.unece.org/env/water/> (19.10.2015). Takođe, ostavljaju se po strani i druge forme regionalne saradnje koje mogu, na širi način, biti od značaja za saradnju između država u slivu reke Dunav. Takav je slučaj i sa saradnjom u okviru evroregiona.

¹¹ International Commission for Protection Danub River (ICPDR). Sedište u Beču. Internet: <http://www.icpdr.org/main/> (datum pristupanja: 22.10.2015)

da se stara o „realizaciji ciljeva i odredaba ove Konvencije” (čl.18).¹² Istovremeno, strane ugovornice su Aneksom IV uz Konvenciju utvrdile i Statut Međunarodne komisije za zaštitu reke Dunav, čime su regulisana pitanja sastava Komisije, predsedništva, sastanaka, donošenja odluka, usvajanja odluka, ekspertskih tela, sekretarijata, izveštaja, troškova, itd. Međunarodna komisija se sastoji od delegacija koje imenuju strane ugovornice Konvencije pri čemu svaka strana može da imenuje najviše pet delegata. Takođe svaka strana ugovornica može imati i po nekoliko eksperata koji se bave određenim posebnim pitanjima. Mandat Međunarodne komisije je određen okvirima Sofijske konvencije, naročito članovima 2. i 3. i ona je odgovorna za potpuno sprovođenje Konvencije. Ona ima nadležnost da donosi sve odluke osim onih koje su rezervisane za Konferenciju strana kao najviše telo. Ona tumači pravna i administrativna pitanja, osniva i bavi se pitanjima razvoja institucionalnih okvirnih uslova, nastoji da unapredi zajedničke aktivnosti i saradnju država članica uključujući i razmenu iskustava i informacija, ohrabruje i obezbeđuje poštovanje obaveza koje proizilaze iz Konvencije, saradjuje sa drugim organizacijama ili telima koja su angažovana u zaštiti i upravljanju vodama reke Dunav, itd. U okviru ukupnih aktivnosti Međunarodne komisije formirano je jedan broj ekspertskih grupa: grupa za emisiju zagađenja čiji je zadatak redukcija zagađenja i katalogiziranje zagađivača i zagađenja u slivu reke Dunav; grupa za monitoring kvaliteta voda, laboratorijska merenja, obradu i razmenu podataka o kvalitetu voda čiji je zadatak da ustanovi mrežu stanica za monitoring kvaliteta voda, harmonizuje metode ispitivanja i standarde, razvije sistem interkalibracije laboratorija radi povećanja pouzdanosti podataka i ustanovi način prikazivanja podataka i njihovu razmenu i upotrebu; grupa za prevenciju havarijskih i incidentnih zagađenja i sistem za upozoravanje sa zadatkom da uspostavi sistem za rano upozoravanje u slučaju havarijskih zagađenja i preduzimanje preventivnih mera i kontrole na području sliva reke Dunav; grupa za upravljanje slivom reke Dunav koja ima zadatak da planira i razvije pogodan i pouzdan sistem za sprovođenje direktiva i drugih propisa u vezi sa održivim korišćenjem i zaštitom voda; strateška ekspertska grupa koja za svoj predmet delovanja ima pravna, administrativna i finansijska pitanja i ekološka ekspertska grupa koja ima za zadatak da “podržava” aktivnosti koje Međunarodna komisija sprovodi a koje se odnose na očuvanje, obnovu i održivo korišćenje vodnih ekosistema i sa njima povezanih drugih ekosistema kao što su močvani, priobalni, itd. Poseban značaj za aktivnosti koje se odvijaju u okviru Konvencije ima Radna grupa za upravljanje Programom (Programme Management Task Force) koja koordinira saradnju koja se odvija

¹² Konvenciju o saradnji na zaštiti i održivom korišćenju reke Dunava ratifikovala Savezna Republika Jugoslavija 30. januara 2003. godine („Sl. list SRJ – Međunarodni ugovori“, br. 2/03).

između Međunarodne komisije i međunarodnih organizacija, međunarodnih finansijskih organizacija, donatora, nevladinih organizacija, itd.¹³

3.2. Dunavska komisija

Dunavska komisija formirana je na osnovu Konvencije o režimu plovidbe na Dunavu, potpisane 18. avgusta 1948. godine u Beogradu.¹⁴ Kao što joj sam naziv kaže ona se, pre svega, bavi pitanjima relevantnim za „režim plovidbe“. U nju su, tako, unete odredbe o načelu slobode plovidbe za državljane, brodove i robu svih država a na bazi ravnopravnosti u odnosu na plovidbene i lučke takse i uslove trgovačke plovidbe, zabrani plovidbe ratnih brodova nepribrežnih zemalja, pravu kabotaže koje je rezervisano za pribrežne zemlje, pravu ulaska u luke stranih brodova i pravu istovara i utovara robe, ukrcavanju i iskrcavanju putnika na osnovu propisa pribrežne zemlje, sanitarnoj i policijskoj službi koju vrše pribrežne zemlje, itd. Konvencija predviđa i obaveze pribrežnih država da svoje sektore održavaju u plovnom stanju i da se staraju o obezbeđivanju uslova za poboljšanje plovidbe. Osnovni zadatak Dunavske komisije je da se stara o obezbeđivanju pravilne primene režima koji je ustanovljen Konvencijom, kao i obezbeđivanje koordinacije rada između pribrežnih država. Ona je, u skladu sa tim, nadležna za: -izvodjenje generalnog plana velikih radova; -uspostavljanje jednoobraznog sistema održavanja plovnih puteva; -ujednačavanje pravila rečne bezbednosti; -objavljivanje priručnika, karti, atlasa i sl.; -koordinaciju rada hidrometeoroloških službi, itd. Članom 14. Konvencije Dunavskoj komisiji je priznato svojstvo pravne ličnosti „u skladu sa zakonodavstvom države u kojoj ne nalazi njeno sedište”.¹⁵ Pravni položaj, obaveze, prava itd. Komisije precizno su regulisani naknadno zaključenom Konvencijom o privilegijama i imunitetima Dunavske komisije (stupila na snagu 1964. godine).

3.3. Savska komisija¹⁶

Okvirnim sporazum za sliv reke Save (2002),¹⁷ predviđeno je, između ostalog, i da Komisija za sliv reke Save, u cilju sprovođenja Sporazuma, obavlja sledeće

¹³ Međunarodna komisija za Dunav ostvaruje saradnju sa svim relevantnim međunarodnim organizacijama koje se bave problemima životne sredine. Posebne forme saradnje ostvaruju se sa Komisijom za zaštitu Crnog mora.

¹⁴ Potpisale su je Mađarska, Bugarska, Rumunija, SSSR, Ukrajina i Jugoslavija, da bi 1960. godine Konvenciji pristupila i Austrija. Inače pre Dunavske komisije o kojoj ovde govorimo, kroz istoriju su (od Pariskog ugovora iz 1856. godine) postojala različita međunarodna tela koja su se starala o odredjenim pitanjima vezanim za Dunav.

¹⁵ Prvobitno je sedište Dunavske komisije bilo u Galcu, a od 1954. godine se nalazi u Budimpešti.

¹⁶ Internet: <http://www.savacommission.org/> (30.10.2015).

¹⁷ „Sl. SCG-Međunarodni ugovori“, br. 12/04.

funkcije: donosi odluke s ciljem obezbeđenja uslova za sigurnu plovidbu, donosi odluke o uslovima finansiranja izgradnje plovnih puteva i njihovog održavanja, donosi odluke o svom radu, budžetu i postupcima i donosi preporuke o svim drugim pitanjima koja se odnose na sprovođenje Sporazuma.¹⁸ Inače, Okvirni sporazum za sliv reke Save potpisan je 3. decembra 2002. godine u Kranjskoj Gori od strane Bosne i Hercegovine, Hrvatske, Slovenije i SR Jugoslavije. Sporazum najpre definiše osnovne pojmove a članom 2. se utvrđuju ciljevi: uspostavljanje međunarodnog režima plovidbe rekom Savom i njenim plovnim pritokama; uspostavljanje održivog upravljanja vodama i preduzimanje mera za sprečavanje ili ograničavanje opasnosti za smanjivanje i uklanjanje štetnih posledica, uključujući i posledice poplava, leda, suša i slučajeva ispuštanja po vodu opasnih materija. Pored toga predviđeno je da će strane, radi ostvarivanja pomenutih ciljeva, „sarađivati u procesu izrade i realizacije zajedničkih planova i razvojnih programa za sliv reke Save i na usklađivanju sopstvenih propisa sa propisima Evropske unije“. U drugom delu Sporazuma daju se „opšti principi saradnje“, propisuje opšta obaveza saradnje (čl. 3), obaveza razmene podataka i informacija (čl. 4), regulišu saradnja sa međunarodnim organizacijama (čl. 5), saradnja sa nacionalnim organizacijama (organima i telima) (čl. 6), definiše princip razumnog i pravičnog korišćenja voda (čl. 7), smanjivanje i regulisanje prekograničnih uticaja (čl. 8), nenanošenje štete (čl. 9). U trećem delu su regulisani: režim plovidbe (čl. 10), održivo upravljanje vodama (čl. 11), plan upravljanja slivom reke Save (čl. 12) i vanredni uticaji na vodni režim (čl. 13). Četvrti deo je posvećen mehanizmima saradnje (sastanak strana ugovornica i osnivanje, funkcije, finansiranje, sedište i statut Međunarodne komisije. U petom delu se daju odredbe o rešavanju sporova gde se, pored klasičnih sredstava rešavanja sporova, predviđa i mogućnost osnivanja Komiteta stručnjaka za utvrđivanje činjenica (čl. 23). U šestom delu se daju završne odredbe. Uz Sporazum je pripremljen i Protokol o režimu plovidbe dok se sa dva aneksa uz ovaj sporazum bliže uređuju pitanja rešavanja sporova putem arbitraže i funkcionisanje Komisije za sliv reke Save.

4. PRETPOSTAVKE SARADNJE REPUBLIKE SRBIJE U OBLASTI UPRAVLJANJA VODAMA

Ključnim pretpostavkama saradnje RS u oblasti upravljanja vodama ovde se uzimaju sledeća tri pitanja: nadležnost i subjekti upravljanja vodama u RS, članstvo

¹⁸ Odredbama Statuta Međunarodne komisije za sliv reke Save (Aneks I uz Sporazuma) preciznije su regulisani zadaci i nadležnosti Savske komisije (čl. 4), sastav (čl. 1), predsedavanje (čl. 2), zasedanja (čl. 3), donošenje odluka i preporuka (čl. 5), finansiranje rada (čl.6), sekretarijat (čl. 7), jezici (čl. 8), radne grupe (čl. 9), izveštaji (čl. 10) i imuniteti predstavnika strana, službenika i funkcionera Sekretarijata Savske komisije (čl. 11).

RS u međunarodnim ugovorima u oblasti upravljanja vodnim resursima i usaglašavanje nacionalnih propisa sa propisima EU u oblasti upravljanja vodnim resursima.¹⁹

4.1. Nadležnost i subjekti upravljanja vodama u RS

Nekoliko organa, organizacija i drugih subjekata ima određene nadležnosti u oblasti integralnog upravljanja vodama.²⁰ U skladu sa odredbama Zakona o vodama („*Sl. glasnik RS*“, br. 30/10, 93/12), upravljanje vodama u Republici Srbiji (RS) je u nadležnosti RS i ostvaruje se preko „Ministarstva“ i drugih nadležnih ministarstava, organa autonomne pokrajine, organa jedinice lokalne samouprave i javnog vodoprivrednog preduzeća (čl. 24). Primarnu nadležnost imaju Ministarstvo poljoprivrede i zaštite životne sredine i Republička direkcija za vode, ali se njihove aktivnosti prepliću sa poslovima nekoliko drugih organa, kao što su: Ministarstvo građevinarstva, saobraćaja i infrastrukture, Ministarstvo zdravlja, Ministarstvo rudarstva i energetike, Ministarstvo unutrašnjih poslova, Ministarstvo spoljnih

¹⁹ Dakle, ne ulazi se u raspravu o materijalnim determinantama procesa saradnje i drugim činiocima koji utiču ili mogu da utiču na saradnju RS. Za šire videti: Dragoljub Todić, Duško Dimitrijević, “Priority goals in international co-operation of the Republic of Serbia in the field of environment and sustainable development“ *International Environmental Agreements: Politics, Law and Economics*: 14, 2/2014, pp. 163–179.

²⁰ Metodološki posmatrano, utvrđivanje konačne liste subjekata koji za svoj predmet aktivnosti imaju neka pitanja iz oblasti upravljanja vodama povezano je sa različitim problemima. Jednim od prvih pitanja koja bi trebalo rešiti je pitanje definisanja pojma integralno upravljanje vodama. Integralno upravljanje vodama (za šta se u Zakonu koristi i formulacija „upravljanje vodama“), koje je definisano kao “skup mera i aktivnosti usmerenih na održavanje i unapređenje vodnog režima, obezbeđivanje potrebnih količina voda zahtevanog kvaliteta za različite namene, zaštitu voda od zagađivanja i zaštitu od štetnog dejstva voda”, predmet je regulisanja IV poglavlja Zakona o vodama (Član 24-113). Od ukupno 228. članova Zakona na poglavlje koje je označeno kao integralno upravljanje vodama otpada 89. U okviru ovog dela regulisana su sledeća konkretnija pitanja: nadležnost, načela (Član 24, 25), Teritorijalne osnove za upravljanje vodama (jedinstven vodni prostor, vodna područja, melioraciono područje, Član 26-28), Planska dokumenta za upravljanje vodama (Strategija upravljanja vodama, Plan upravljanja vodama, Godišnji program upravljanja vodama, Član 29-42; Vodna delatnost (uređenje vodotoka i zaštita od štetnog dejstva voda, uređenje i korišćenje voda, zaštita voda od zagađivanja, izdavanje i oduzimanje licence, Član 43-112). Širinu postojećeg koncepta potvrđuje i definicija pojma korišćenje voda koji obuhvata korišćenje, između ostalog i “vodnih snaga za proizvodnju električne energije i pogon uređaja”, pored korišćenja: 1) površinskih i podzemnih voda za snabdevanje vodom za piće, sanitarno-higijenske potrebe, za potrebe industrije i druge namene; 2) vode za navodnjavanje; 4) vode za ribnjake; 5) vode za plovidbu; 6) vode za sport, rekreaciju i turizam (član 71). Korišćenje voda vrši se u skladu sa ovim zakonom i posebnim zakonima i svaki korisnik je dužan da vodu koristi na način kojim se ne uskraćuje pravo korišćenja voda drugim licima i ne ugrožavaju ciljevi životne sredine.

poslova, Agencija za zaštitu životne sredine, nekoliko zavoda, itd.²¹ „Drugim subjektima upravljanja vodama“ Zakon definiše Savet za vode (čl. 140, 141), Nacionalnu konferenciju za vode (čl. 142, 143), Udruženje korisnika voda (čl. 144), Naučno-istraživačku organizaciju (čl. 145) i Javno preduzeće za regionalne višenamenske hidrosisteme (čl. 146). Slično prepoznavanje subjekata zaštite životne sredine sadržano je i u Zakonu o zaštiti životne sredine (čl. 4), dok Zakon o energetici pojam „energetski subjekt“ vezuje za obavljanje „energetskih delatnosti“ iz člana 16. ovog zakona. Sa stanovišta ostvarivanja saradnje sa najznačajnijim međunarodnim institucijama u oblasti upravljanja vodnim resursima pitanja preciznog i jasnog definisanja nadležnosti i kapaciteta nacionalnih institucija imaju karakter prethodnih pitanja. Nadležnost za ostvarivanje međunarodne saradnje u oblasti upravljanja vodnim resursima regulisana je odredbama Zakona o vodama, pored nekoliko drugih propisa u oblasti državne uprave koji regulišu neke aspekte ovi pitanja. Zakon o vodama u članu 150. Stav 6. „poslove međunarodne saradnje“ proglašava „ostalim poslovima od opšteg interesa“. Na elemente međunarodne saradnje upućuju i odredbe Zakona koje se odnose na „prekogranično zagađivanje“ (član 92). Prema odredbama člana 19. Zakona o ministarstvima („*Sl. glasnik RS*“, br. 44/14) „ministarstva u okviru svog delokruga ostvaruju međunarodnu saradnju i staraju se o njenom unapređenju i obezbeđuju usklađivanje propisa sa pravom Evropske unije i učestvuju u pregovaračkoj strukturi, pripremi pregovaračke pozicije i vođenju pregovora o pristupanju Evropskoj uniji.“ Posebno značajnim bi se mogla smatrati pravila koja se odnose na potvrđivanje i sprovođenje međunarodnih ugovora, odnosno pripremu i izradu osnova za vođenje pregovora i zaključivanje pojedinih međunarodnih ugovora, koja su sadržana u relevantnim odredbama Poslovnika Vlade („*Sl. glasnik RS*“, br. 61/2006 - prečišćen tekst, 69/2008, 88/2009, 33/2010, 69/2010, 20/2011, 37/2011 i 30/2013) i Zakon o zaključivanju i sprovođenju međunarodnih ugovora („*Sl. glasnik RS*“, br. 32/2013). Obaveza sprovođenja javne rasprave u postupku pripreme zakona o potvrđivanju

²¹ Agencija za zaštitu životne sredine Republike Srbije je institucija koja saraduje sa Evropskom agencijom i to na osnovu odredbe člana 20. stav 3. Zakona o ministarstvima („*Sl. glasnik RS*“, br. 36/09). Utvrđeno je da Agencija za zaštitu životne sredine, kao organ uprave u sastavu Ministarstva životne sredine i prostornog planiranja sa svojstvom pravnog lica, obavlja poslove državne uprave koji se, između ostalog, odnose na: „saradnju sa Evropskom agencijom za zaštitu životne sredine (EEA) i Evropskom mrežom za informacije i posmatranje (EIONET).“ Agencija za hemikalije (Republike Srbije) je institucija koja je osnovana odlukom Vlade („*Sl. glasnik RS*“, br. 78/09) radi obezbeđivanja administrativnih uslova za kvalitetno, efikasno i bezbedno upravljanje hemikalijama i biocidnim proizvodima. Međutim, Agencija je kasnije ukinuta posebnim zakonom. Jedna od statističkih oblasti koja se prati od strane Republičkog zavoda za statistiku odnosi se na životnu sredinu i obuhvata vodu, vazduh, hemikalije, otpad, troškove zaštite životne sredine i krivična dela protiv životne sredine. Internet: <http://www.sepa.gov.rs>, 16.10.2015.

međunarodnih ugovora, samo uz prethodno ispunjavanje propisanih uslova i odsustvo obaveze izrade analize efekata ovog zakona, mogla bi se smatrati ozbiljnijim nedostatkom.²²

4.2. Članstvo RS u međunarodnim ugovorima u oblasti upravljanja vodnim resursima

Iako je oblast upravljanja vodnim resursima moguće metodološki posmatrati odvojeno od drugih pitanja u oblasti životne sredine, članstvo u međunarodnim ugovorima u oblasti upravljanja vodnim resursima predstavlja sastavni deo pitanja članstva države u međunarodnim ugovorima u oblasti životne sredine u celini. Ovo pre svega zbog toga što osim međunarodnih ugovora koji regulišu oblast upravljanja vodnim resursima u užem smislu reči (Videti Tabelu 1. dole), članstvo u drugim međunarodnim ugovorima koji su na posredan način relevantni za oblast upravljanja vodama može biti od suštinske važnosti za ostvarivanje ciljeva u ovoj oblasti. Takvo stanje je uslovljeno karakterom problema u oblasti upravljanja vodnim resursima i njihovom snažnom povezanosti sa brojnim drugim pitanjima u oblasti životne sredine.

Tabela 1: Članstvo država dunavskog sliva u najznačajnijim međunarodnim ugovorima u oblasti upravljanja vodnim resursima

	MED. UGOVORI U OBLASTI UPRAVLJANJA VODNIM RESURSIMA											
	Dunavske Konvencije		Helsinška konvencija o vodama				Regionalni i sub.regionalni sporazumi					NJK
	SK	BK, DK	HK	Am. 25. 26.	PVZ	PGO	SS	KZC M	KK	TM	BK	
AL			+	+	+						+	
AT	+	+	+	+								
BA	+		+	+	+		+				+	
BG	+	+	+	+				+				
CG	+		+	+							+	+
HR	+	+	+	+	+		+				+	

²² Uredbom o utvrđivanju Programa upravljanja vodama u 2015. godini („Sl. glasnik RS”, br. 21/15) predviđena su sredstva za aktivnosti u okviru međunarodnih ugovora i učešće u radu Međunarodne komisije za zaštitu reke Dunava, Međunarodne komisije za sliv reke Save, Konvencije o zaštiti i upotrebi prekograničnih voda i međunarodnih jezera i bilateralne sporazume sa susednim zemljama.

MED. UGOVORI U OBLASTI UPRAVLJANJA VODNIM RESURSIMA												
	Dunavske Konvencije		Helsinška konvencija o vodama				Regionalni i sub.regionalni sporazumi					NJK
	SK	BK, DK	HK	Am. 25. 26.	PVZ	PGO	SS	KZC M	KK	TM	BK	
CZ	+		+	+	+				+			
IT			+	+							+	+
HU	+	+	+	+	+	+			+	+		+
MK			+	+								
MD	+	+	+	+	+							
DE	+	+	+	+	+							+
PL			+	+					+			
RO	+	+	+	+	+			+	+	+		
SK	+	+	+	+	+				+			
SI	+		+	+			+			+	+	
RS	±	±	±	±	±		±		±	±		
CH			+	+	+							
UA	+	+	+		+			+	+	+		
EU	+		+	+							+	

Legenda: SF – Sofijska konvencija o o saradnji na zaštiti i održivom korišćenju reke Dunav; BK(DK)– Beogradska konvencija o režimu plovidbe Dunavom – Dunavska komisija; HK – Helsinška konvencija o zaštiti i korišćenju prekograničnih vodotokova i međunarodnih jezera; Am. 25. i 26. HK – Amandmani na član 25. I 26. Helsinške konvencije; PVZ – Protokol o vodi i zdravlju uz Helsinšku konvenciju; PGO – Protokol o građanskoj odgovornosti uz Helsinške konvencije; SS – Savski sporazum (Okvirni sporazum za sliv reke Save); KZCM – Konvencija o zaštiti Crnog mora od zagađivanja; KK – Karpatska konvencija (Okvirna konvencija o zaštiti i održivom korišćenju Karpata); TM – Tisa Memorandum (Memorandum o razumevanju); BK – Barcelonska konvencija o zaštiti Sredozemnog mora; NJK – Njujorška konvencija o pravu neplovidbenih korišćenja međunarodnih vodotokova; AL – Albanija; AT – Austrija, BA – Bosna i Hercegovina, BG – Bugarska; CG – Crna Gora; HR – Hrvatska; CZ – Čehoslovačka, IT – Italija; HU – Mađarska; MK – Makedonija; MD – Moldavija; DE – Nemačka, PL – Poljska; RO – Rumunija; SK – Slovačka, SI – Slovenija; RS – Srbija; CH – Švajcarska; UA – Ukrajina; EU – Evropska unija.

Izvori: Sekretarijati međunarodnih ugovora (Websajtovi)

Srbija je regulisala svoj status u najznačajnijim međunarodnim multilateralnim ugovorima u oblasti životne sredine kroz proces sukcesije, odnosno potvrđivanjem pojedinih međunarodnih ugovora.²³ Centralni značaj ima sprovođenje Konvencije o zaštiti i korišćenju prekograničnih vodotokova i međunarodnih jezera (u okviru Ekonomske komisije Ujedinjenih nacija za Evropu), Konvencije o saradnji na zaštiti reke Dunav i Okvirnog sporazuma za sliv reke Save sa protokolima. Srbija je članica i Protokola o vodi i zdravlju uz Konvencije o zaštiti i korišćenju prekograničnih vodotokova i međunarodnih jezera. Srbija aktivno učestvuje u aktivnostima koje se odnose na sprovođenje ovih međunarodnih ugovora. Najvećim problemom smatra se „nedostatak kapaciteta u institucijama koje su nadležne za implementaciju Okvirnog sporazuma.“ Istovremeno, treba konstatovati da Srbija nije članica Konvencije o zaštiti Crnog mora od zagađivanja (1992), iako je bivša Jugoslavija učestvovala u nekim pripremnim aktivnostima u okviru ove Konvencije i protokola. Ipak, Srbija učestvuje u nekim aktivnostima koje se sprovode u okviru Komisije za zaštitu Crnog mora (npr. Crnomorski regionalni energetska centar). Srbija nije članica Konvencije o pravu neplovidbenih korišćenja međunarodnih vodotokova (Njujork, 1997). U grupi ostalih međunarodnih ugovora u oblasti voda, kojima su regulisana izvesna pravila međunarodne saradnje od značaja za upravljanje vodnim resursima u slivu reke Drine, poseban značaj imaju oni međunarodni ugovori koji regulišu pravila unutrašnje plovidbe.²⁴

²³ Mihajlo Vučić, Dragoljub Todić, „Članstvo država sukcesora SFR Jugoslavije u međunarodnim ugovorima u oblasti životne sredine“, u Dimitrijević D., Novičić Ž., Vučić M. (pr) *Regulisanje otvorenih pitanja između država sukcesora SFR Jugoslavije*, Zbornik radova sa međunarodne naučne konferencije Beograd, 29-30. Novembar 2012. Institut za međunarodnu politiku i privredu, Hans Zajedel Fondacija. str. 337–355.

²⁴ Međunarodna konvencija o kontroli štetnih sistema koji se koriste protiv obrastanja na brodovima („*Sl. glasnik RS – Međunarodni ugovori*”, broj 1/10); Budimpeštanska konvencija o ugovoru o prevozu robe unutrašnjim vodnim putevima (CMNI) („*Sl. glasnik RS – Međunarodni ugovori*”, br. 1/10); Protokol iz 1997. godine o izmenama i dopunama Međunarodne konvencije o sprečavanju zagađenja mora sa brodova iz 1973. godine, izmenjene i dopunjene Protokolom iz 1978. godine, koji se na nju odnosi („*Sl. glasnik RS – Međunarodni ugovori*”, br. 1/10); Evropska konvencija o međunarodnom transportu opasnog tereta na unutrašnjim plovnim putevima (ADN 2007) („*Sl. glasnik RS – Međunarodni ugovori*”, br. 3/10); Evropska konvencija o međunarodnom transportu opasnog tereta u drumskom saobraćaju (ADR 2007) („*Sl. glasnik RS – Međunarodni ugovori*”, br. 2/10); Sporazum između Vlade Republike Srbije i Vijeća ministara Bosne i Hercegovine o plovidbi plovnim putevima na unutrašnjim vodama i njihovom tehničkom održavanju, („*Sl. glasnik RS – Međunarodni ugovori*”, br. 6/12); Strazburška konvencija o ograničenju odgovornosti u unutrašnjoj plovidbi (CLNI 2012), („*Sl. glasnik RS – Međunarodni ugovori*”, br. 6/13).

4.3. Usaglašavanje nacionalnih propisa sa propisima EU u oblasti upravljanja vodnim resursima

Usaglašavanje nacionalnih propisa sa propisima EU u oblasti upravljanja vodnim resursima predstavlja deo ukupnog procesa usaglašavanja nacionalnih propisa sa propisima EU i ne može se posmatrati van tog konteksta. Sve država u slivu reke Dunav su, na različite načine, upućene na proces EU integracija, odnosno saradnje u okviru ili posredstvom institucija EU. U tom smislu usaglašavanje nacionalnih propisa sa propisima EU ima svoj proceduralni aspekt i materijalnu dimenziju. a) Postupak usklađivanja nacionalnih propisa sa propisima EU regulisan Poslovníkom Vlade („*Sl. glasnik RS*”, br. 61/06, 69/08, 88/09, 33/10, 69/10, 20/11, 37/11, 30/13) i drugim propisima od značaja za proces pripreme i usvajanja propisa. Može se govoriti o nekim slabostima procesa. I pored postojanja analize efekata propisa (kao formalnog instrumenta) odsustvo jasne obaveze sagledavanja stvarnih mogućnosti privrede i društva da primene neki propis može se smatrati jednom od slabosti postojećeg sistema usaglašavanja nacionalnih propisa. Jednim od spornih elemenata se može smatrati i mogućnost koja je ostavljena predlažući zakona da uopšte ne dostavi analizu efekata zakona (čak ni takvu analizu kakva se trenutno primenjuje). Ne postoji obaveza izrade analize efekata propisa u proceduri potvrđivanja međunarodnih ugovora. Učešće javnosti se može smatrati otvorenim pitanjem i pored napretka koji je učinjen poslednjim izmenama Poslovníka Vlade. b) Prema poslednjim procenama Evropske komisije (2014) konstatuje se, između ostalog, da je potrebno „znatno ojačati kapacitete Direkcije za vode Ministarstva poljoprivrede i zaštite životne sredine kako bi ona upravljala prenošenjem i primenom obimnog zakonodavstva EU o vodama. Snažne poplave koje su se dogodile u maju 2014. pokazuju da je neophodno brzo poboljšanje sistema i infrastrukture za sprečavanje poplava i upravljanje vodama. Razrađen je plan prioritarnih infrastrukturnih projekata za upravljanje otpadnim vodama.“²⁵ Procenjuje se da je Direktiva 2000/60/EC transponovana u propise RS oko 78%. Planirano je da potpuno usklađivanje nacionalnih propisa sa propisima EU bude ostvareno do 2018. godine.²⁶ Direktiva 91/271/EEC koja se odnosi na tretman komunalnih otpadnih voda je samo delimično transponovana u pravni sistem RS

²⁵ Evropska komisija. *Izveštaj o napretku, Republika Srbija, 2014. koji prati Saopštenje komisije upućeno Evropskom parlamentu, Savetu, Evropskom ekonomskom i socijalnom komitetu i Komitetu regiona, Strategija proširenja i ključni izazovi za period 2014-2015.* {COM (2014) 700 konačni}, privremeno konačna verzija, Brisel http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Izvestaj_o_napretku_dec14.pdf (22.4.2015). str. 100, 101.

²⁶ *Post screening dokument, životna sredina i klimatske promene*, Radna verzija, Ministarstvo poljoprivrede i zaštite životne sredine, Beograd, jul 2015. godine, str. 90-119.

(39%) kroz odredbe Zakona o vodama, Pravilnika o graničnim vrednostima emisija u vode, itd). Potpuna transpozicija se očekuje 2018. godine. Skroman nivo transpozicije je ostvaren i u pogledu Direktive 2006/118/EC o zaštiti podzemnih voda od zagađivanja (30%). Očekuje se da će transpozicija biti ostvarena do kraja 2018. godine. Direktiva o vodi za piće (98/83/ECC) je transponovana oko 60% putem Zakona o vodama, Zakona o zdravstvenoj zaštiti, Zakona o bezbednosti hrane, Pravilnik o higijenskoj ispravnosti vode za piće, i drugih propisa. Najniži nivo transpozicije je ostvaren za Direktivu 2008/105/EC o standardima kvaliteta životne sredine u oblasti politike voda (10%). Predviđeno je da će se transpozicija ostvariti do kraja 2018. godine. Nizak nivo transpozicije je ostvaren i za Nitratnu Direktivu (91/ 676/EC) – oko 14%. Planira se da se transpozicija izvrši u periodu do 2018. godine. Direktiva o otpadnom mulju 86/278/EEC je, takođe, u početnoj fazi transpozicije (15%), a puna transpozicija se očekuje do kraja 2018. godine. I Direktiva o vodi za kupanje 2006/7/EC se nalazi u početnoj fazi transpozicije (oko 20%). Što se tiče upravljanja rizicima od poplava, procenjuje se da je Direktiva o proceni i upravljanju rizikom od poplava (2007/60/EC) transponovana u pravni sistem RS oko 70%. Planom rada Vlade za 2015. godinu predviđeno je donošenje novih propisa i preduzimanje drugih mera u ovoj oblasti.

5. ZAKLJUČAK

Postojeće forme saradnje država u slivu reke Dunav, koje imaju jasnu prepoznatljivost u okviru sistema institucija koje se bave životnom sredinom, rezultat su relativno dugog perioda istorijskog razvoja međunarodnih ugovora u oblasti životne sredine. Međunarodni ugovori predstavljaju pravnu osnovu formiranja i delovanja nadležnih institucija i članstvo država regiona u njima je relativno ujednačano, osim Njujorške konvencije o pravu neplovidbenih korišćenja međunarodnih vodotokova i nekih protokola uz pojedine regionalne ugovore. Institucionalno-normativni okvir koji je u oblasti životne sredine ustanovljen od strane EU drugi je opšti činilac koji determiniše okvir delovanja država u slivu reke Dunav. Konstatuje se da RS učestvuje u značajnom delu postojećih institucija, u skladu sa svojim statusom u odnosu na EU, odnosno članstvu u relevantnim međunarodnim ugovorima. Međutim, intenziviranje saradnje i ostvarivanje ciljeva Dunavske strategije podrazumeva, između ostalog, i dalje usaglašavanje nacionalnih propisa sa propisima EU uključujući i jačanje kapaciteta institucija.

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dr Vojislav JOVIĆ¹
mr Jasmina SUBIĆ²

PРАВНА ЗАШТИТА ВОДА U REPUBLICI SRBIJI I EVROPSKOJ UNIJI SA POSEBNIM OSVRTOM NA ЗАШТИТУ РЕКЕ ДУНАВ

APSTRAKT

Voda predstavlja jedan od ključnih prirodnih resursa koji su od vitalnog značaja kako iz aspekta zadovoljenja osnovnih ljudskih potreba, tako i iz aspekta tradicionalnih i savremenih vidova industrijske i drugih oblika proizvodnje. Stiče se utisak da je značaj vodnih resursa naročito aktualizovan početkom ovoga veka u okviru ekstenzivno koncipiranih nacionalnih i međunarodnih pitanja. Ovo posebno iz razloga što se pitanja vodnih resursa moraju posmatrati u kontekstu drugih takođe značajnih oblasti kao što su životna sredina, klimatske promene, međunarodni odnosi, ekonomski i tehnološki razvoj. Sve veći tehnološki razvoj dovodi do sve većeg zagađenja vode, kao i povećanja njene nekontrolisane potrošnje, što postaje jedan od veoma važnih problema savremenog društva. Izvori zagađenja voda jesu mnogobrojni, od komunalnih i industrijskih otpadnih voda, preko oticanja sa hemijski tretiranih zemljišta i gradskih površina, odnosno drugih oblika zagađivanja antropogenog porekla. Za zaštitu voda neophodna je arhitektonika pravnog okvira koja obuhvata nacionalno zakonodavstvo zasnovano na međunarodnim pravnim standardima. U tom smislu veoma je značajna okvirna direktiva o vodama Evropske unije (Water Framework Directive 2000/60/EC) koja predstavlja pravni okvir za zaštitu i poboljšanje kvaliteta svih vodnih resursa u Evropskoj uniji. U ovom radu autori ukazuju na način pravnog regulisanja zaštite voda u Srbiji, sa uporednim prikazom pojedinih sekundarnih izvora prava Evropske unije u toj oblasti. Poseban akcenat se stavlja na reku Dunav kao najveću međunarodnu reku u Evropi i drugu po veličini međunarodnu reku u svetu, i jednog od važnih delova saobraćajne mreže srednje Evrope. S obzirom da kroz Srbiju prolaze dva evropska saobraćajna koridora – kopneni koridor X i koridor VII koji povezuje 10 evropskih zemalja koje izlaze na plovni

¹ Fakultet za pravo, javnu upravu i bezbednost, Univerziteta Džon Nezbit, Beograd

² Ministarstvo unutrašnjih poslova Republike Srbije.

deo reke Dunav, ukazaćemo na značaj Dunava sa međunarodnog aspekta, njegovu zagađenost i mehanizme zaštite.

Ključne reči: vodni resursi, zagađenje voda, zaštita voda, reka Dunav, pravni okviri, međunarodni pravni standardi.

1. UVODNA RAZMATRANJA

Uvažimo najpre činjenicu da je čovek – *homo sapiens*, nastao, razvijao se i opstao na Zemlji planeti upravo zahvaljujući prirodi – ekoslu. Paleontolozi ukazuju da su prva ljudska bića na Zemlji živela od lova, ribolova i biljnih plodova, kao nužnih oblika eksploatacije prirode. Od Paleolita do demokratskog društva proteklo je milione godina u kojima je čovek u procesu evolucije, sebe postavio iznad prirode. Otuda su i veoma realne naučne prognoze o nesagledivim posledicama čovekovog uticaja na prirodu, jer je čovek zapravo prirodne zakone podredio individualnoj slobodi, odnosno imperativno i prohibitivno podredio pravu na slobodno ponašanje. Ekološki skeptici smatraju da je Zemlja otporna i da nikakve antropogene aktivnosti ne mogu na nju značajnije da utiču. Sa druge strane, za one koji zastupaju većinsko mišljenje, Zemlja - ili bar njen ekosistem jeste ranjiva tvorevina i moramo je zaštititi od naših po nju štetnih uticaja.³ Kompleksnost koncepta ekološkopravne zaštite potvrđuje činjenica da je potreba njegovog redefinisavanja, odnosno integrisanja u okvir drugih srodnih pravnih grana inicirana osamdesetih godina prošlog veka, sa preporukom da se ekološki faktori integrišu u globalni pravni koncept.⁴ U najranijim fazama razvoja ekološkog prava, nasilje nad životnom sredinom bilo je sankcionisano ne baš strogim sankcijama upravno pravnog i građansko pravnog karaktera.⁵ Savremena pravna teorija, od druge polovine prošloga veka u pravni okvir uvodi ekologiju – životnu sredinu kao širi objekt pravne zaštite, a njen *ratio legis* jeste propisivanje ponašanja čoveka u prirodi.⁶ Zdrava ekologija, odnosno zdrava životna sredina predstavlja imperativ međunarodne zajednice u celini, i kao takva ulazi u sistem ljudskih prava koja su proklamovana u okviru Univerzalne deklaracije o ljudskim pravima kao prava „treće generacije“ takozvana „solidarna prava“, odnosno prava na zdravu životnu sredinu. Ekologija za svoj predmet pravne zaštite ima tri globalne prirodne vrednosti: vazduh, vodu i zemljište, odnosno

³ Entoni Gidens, *Klimatske promene i politika*, Clio, Novi Sad, 2010, str. 38, prevod sa engleskog, Trajković Đorđe.

⁴ Vojislav Jović, *Politika suprotstavljanja ekološkom keiminalitetu u Republici Srbiji i njegov uticaj na ekološku bezbednost*, Megatrend revija, br. 4/2014, Beograd, str. 323.

⁵ Kevim Tomkins, „Law Police Enforcement and Environment“, *Current Issues in Criminal Justice*, Vol. 16, 2005, pp. 294-306.

⁶ Salzman James – Thompson H. Barton: *Environmental Law and Policy*, New York, 2003, p. 2.

atmosferu, hidrosferu i litosferu kao sastavne elemente biosfere. Voda predstavlja jedan od osnovnih elemenata ekosistema i prirodnih bogatstava koja je neraskidivo vezana sa svim oblicima života na zemlji. Značaj upravljanja ovim vitalnim resusom jedna je od osnovnih životnih odluka u aktivnostima svih učesnika prisutne civilizacije. Za čoveka je voda izvor života i telesna supstanca. Svi životni evolucionari nastali su u vodi ili pored vode. Prva naselja, gradovi i države nastali su pored površinskih vodnih tokova jer je ljudski život i egzistencija neraskidivo vezana sa vodnim resursom.⁷ Prema udelu vode u strukturi Zemlje, može se reći da je Zemlja „vodena“, jer svega 29% njene površine čini kopno, a čak 71% voda.⁸ Naučne procene ukazuju da u svetu postoji problem zagađenosti podzemnih izvora, sa druge strane urbanizacija povećava potrebu za vodom mnogo brže nego što to vodni sistemi mogu da obezbede. Korišćenje vode koja potiče iz reka i jezera udvostručeno je u poslednjih 40 godina. Takođe se procenjuje da oko 70% resursa sveže vode koje ljudi koriste odlazi na poljoprivredu, a potrebe će nadalje da rastu usled prognozirano porasta stanovništva na planeti i stim u vezi povećane potrebe za hranom. Opšte je stanovište da je svetu potrebno više sveže vode, u tom smislu neophodni su naučni pomaci u desalinizaciji, kao što su filtracija preko ugljenih nanocevi, kao i manje skupi tretmani zagađenih voda.⁹

Tabela broj 1: Popis voda na našoj planeti¹⁰

Voda	Zapremina vode u km ³	% od slatke vode	% od ukupne količine vode
Okeani, mora, uvale	1,338,000,000	-	96.54
Ledenekape, glečeri, večitiled	24,064,000	68.6	1.74
Podzemna voda	23,400,000	-	1.69
Sveža	10,530,000	30.1	0.76
Slana	12,870,000	-	0.93
Vlažno zemljište	16,500	0.05	0.001
Lednatluipermafrost	300,000	0.86	0.022
Jezera	176,400	-	0.013
Slatkovodna	91,000	0.26	0.007

⁷ Milan Pavlović, *Ekološko inženjerstvo*, Tehnički fakultet „Mihajlo Pupin“, Zrenjanin, 2002, str. 108.

⁸ Internet: <http://www.astronomija.co.rs/sunev-sistem?catid=0&id=6490>, 13.08.2015.

⁹ Dejana Dimitrijević, *Trendovi ekološke bezbednosti u XXI veku*, Univerzitet u Beogradu, Fakultet Bezbednosti, Beograd, 2010, str. 124

¹⁰ Prema izvoru: *USGS* (<http://water.usgs.gov/edu/earthhowmuch.html>, 13.08.2015.)

Voda	Zapremina vode u km ³	% od slatke vode	% od ukupne količine vode
Slana	85,400	-	0.007
Atmosfera	12,900	0.04	0.001
Močvare	11,470	0.03	0.0008
Reke	2,120	0.006	0.0002
Biološka voda	1,120	0.003	0.0001

Izvori zagađenja voda su mnogobrojni, oni se po pravilu mogu podeliti u dve globalne grupe: direktne (industrijske otpadne vode, komunalne otpadne vode, vodeni saobraćaj, havarije i nesreće) i indirektno (poljoprivreda i stočarstvo). Direktni oblici zagađivanja podrazumevaju formiranje posebnih otpadnih voda u koje čovek ubacuje štetne materije i koje, po pravilu, direktno izliva u rečne tokove. Voda se indirektno zagađuje u procesu spiranja štetnih hemijskih materija u zemljištu. Na tom putu one lagano prelaze u podzemne vode, odakle procesima prirodnih kruženja dolaze do reka, jezera i, na kraju do mora.¹¹ Takođe, postoje koncentrisani (tačkasti) i difuzni (rasuti) zagađivači. Koncentrisani izvori zagađenja najčešće su urbane sredine, industrijska i energetska postrojenja. Zagađenja iz urbanih sredina podrazumevaju otpadne vode iz domaćinstava i otpadne vode iz industrijskih postrojenja. Među industrijama, u najveće potrošače voda ubrajaju se hemijska i petrohemijska industrija, prehrambena, industrija papira, metalurgija i tekstilna industrija. Zagađenja iz poljoprivrede mogu da budu koncentrisanog karaktera, ako se sakupljaju i ispuštaju na jednom mestu, ali su značajnija rasuta zagađenja koja potiču od upotrebe đubriva i hemijskih sredstava, koja se rastvaraju, te putem površinske ili podzemne vode ulivaju u vodotoke i druge vodene ekosisteme. Ovi izvori zagađenja se javljaju kada se zagađujuće materije direktno ispuštaju kroz cevi ili kanale u recipijente, odnosno reke i jezera. Primer ovakvog zagađenja jeste ispuštanje otrovnih hemikalija direktno u vodotok putem cevovoda. Difuzni (rasuti) izvori zagađenja su: hemizacija zemljišta pesticidima, herbicidima i mineralnim đubrivima, smetlišta (divlje neuređene deponije industrijskog i komunalnog otpada), atmosferske padavine (kisele kiše), saobraćaj i druge delatnosti, po pravilu antropogenog karaktera.

2. PRAVNA ZAŠTITA VODA U REPUBLICI SRBIJI

Pravna zaštita voda u Republici Srbiji započela je u drugoj polovini prošlog veka, donošenjem Osnovnog zakona o vodama iz 1963, i Zakona o vodama iz 1967.

¹¹ Stevan Lilić, *Ekološko pravo*, Univerzitet u Beogradu, Pravni fakultet, Beograd, 2010, str. 206.

godine. Ovim zakonima je bilo zabranjeno unošenje opasnih materija u vode, odnosno unošenje otpada i otrovnih materija u vode iznad maksimalno određenih količina, odlaganje industrijskog otpada u površinske vode i obale, kao i izvođenje bilo kakvih radova koji mogu da ugroze biološki minimum u vodotoku i režim podzemnih voda ili kvalitet i izdašnost resursa mineralne, termalne i tekuće vode. U skladu sa odredbama pomenutog Zakona o vodama, 1968. godine doneta je Uredba o klasifikaciji voda, kojom su vode bile podeljene u četiri kategorije, pri čemu se: prva kategorija odnosila na vode koje se u prirodnom stanju ili posle dezinfekcije mogu koristiti za snabdevanje naselja vodom i uzgajanja plemenitih vrsta ribe; druga kategorija je obuhvatala vode pogodne za kupanje, bavljenje sportovima na vodi i rekreaciji; u treću kategoriju su bile svrstane vode koje se mogu koristiti samo za navodnjavanje i u industriji; dok četvrtoj kategoriju pripadaju vode koje se mogu koristiti samo posle određene obrade.¹² Opšta pravna zaštita životne sredine, a u okviru toga i zaštita voda, načelno je bila propisana Zakonom o zaštiti životne sredine iz 1991. godine, koji se smatra prvim sistemskim zakonom u oblasti ekološkopravne zaštite. Nadalje, posmatrano hronološki, sedamdesetih i osamdesetih godina prošlog veka i kasnije, doneto je niz zakona i podzakonskih propisa koji se eksplicitno ili implicitno odnose na zaštitu i/ili tretman voda¹³, sve do usvajanja sada važećeg Zakona

¹² Uredba o klasifikaciji voda, *Službeni glasnik RS*, br.5/68.

¹³ U Republici Srbiji je u oblasti voda doneto više zakonskih i podzakonskih akata, po sledećoj hronologiji: Zakon o vodama, *Službeni glasnik RS*, br. 30/10 i 93/12; Zakon o vodama, *Službeni glasnik RS*, br. 46/91, 53/93-dr.zakon, 67/93-dr.zakon, 48/94-dr.zakon, 54/96 i 101/05-dr.zakon; Zakon o režimu voda, *Službeni list SRJ*, br. 59/98 i *Službeni glasnik RS*, br. 105/2005; Zakon o vodnom režimu, *Službeni glasnik SRJ*, br. 59/98 i *Službeni glasnik RS*, br. 101/2005; Zakon o komunalnim delatnostima, *Službeni glasnik RS*, br. 16/97 i 42/98; Zakon o hidrometeorološkim poslovima od interesa za celu zemlju, *Službeni glasnik SFRJ*, br. 18/88 i 63/90 i *Službeni glasnik SCG*, br.1/03; Zakon o plovidbi i lukama na unutrašnjim vodama, *Službeni glasnik RS*, br. 73/10; Zakon o unutrašnjoj plovidbi, *Službeni glasnik RS*, br.73/10; Uredba o utvrđivanju Opšteg plana za odbranu od poplava za period od 2012. do 2018. godine, *Službeni glasnik RS*, br. 23/2012; Naredba o utvrđivanju Operativnog plana za odbranu od poplava za 2013, *Službeni glasnik RS*, br. 8/2013 i 24/13; Uredba o visini naknada za vode, *Službeni glasnik RS*, br. 16/2013; Uredba o utvrđivanju vodoprivredne osnove Republike Srbije, *Službeni glasnik RS*, br. 11/2002; Uredba o graničnim vrednostima emisije zagađujućih materija u vode i rokovima za njihovo dostizanje, *Službeni glasnik RS*, br. 67/2011 i 48/2012; Uredba o graničnim vrednostima zagađujućih materija u površinskim i podzemnim vodama i sedimentu i rokovima za njihovo dostizanje, *Službeni glasnik RS*, br. 50/2012; Uredba o klasifikaciji voda, *Službeni glasnik RS*, br. 5/68; Uredba o graničnim vrednostima prioriternih i prioriternih hazardnih supstanci koje zagađuju površinske vode i rokovima za njihovo dostizanje, *Službeni glasnik RS*, br. 35/2011; Pravilnik o parametrima ekološkog i hemijskog statusa površinskih voda i parametrima hemijskog i kvantitativnog statusa podzemnih voda, *Službeni glasnik RS*, br. 74/2011; Pravilnik o načinu određivanja i održavanja zona sanitarne zaštite izvorišta vodosnabdevanja, *Službeni glasnik RS*, br. 92/2008; Pravilnik o utvrđivanju

o zaštiti životne sredine koji je donet 2004. a izmenjen i dopunjen 2009. godine¹⁴, i Zakona o vodama iz 2010, koji je izmenjen 2012. godine.¹⁵ Odredbama sada važećeg Zakona o zaštiti životne sredine, zaštita voda je načelno propisana u okviru upravljanja prirodnim vrednostima, prema kojima se vode mogu koristiti i opterećivati, a otpadne vode ispuštati u vode uz primenu odgovarajućeg tretmana, na način i do nivoa koji ne predstavlja opasnost za prirodne procese ili za obnovu kvaliteta i količine vode, i koji ne umanjuje mogućnost njihovog višenamenskog korišćenja. U okviru integrisanog upravljanja vodama, zaštita vode se ostvaruje preduzimanjem mera sistematskog i kontrolnog praćenja kvaliteta voda, smanjivanjem zagađivanja voda zagađujućim materijama ispod propisanih graničnih vrednosti i preduzimanjem tehničko-tehnoloških i drugih potrebnih mera za njihovo prečišćavanje, kako bi se sprečilo unošenje u vode opasnih, otpadnih i drugih štetnih materija, kao i praćenjem uticaja zagađenih voda na zdravlje ljudi, životinjski i biljni svet i životnu sredinu. Sa druge strane, odredbama sada važećeg Zakona o vodama,

vodnih tela površinskih i podzemnih voda, *Službeni glasnik RS*, br. 96/2010; Pravilnik o dozvoljenim količinama opasnih i štetnih materija u zemljištu i vodi za navodnjavanje i metodama za njihovo ispitivanje, *Službeni glasnik RS*, br. 23/94; Pravilnik o načinu i minimalnom broju ispitivanja kvaliteta otpadnih voda, *Službeni glasnik SRS*, br. 47/83, 13/84; Pravilnik o higijenskoj ispravnosti vode za piće, *Službeni list SRJ*, br. 42/98 i 44/99; Pravilnik o klasifikaciji i kategorizaciji rezervi podzemnih voda i vođenju evidencije o njima, *Službeni list SFRJ*, br. 34/79; Pravilnik o sadržini i obrascu zahteva za izdavanje vodnih akata i sadržini mišljenja u postupku izdavanja vodnih uslova, *Službeni glasnik RS*⁶, br. 74/2010 i 116/123; Pravilnik o određivanju melioracionih područja i njihovih granica, *Službeni glasnik RS*, br. 38/2011; Pravilnik o određivanju granica podslivova, *Službeni glasnik RS*, br. 54/2011; Pravilnik o uslovima koje moraju da ispune preduzeća i druga pravna lica koja vrše određenu svrhu ispitivanja kvaliteta površinskih i podzemnih voda, kao i ispitivanja kvaliteta otpadnih voda, *Službeni glasnik RS*, br. 41/94 i 47/94; Pravilnik o opasnim materijama u vodama, *Službeni glasnik SRS*, br. 31/82; Pravilnik o načinu određivanja i održavanja zona i pojaseva sanitarne zaštite izvorišta vodosnabdevanja, *Službeni glasnik RS*, br.92/2008; Pravilnik o sadržini, načinu vođenja i obrascu vodne knjige, *Službeni glasnik RS*, br. 86/2010; Pravilnik o sadržini i načinu vođenja Katastra vodnih objekata, *Službeni glasnik RS*, br. 11/2011; Pravilnik o sadržini i načinu vođenja vodnog informacionog sistema, metodologiji, strukturi, kategorijama i nivoima sakupljanja podataka, kao i o sadržini podataka o kojima se obavestava javnost, *Službeni glasnik RS*, br. 54/2011; Pravilnik o higijenskoj ispravnosti vode za piće, *Službeni glasnik SRJ*, br. 42/98 i 44/99; Pravilnik o utvrđivanju vodnih tela površinskih i podzemnih voda, *Službeni glasnik RS*, br. 96/2010; Odluka o određivanju granica vodnih područja, *Službeni glasnik RS*, br. 73/2010; Odluka o osnivanju Nacionalne konferencije za vode, *Službeni glasnik RS*, br. 552011; Odluka o utvrđivanju Popisa voda I reda, *Službeni glasnik RS*, br. 83/2010; Master plan za vode Republike Srbije, *Službeni glasnik RS*, br. 11/02.

¹⁴ Zakon o zaštiti životne sredine, *Službeni glasnik RS*, br. 135/2004, 36/2009, 36/2009 - dr. zakon, 72/2009 - dr. Zakon i 43/2011 – odluka US).

¹⁵ Zakon o vodama, *Službeni glasnik RS*, br. 30/2010 i 03/2012.

propisane su globalne oblasti koje se odnose na pravni status voda; integrisano upravljanje vodama, vodnim objektima i vodnim zemljištem; finansiranje vodne delatnosti, nadzor nad sprovođenjem zakona i druga, iz aspekta upravljanja vodama značajna pitanja. U skladu sa naslovnom temom ovoga rada, značajne oblasti koje su propisane ovim zakonom naročito se odnose na: zabrane i obaveze zagađivača voda, odnosno zabrane i ograničenja vlasnika i korisnika vodnog zemljišta i vodnih objekata.¹⁶ Naime, u okviru zabrane i obaveze zagađivača voda, zakon propisuje zabranu unošenja u površinske i podzemne vode otpadnih voda koje sadrže hazardne i zagađujuće supstance¹⁷ iznad propisanih graničnih vrednosti emisije koje mogu da dovedu do pogoršanja trenutnog stanja, kao i ispuštanje otpadne vode u stajaće vode, ako je ta voda u kontaktu sa podzemnom vodom koja može da prouzrokuje ugrožavanje dobrog ekološkog ili hemijskog statusa stajaće vode. Zabranama podleže i ispuštanje sa plovnih objekata ili sa obale zagađujućih supstanci koje direktno ili indirektno dospevaju u vode, a potiču od bilo kog uređaja sa broda ili uređaja za prebacivanje na brod ili sa broda, kao i ispuštanje prekomerno termički zagađene vode, odnosno korišćenje đubriva ili sredstava za zaštitu bilja u obalnom pojasu do 5 metara. Ispuštanje u javnu kanalizaciju otpadnih voda koje sadrže hazardne supstance zabranjeno je ako je nivo hazardnih supstanci iznad propisanih vrednosti, odnosno ako hazardne supstance mogu štetno da deluju na mogućnost prečišćavanja voda iz kanalizacije, ili mogu da oštete kanalizacioni sistem i postrojenje za prečišćavanje voda. Ostale zabrane se odnose na korišćenje napuštenih bunara kao septičkih jama, kao i pranje vozila, mašina, opreme i uređaja u površinskim vodama i na vodnom zemljištu. Što se tiče zabrane i ograničenja vlasnika i korisnika vodnog zemljišta i vodnih objekata, značajne su odredbe koje se odnose na zabranjene delatnosti kojima se ugrožava očuvanje i održavanje vodnih tela površinskih i podzemnih voda i zaštitnih i drugih vodnih objekata, kao što je kopanje i odlaganje materijala, napasanje krupne stoke, vuča posečenog drveća i druge radnje kojima se može ugroziti stabilnost tih objekata. Na vodnom zemljištu je pored ostalog zabranjena izgradnja objekata kojima se smanjuje propusna moć korita, odlaganje čvrstog otpada i opasnog i štetnog materijala, skladištenje drva i drugog čvrstog materijala na način kojim se remete uslovi prolaska velikih voda, sadnja drveća na odbrambenom nasipu, u inundacijskom pojasu širine najmanje 10 metara od

¹⁶ *Vodno zemljište* jeste zemljište na kome stalno ili povremeno ima vode, zbog čega se formiraju posebni hidrološki, geomorfološki i biološki odnosi koji se odražavaju na akvatični i priobalni ekosistem. *Vodni objekti* jesu građevinski i drugi objekti koji zajedno sa uređajima koji im pripadaju čine tehničku, odnosno tehnološku celinu, a služe za obavljanje vodne delatnosti.

¹⁷ *Hazardne supstance* jesu supstance ili grupe supstanci koje su toksične, postojane i podložne bioakumuliranju i druge supstance ili grupe supstanci koje daju povod za odgovarajući nivo zabrinutosti, čija se lista utvrđuje posebnim propisom. *Zagađujuća supstanca* jeste svaka supstanca koja uzrokuje zagađivanje, a čija se lista utvrđuje posebnim propisom.

nebranjene nožice nasipa prema vodotoku, a u branjenoj zoni suprotno izdatim vodnim uslovima, pranje vozila i druge mašine, kao i druge radnje osim u izuzetnim zakonom propisanim slučajevima. Važno je napomena da su u kaznenim odredbama Zakona o vodama, pored privrednog prestupa i prekršaja, kao oblik inkriminacije propisana dva krivična dela (Neovlašćeno punjenje i korišćenje akumulacije i Oštećenje pri eksploataciji rečnih nanosa) koja nisu kodifikovana u okviru odredbi Krivičnog zakonika kojima su propisana krivična dela protiv životne sredine. Naime, radnja izvršenja kod ovih krivičnih dela obuhvata punjenje akumulacije ili korišćenje vode iz akumulacije bez vodne dozvole, čime se izaziva opasnost po život ili zdravlje ljudi ili imovinu, odnosno oštećenje korita, obala i regulacionih objekata eksploatacijom rečnog nanosa iz korita vodotoka. Krivična dela protiv životne sredine ili u teoriji poznatija kao „ekološki delikti“¹⁸, obuhvataju osamnaest oblika inkriminacije svrstanih u samostalnu dvadeset četvrtu glavu Krivičnog zakonika.¹⁹ Da bi smo razumeli pojam „ekološki delikt“, pojasnimo najpre leksičko, pravo, kriminološko i sociološko značenje instituta „delikt“. Naime, leksičko značenje delikta koristi latinski naziv pojma *delinquere*, odnosno *delictum*, što u prevodu znači istup protiv zakona, prestup, zločin.²⁰ Pravno značenje delikta poistovećuje se sa značenjem krivičnog dela koje prema materijalnom zakonu obuhvata formalni i objektivno-subjektivni pojam, odnosno određenost dela u zakonu, njegova protivpravnost i skrivljenost.²¹ Kriminološko značenje polazi od mnoštva termina koji se koriste da bi se označilo protivpravno ponašanje koje se kriminološki izučava, u okviru kojih se pojam delikt poistovećuje sa zločinom i prestupom, tumačeći ih kao pojedinačno kriminalno ponašanje.²² Sociološko tumačenje delikta obuhvata asocijalno i antisocijalno ponašanje koje se manifestuje neprihvatanjem ili suprotstavljanjem proklamovanim ili običajnim normama zajednice, odnosno ponašanje koje je protivno društvenom poretku. Suštinska karakteristika ekoloških delikata jeste njihov primarni zaštitni objekt, a to je i u međunarodnom i u nacionalnom pravu životna sredina, odnosno pravo čoveka na zdravu i relativno očuvanu prirodu i produktivan život u skladu sa njom. To pravo se za razliku od ostalih ljudskih prava, odnosi i na buduće generacije, što predstavlja njegovu specifičnost, time je od neprocenjivog značaja činjenica da životna sredina ima samostalni primarni zaštitni objekt, obzirom da se sve do polovine prošlog veka po

¹⁸ Mary Clifford, *Environmental Crime: Enforcement, Policy, and Social Responsibility*, Aspenpublishers, Gaithersburg, 1998, p. 26.

¹⁹ Krivični zakonik Republike Srbije, *Službeni glasnik RS*, br. 85/2005, 88/2005-ispr, 107/2005-ispr, 72/2009, 111/2009, 121/2012, 104/2103 i 108/2014.

²⁰ Milan Vujaklija, *Leksikon stranih reči i izraza*, Prosveta, Beograd, 1980, str. 198.

²¹ Ljubiša Lazarević, *Komentar Krivičnog zakonika Republike Srbije*, Savremena administracija, Beograd, 2006, str. 33-34.

²² Đorđe Ignjatović, *Kriminologija, Dosije*, Beograd, 2007, str. 15.

pravilu štutila uz neki drugi zaštitni objekt, najčešće u okviru zaštite zdravlja ljudi ili opšte sigurnosti. Krivična dela u kojima je voda jedan od eksplicitnih objekta pravne zaštite, u najvećoj meri spadaju u grupu takozvanih opštih dela protiv životne sredine, čija je radnja izvršenja usmerena na zagađivanje, odnosno dovođenje vode u takvo stanje da predstavlja opasnost za život i zdravlje ljudi i opstanak biljnog i životinjskog sveta. Iz ove grupe krivičnih dela naročito izdvajamo: Zagađenje životne sredine, Nepreduzimanje mera zaštite životne sredine, Protivpravna izgradnja i stavljanje u pogon objekata i postrojenja koja zagađuju životnu sredinu, Oštećenje objekata i uređaja za zaštitu životne sredine, Unošenje opasnih materija u Srbiju i nedozvoljeno prerađivanje, odlaganje i skladištenje opasnih materija, i Nedozvoljena izgradnja nuklearnog postrojenja. Voda u smislu ovih krivičnih dela podrazumeva svaku vodu osim one koja se koristi za piće²³. S obzirom da ova krivična dela imaju isti zaštitni objekt, po pravnoj logici imaju određene zajedničke karakteristike koje se manifestuju preko osnovnih i/ili kvalifikovanih oblika izvršenja. Osnovni oblik obuhvata alternativnu radnju koja podrazumeva zagađenje vode u većoj meri ili na širem prostoru. Pojam „veća mera“ ili „širi prostor“ tumači meru koja prevazilazi okvire tolerantne koncentracije ili zahvata velike površine, što se utvrđuje u svakom konkretnom slučaju. Ova granica zapravo predstavlja obeležje koje krivično delo razgraničava od privrednog prestupa, odnosno prekršaja.²⁴ Teži, kvalifikovani oblik dela postoji ako je usled zagađenja vode u velikoj meri ili na širem prostoru, došlo do uništenja ili oštećenja životinjskog ili biljnog sveta velikih razmera ili je životna sredina zagađena u tolikoj meri da su za njeno otklanjanje neophodni duže vreme i veliki troškovi. Odgovor na pitanje šta podrazumeva „veća mera“ ili „širi prostor“, odnosno „duže vreme“ ili „veliki troškovi“ jeste stvar procene pravosudnih organa koja se po pravilu bazira na nalazu i mišljenju veštaka u svakom konkretnom slučaju. Dokazivanje ekoloških delikata jeste specifično i neizvesno upravo iz razloga nedovoljno jasnog određenja pojedinih bitnih elementa krivičnog dela, što svakako utiče na postupak prikupljanja dokaza i utvrđivanja krivične odgovornosti počinitelaca. Postupak prikupljanja dokaza obuhvata mere i radnje koje se odnose na različite vrste veštačenja od strane ovlašćenih veštaka, nadležnih organa ili institucija, kojima se utvrđuje nivo i obim zagađenosti vode, odnosno potrebno vreme i finansijska sredstva za otklanjanje posledica zagađenja. Sud u ovim slučajevima najviše ima na raspolaganju nematerijalne - neposredne dokaze²⁵, odnosno dokaze u formi zapisnika

²³ Voda za piće predstavlja predmet pravne zaštite posebnog krivičnog dela, odnosno krivičnog dela Zagađivanje vode za piće i životnih namirnica, koje je svrstano u posebnu grupu krivičnih dela protiv zdravlja ljudi.

²⁴ Ljubiša Lazarević, *Komentar Krivičnog zakonika Republike Srbije*, Savremena administracija, Beograd, 2006, str. 682.

²⁵ Neposrednim dokazima se neposredno zaključuje o istinitosti ili neistinitosti sporne pravnorelevantne i druge činjenice u krivičnoj stvari. Oni se po pravilu dobijaju iz iskaza

o veštačenju, koje po pravilu ceni po opštim pravilima za ocenu dokaza, odnosno na osnovu slobodnog sudijskog uverenja. Postupak dokazivanja krivičnog dela jeste veoma specifičan i za sud, reklo bi se veoma težak, naročito kada se kao dokazni osnov pojavljuje zapisnik o veštačenju ili iskaz veštaka. Naime, sud nije bezuslovno vezan za mišljenje veštaka, a razlozi za neprihvatanje njegovog nalaza i mišljenja mogu da budu različiti, kao što su: kvantitativni i kvalitativni nedostaci materijala kojima je raspolagao veštak; nedovoljna razvijenost konkretne grane stručnog znanja, odsustvo ubedljivih argumenata koji potkrepljuju nalaz i mišljenje veštaka; nedovoljan stepen kvalifikacije veštaka i druge okolnosti. Posmatrano iz aspekta kompatibilnosti nacionalnog ekološkog zakonodavstva i pravnih standarda Evropske unije, problemi u vezi životne sredine koje su identifikovale nacionalne institucije podudaraju se sa stavom Evropske komisije koja je u svom Mišljenju Evropskom parlamentu i Savetu Evrope, o zahtevu Srbije za članstvo u Evropskoj uniji identifikovala životnu sredinu kao oblast u kojoj Srbija treba da uloži jedan od najvećih napora u procesu evropskih integracija, uključujući jačanje administrativnih kapaciteta i delotvorno sprovođenje propisa.²⁶

3. PRAVNA ZAŠTITA VODA U EVROPSKOJ UNIJI

Brojna istraivanja ukazuju da su većine reka, naročito u razvijenim zemljama sveta, postale kanali otpadnih voda. Industrijske i komunalne otpadne vode prevazišle su kapacitete vodenih tokova, pa voda nije u stanju da te otpadne materije razgradi. Svest i (ne) savest o zagađenju voda, postoji odavno, ali uprkos tim ranim saznanjima, zagađenje je najznačajniji i najaktuelniji problem današnjice, što znači da su vode u znatno većoj meri kontamirane nego ranije. Evropska unija je donela čitav niz pravnih akata kako bi zaštitila vode kao jedne od ključnih oblasti životne sredine. Rezolucija Generalne skupštine Ujedinjenih nacija o neophodnosti obezbeđenja zdrave životne sredine za dobrobit ljudi, kako se u uvodnom delu teksta navodi, u skladu sa Univerzalnom deklaracijom o ljudskim pravima i Međunarodnim ugovorom o građanskim i političkim pravima, ističe „pravo svakog na adekvatne uslove života i neophodnost obezbeđenja zdrave životne sredine“²⁷. Pravne tekovine Evropske unije u oblasti životne sredine obuhvataju horizontalno zakonodavstvo (procesni aspekti prava životne sredine kroz koje se obezbeđuje

svedoka, veštaka, putem uviđaja. Videti više: Stanko Bejatović, *Krivičnoprocesno pravo*, Savremena administracija, Beograd, 2003, str. 235.

²⁶ Stefan Šipka, Nebojša Lazarević, Miloš Đinđić, Dejan Maksimović, *Implementacija procene uticaja na životnu sredinu u Srbiji u kontekstu Evropskih integracija: trenutno stanje i preporuke*, Centar za Evropske politike, Beograd, 2014, str. 17.

²⁷ Vladan Joldžić, *Međudnos ljudskih prava i prostora*; Pravni život, br. 9/2010, Beograd, godina LIX, str. 359.

pravo na pristup informacijama, učešće javnosti u procesu donošenja odluka, pravo na upravnu i sudsku zaštitu kao i odgovornost za štetu prema životnoj sredini), kvalitet vazduha, klimatske promene, upravljanje otpadom, upravljanje vodama, zaštitu prirode i biodiverziteta, kontrolu industrijskog zagađenja i upravljanje rizicima, kontrolu hemikalija, genetski modifikovane organizme, upravljanje bukom, civilnu zaštitu i saradnju sa trećim zemljama. U Evropskoj Uniji zakonodavstvo priznaje više vrsta zakonskih instrumenata, od kojih svaki ima drugačiju zakonsku snagu i odnosi se na različite ciljne institucije. Primarni izvori ekološkog prava Evropske unije samo načelno propisuju zaštitu i očuvanje životne sredine, pa u skladu sa tom činjenicom, u tekstu koji sledi detaljnije analiziramo sekundarne pravne izvore. Sekundarni izvori ekološkog prava Evropske unije jesu *uredbe*, koje su direktno primenljive i ne zahtevaju donošenje nacionalnih propisa za njihovu primenu, i koje nisu tako česte u oblasti zaštite životne sredine, dok su *direktive* znatno fleksibilniji pravni akti jer su države članice vezane ciljem koji treba da se postigne, pri čemu im se ostavlja slobodan izbor forme i vrste pravnog akta kojim će direktiva biti primenjena.²⁸ Pored uredbi i direktiva, u oblasti životne sredine Evropske unije, primenjuju se *odluke*, *preporuke* i *mišljenja*, pri čemu se odlukama po pravilu razrađuju određene odredbe uredbi i direktiva, dok su preporuke i mišljenja pravno neobavezujući akti ali mogu da služe kao smernice za kreiranje nacionalnog zakonodavstva. Evropska unija je donela više direktiva koje se odnose na kvalitet voda i upravljanje vodama u cilju obezbeđivanja optimalnog korišćenja vode i obezbeđivanja potrebnog statusa površinskih i podzemnih voda, uz definisanje standarda kvaliteta za vode. U okviru seta donetih direktiva, naročito izdvajamo sledeće: *Okvirna direktiva o vodama* (EU - Water Framework Directive - Directive of European Parliament and of the Council 2000/60/EC – Establishing a Framework for Community Action in the Field of Water Policy /ODV/), dominira propisima Evropske unije u sektoru voda, pre svega uspostavljanjem ciljeva u oblasti zaštite životne sredine i propisivanjem procesa planiranja upravljanja vodama koji obuhvata: monitoring, procenu i analizu pritisaka i uticaja; pripremu i implementaciju šestogodišnjih planova upravljanja rečnim slivovima izrađenih sa namerom postizanja ciljeva u oblasti zaštite životne sredine.

Direktiva 2000/60/EC Evropskog Parlamenta i Saveta od 23. oktobra 2000. godine, utvrđuje okvir delovanja Zajednice u oblasti politike voda, odnosno propisuje da se planovi upravljanja rečnim slivom izrade za svako vodno područje kako bi se postigao dobar ekološki i hemijski status, što će doprineti i ublažavanju

²⁸ Aleksandra Čavoški, *Osnovi ekološkog prava Evropske unije*, Pravni fakultet, Univerzitet Union, Beograd, 2007, str. 27.

²⁹ Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, *Official Journal of the European Union*, L288 od 6.11.2007, str. 27-34.

posledica poplava. Smanjenje rizika od poplava nije jedan od glavnih ciljeva te Direktive, niti ona uzima u obzir rizik od poplava u budućnosti usled klimatskih promena. U Saopštenju Komisije od 12. jula 2004. godine, Evropskom Parlamentu, Savetu Evrope, Evropskom ekonomskom i socijalnom odboru i Odboru regiona pod nazivom „Upravljanje rizicima od poplava – prevencija, zaštita i ublažavanje“, data je njena analiza i pristup upravljanju rizicima od poplava na nivou Zajednice, i iznet stav da bi usklađeno i koordinisano delovanje na nivou Zajednice stvorilo značajnu dodatnu vrednost i poboljšalo sveukupni nivo zaštite od poplava. Efikasna prevencija i ublažavanje posledica poplava, pored usklađivanja između država članica, zahteva i saradnju sa trećim zemljama. Ovo je u skladu sa Direktivom 2000/60/EC i međunarodnim načelima upravljanja rizicima od poplava uspostavljenim Konvencijom Ujedinjenih nacija o zaštiti i korišćenju prekograničnih vodotoka i međunarodnih jezera, odobrenom Odlukom Saveta 95/308/EC²⁹, kao i svim narednim sporazumima o njenoj primeni. Odlukom Saveta 2001/792/EC, Euratom od 23. oktobra 2001. godine, koja utvrđuje mehanizam Zajednice za čvršću saradnju civilne zaštite u interventnim akcijama, mobilise se podrška i pomoć država članica u slučaju vanrednih okolnosti, uključujući poplave. Civilna zaštita može da obezbedi adekvatnu pomoć ugroženom stanovništvu i da poboljša pripravnost i oporavak. Prema Uredbi Saveta (EC) br. 2012/2002 od 11. novembra 2002. godine, kojom se osniva Fond solidarnosti Evropske unija, u slučaju katastrofalnih pojava moguće je dodeliti hitnu finansijsku podršku radi pomoći ljudima, prirodnim zonama, regionima i državama za povratak u što normalnije uslove.²⁹ Postavke sistema zaštite i unapređenja životne sredine i ostvarenje prava na zdravu životnu sredinu, u savremenim državama predstavlja odraz razvijenosti ukupnog normativnog sistema. Računa se da je kroz zaštitu životne sredine i ekološku politiku neophodno obezbediti dugoročne osnove biološkog i civilizacijskog opstanka, dakle dobrobit za buduće generacije.³⁰

Direktiva 91/271/EEC (Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment) kojom se utvrđuje okvir delovanja u oblasti prečišćavanja komunalnih otpadnih voda.

Direktiva 2007/60/EK (Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks Text with EEA relevance) ima za cilj da uspostavi okvir za procenu i smanjenje rizika po ljudsko zdravlje, životnu sredinu, imovinu i ekonomsku aktivnost proisteklu iz poplava, i neposredno je povezana sa Okvirnom direktivom o vodama. Mere uključuju preliminarnu procenu rizika i uspostavljanje mapa područja koja su pod rizikom i planova za upravljanje poplavama.

³⁰ Zoran Todorović, *Bezbednosni aspekt zaštite i unapređenja životne sredine nekih razvijenih evropskih zemalja i zemalja u tranziciji*, Bezbednost, Beograd, 4/07, str. 150.

Direktiva 98/83/EK (Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption) utvrđuje okvir delovanja u oblasti kvaliteta vode namenjene za ljudsku potrošnju.

Direktiva 2006/7/EK (Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC) utvrđuje okvir delovanja u oblasti upravljanja kvalitetom vode za kupanje. Odnosi se na površinske vode koje mogu da se koriste za kupanje, ali se ne odnosi na veštačke oblasti (npr. bazene). Direktiva propisuje dva parametra za analizu (crevnih enterokoki i ešerihije koli), koji se koriste za monitoring i procenu kvaliteta identifikovane vode za kupanje i za klasifikaciju u skladu sa njihovim kvalitetom. Ostali parametri se mogu uzeti u obzir, na primer, prisustvo cijano-bakterija i mikroalgi.

Direktiva 91/676/EEK (Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources) obuhvata okvir delovanja u oblasti zaštite voda od zagađenja koje uzrokuju nitrati poljoprivrednog porekla.

Direktiva 76/464/EEK (Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community) utvrđuje okvir delovanja u oblasti zagađivanja uzrokovanim određenim opasnim supstancama koje se ispuštaju u akvatičnu sredinu Zajednice.

Direktiva 80/68/EEK (Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances) propisuje oblast zaštite podzemnih voda od zagađivanja prouzrokovano određenim opasnim supstancama.

Direktiva 2006/118/EEK (Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration) obuhvata zaštitu podzemnih voda od zagađenja i deterioracije. Povezana je sa Okvirnom direktivom o vodama i opredeljena je da spreči zagađenje podzemnih voda i izbori se sa njihovim zagađenjem. Njene odredbe uključuju: kriterijume za procenu hemijskog statusa podzemnih voda; kriterijume za identifikaciju znatnih i neprekidnih rastućih trendova nivoa zagađenja podzemnih voda i za definisanje polaznih tačaka za promenu ovih trendova; kao i sprečavanje, odnosno ograničavanje indirektnog ispuštanja zagađujućih materija u podzemne vode.

Direktiva 96/61/EK (Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control) utvrđuje okvir delovanja u oblasti integrisanog sprečavanja i kontrole zagađenja.

4. REKA DUNAV I NJEN ZNAČAJ

Početakom 19. veka Austrija je imala monopol plovidbe na srednjem Dunavu, dok je Turska držala ušće na koje je pretendovala Rusija. S obzirom da su i Austrija i Turska imale lične interese, Bečki kongres nije doneo posebna pravila o primeni opštih načela slobode plovidbe Dunavom. Zaključenjem ugovora između Austrije i Rusije 25. juna 1840. godine, proglašena je slobodna plovidba celim tokom Dunava, uz ograničenja pravila Bečkog kongresa "u pogledu trgovine", ali u praksi taj ugovor nije imao pravno dejstvo. Ugovor koji je bio od stvarnog značaja jeste Pariski ugovor o miru koji je zaključen 30. marta 1856. godine, kojim je predviđeno da se načela Bečkog kongresa primene na Dunav i njegovo ušće. Obrazovane su dve komisije: Evropska (Austrija, Francuska, Pruska, Rusija, Sardinija, Turska i Velika Britanija), kao privremeno telo koje će upravljati ušćem i Obalska komisija (Austrija, Turska, Bavarska, Vitenberg, Srbija, Vlaška i Moldavija) koja je bila predviđena da reguliše plovidbu na ostalom delu Dunava. Konačni Statut Dunava donet je 1921. godine u Parizu, na međunarodnoj konferenciji, kada su internacionalizovani plovni delovi Dunavskih pritoka: Češke Morave, Taje, Drave, Tise i Moriša. Rumunija je tada odbila da prizna nadležnost Evropske komisije od Galca do Braile, što je prevaziđeno Semerinškim *modusom vivendi* od 25. juna 1933. godine i Sinajskim sporazumom (sporazum Rumunije sa Velikom Britanijom i Francuskom) od 18. avgusta 1938. godine. Bukureškim ugovorom 1. marta 1939. godine Nemačka je primljena za člana Evropske komisije, a 1940. na međunarodnoj konferenciji u Beču doneta su nova pravila o regulisanju plovidbe Dunavom. Pariskim ugovorom o miru 1947. godine predviđeno je sazivanje konferencije na kojoj je trebalo da se reši dalji režim Dunava. Jugoslavija je 30. juna 1948. godine, po ovlašćenju velikih sila, sazvala Beogradsku konferenciju na kojoj je usvojena Dunavska konvencija, i po prvi put organizovana jedinstvena komisija za ceo rečni tok čije su članice isključivo pribrežne države. Pravila o režimu plovidbe donosila je svaka pribrežna država posebno za svoj sektor Dunava. Prvo zasedanje Dunavske komisije održano je 11. novembra 1949. godine u Galcu, da bi 1951. bio usvojen Pravilnik o plovidbi Dunavom, koji je dopunjen 1955. godine. Na zasedanju Dunavske komisije 1953. godine, prihvaćen je predlog Jugoslavije o izmeni poslovnika Komisije kojim je uvedeno ravnopravno kolegijalno rešavanje u Komisiji.³¹ Većina zagađujućih materija koje dospevaju u Dunav u vidu otpadnih voda potiču iz njegovih pritoka, sa spiranih poljoprivrednih površina i iz industrijskih i javnih kanalizacionih sistema duž toka.³² U junu 2009. godine Evropska komisija je

³¹ Stojanka Zarić-Vujičić, *Reka Dunav i Dunavska strategija*, 08/03/2012, broj 01/12. Istraživanje Biblioteke Narodne skupštine za potrebe rada narodnih poslanika i Službe Narodne skupštine, <http://godinavode.cpn.rs/rs-strategija.pdf>, 15.08.2015.

³² Nebojša Veljković, Milorad Jovičić, *Analiza kvaliteta Dunava kroz Srbiju metodom Water quality index*, Zbornik referata konferencije „Voda 2007, JDZV i Institut „J.Černi“, Beograd, str. 1-2.

dobila mandat od Saveta Evropske unije za izradu zajedničke sveobuhvatne strategije za zemlje dunavskog sliva. Posle većeg broja skupova i konferencija na kojima je sa svojim konkretnim predlozima aktivno učestvovala i Republika Srbija, 8. decembra 2010. Evropska komisija usvojila je završni dokument Strategije i uputila ga na usvajanje Savetu ministara EU. Uz dokument je usvojen i Akcioni plan o sprovođenju Strategije. Savet EU doneo je 24. juna 2011. godine zaključak u kome je pozvao sve aktere da se aktivno uključe u sprovođenje Strategije, čime je proces njenog usvajanja i formalno okončan. Doprinos Srbije ogleda se i u činjenici da je ona jedan od koordinatora, i to za dve oblasti Strategije – nauku i transport (osim vodenog).³³ Republika Srbija je inače 2003. godine stupila u članstvo Međunarodne komisije za zaštitu reke Dunava i ratifikovala Konvenciju o saradnji na zaštiti i održivom korišćenju reke Dunav. Globalne oblasti koje Konvencija propisuje odnose se naročito na prevenciju, kontrolu i smanjivanje prekograničnog uticaja, zatim na posebne mere zaštite vodnih resursa, kao i na program monitoringa, odnosno podnošenje izveštaja, razmene informacija i međunarodnu saradnju. Ova Konvencija potvrđuje značaj reke Dunav koja se manifestuje težnjom zemalja potpisnica za trajnim poboljšanjem i zaštitom Dunava i reka u njegovom slivu, a naročito u prekograničnom kontekstu i održivom upravljanju vodama, uvažavajući interese podunavskih zemalja u oblasti korišćenja voda.

5. ZAKLJUČAK

Ozbiljnost sveukupne zaštite, očuvanja i unapređenja životne sredine naročito je izražen krajem prošlog i početkom ovog veka kada su brojna istraživanja ukazala na nesagledive posledice čovekovog uticaja na sredinu koja ga okružuje. Iako se takav uticaj najčešće opravdava potrebom za ekonomskim razvojem, on je svakako suprotan konceptu održivog razvoja koji podrazumeva strogo kontrolisanu upotrebu prirodnih resursa naročito onih koji spadaju u kategoriju neobnovljivih. Kada govorimo o pravnoj zaštiti životne sredine u celini, ona se u najvećoj meri odnosi na ekološkopravnu i krivičnopravnu zaštitu. Ekološkopravna zaštita određena je sistemskim zakonima kojima je kao oblik inkriminacije po pravilu propisan privredni prestup, zaštitne mere i/ili prekršaj, a u pojedinim slučajevima i krivično delo, kao što je to, kako smo naveli propisano kaznenim odredbama Zakona o vodama. Ekološkopravna zaštita je veoma važna jer ona propisuje lakše oblike inkriminacije koji po pravilu prethode inkriminacijama koje sadrže elemente krivičnog dela, i po pravilu ima preventivno – represivni karakter. Antropogeni faktori jesu primarni iz aspekta degradacije životne sredine, koji su naročito determinisani procesom industrijalizacije i urbanizacije. Industrijalizacija kao

³³ Internet: <http://www.dunavskastrategija.rs/sr/>, 14.08.2015.

društveni koncept privrednog razvoja u kome dolazi do promene privredne strukture pod dejstvom ubrzanog razvoja industrije i primene savremenih tehnologija, doprinela je negativnom balansu između potrošnje i mogućnosti reprodukcije prirode. Posmatrano iz aspekta zaštite, tretmana i upotrebe vode, taj balans je naročito narušen, stiče se utisak podjednako, kako u procesu industrijalizacije tako i u procesu urbanizacije. Brojne inicijative naučne, stručne i laičke javnosti koje su naročito intezivirane krajem prošlog i početkom ovog veka, trebalo bi da doprinesu da se prema vodi kao obnovljivom ali iscrpnom resursu odnosimo u skladu sa prirodnim zakonima.

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Darko TRIFUNOVIĆ Ph.D.

Marina FILIPOVIĆ¹

THE DANUBE REGIONAL SECURITY STRATEGY

ABSTRACT

The Danube River is one of the largest trans-European corridors. Besides common questions regarding security of sailing, including vessels, river flow, ports and security of persons, it is important to emphasize some other risk factors related to the Danube River that jeopardize security at both national and global level. More precisely, we must pay attention to transnational organized criminal including human trafficking, trans-national terrorism as well as expanding problem of illegal immigrants. Although each of the states belonging to the Danube's flow reacts to the security challenges with its own capacities, an adequate joint politics is required to provide an efficient answer to these growing challenges. It is of vital importance to work on a joint security politics and to harmonize legislation. EU member states have already consolidated harmonized joint politics regarding this question, known as the EU Strategy for the Danube Region (EUSDR). The Republic of Serbia, as an EU candidate country, uses this strategy in its legislation frame and the activities of Serbian legal institutions are harmonized with the EUSDR.

Key words: migrants, refugees, Danube river, terrorism, ISIS, European Union

1. INTRODUCTION

Every single country in Europe is facing a tidal wave of migrants who are trying to find better life for themselves. The European Union is struggling to respond to a surge of desperate migrants that has resulted in more than 3,000 deaths, many perishing or missing in the Mediterranean, since the beginning of the year. The flood of migrants and refugees, the largest movement of people since

¹ Faculty of Security Studies, Belgrade, Serbia

² *Europe's migration crisis*, <http://www.ft.com/intl/migration>, 24.11.2015.

World War II in 1945, has raised doubt about open-borders and provoked a dispute over sharing the burden.² The Danube is the most significant and the second largest river in Europe. It is a direct link between Northern and Black Sea, and represents one of the most important international rivers in the world. On its way from the Schwarzwald Mountine in Germany, to its mouth into the Black Sea in Romania and Ukraine, it flows through fourteen countries and forms its borders. In the Danube basin, there are more than 110 million inhabitants.³ The Danube Strategy is designed to achieve greater prosperity, security and peace for citizens, especially through the strengthening of cross-border trans-regional and trans-national cooperation and coordination. Security of the Danube basin is inextricably linked to the security of the region of Southeast Europe and the continent as a whole. By adopting the strategy it is given a basic prerequisite for finding a single and coordinated solution to the infrastructural, economic problems, issues related to environmental protection, biological diversity, as well as for illegal migration, transnational organized crime and issues of transnational and Islamic terrorism. The core of strategy is cooperation, integrated response, better connections with the aim of mobility, energy, the effects on the environment management and its risks, as well as security cooperation. The identification of new risk factors and growing problems, which can not be adequately resolved at the local and national level, clearly indicates the necessity of transnational cooperation and joint actions towards the realization of projects of the countries of the Danube basin. Implementation of projects should lead to an integrated region and more decisive action for the preservation of vital interests, peace and security in the region. The importance of the Danube Strategy is reflected in four defining objectives that are key to the successful implementation of activities in the whole region of the Danube. The basis of the Danube Strategy are: connecting the Danube region, protecting the environment, building prosperity and strengthening the region. Countries involved in the Danube Strategy are: Germany (Baden-Württemberg and Bavaria), Austria, Hungary, Czech Republic, Slovakia, Slovenia, Bulgaria, Romania, Croatia, Serbia, Bosnia and Herzegovina, Montenegro, Moldova and Ukraine.⁴ Thus, the Danube region includes countries that are members of the EU, newcomers, those who are candidates for membership and third countries. Strengthening linkages between these countries, more effective exchange of security information such are: smuggling of goods, trafficking, trade of illicit drugs, etc. are of great significance for the realization of peace and security in the area of the Danube region, especially during crises such is the refugee crisis that has hit

³ Mitja Brilly, *Hydrological processes of the Danube River Basin Dordrecht*. London: Springer, 2009. Paper No. 146-145

⁴ *Guide to the Danube Strategy*, Paper No. 20-21, Internet: http://www.emins.org/uploads/user/uploads/knjige/12-dunavska_en.pdf, 01.11.2015.

Europe. Paul Williams warns that European domestic production of marijuana complements trade from Morocco, Colombia, South Africa, Nigeria and India, while intensive trade of cannabis resin (hashish) begins in Afghanistan, Pakistan and Lebanon⁵. This is exactly the course line of refugees, and there is a real danger that they could use their newly obtained status and recruit themselves into the ranks of organized criminal groups. On the other hand, human trafficking is a global criminal activity that is not easy to identify because its roads intersect almost every country. Some changes in policy in addition to contributions in the field of harmonization and cooperation of the security services are in some way facilitate the creation of a transnational nature of criminal groups. The Schengen Agreement, which is designed to allow free movement of people and create a continent without borders, also significantly complicates the control and resolution of security problems related to the movement of population. Thus, in response to the refugee crisis in the EU member states and the Danube basin, Hungary and Croatia, moved out of joint actions and cooperation, and thus deviated from the adopted strategy. Croatia closes its borders and international routes, Hungary raises fence at the Hungarian-Serbian border, and all this with explanation that the protection of the Schengen borders can only be guaranteed with complete closure of the border with Serbia.⁶ Such decisions brought into question not only the credibility and efficiency of the Danube Strategy, but also the values on which the EU was built. Self recourse to resolve major crises is not only a test for the state of the Danube basin in terms of their unity and solidarity, but a clear deviation and ignoring the “European Neighbourhood Policy” which Danube strategy was trying to promote. All this significantly complicates the ability of cooperation, the establishment of effective border controls and the implementation of special mechanisms for the prevention, detection and suppression of organized crime and possible terrorist actions by the refugees.

2. CONTEMPORARY SECURITY ISSUES OF THE DANUBE REGION

As is clear that modern security threats (such as organized crime and transnational terrorism) are in connection with the illegal movement of people, turned into a more serious problem, the existence of international agreements, rules and policy documents is a basic prerequisite for the realization of the right to live, liberty and security, which are guaranteed by the Universal Declaration of Human rights. Also, the United Nations Charter proclaims the principles on

⁵ Pol D. Williams, *Introduction to Security Studies*, Faculty of Security Studies, Belgrade, p. 572.

⁶ Refugee crisis: *Hungary rejects all asylum requests made at border – as it happened*, The Guardian, <http://www.theguardian.com/world/live/2015/sep/15/refugee-crisis-hungary-launches-border-crackdown-live-updates>. 31.11.2015.

mutual relationships of the countries in accordance with the basic objectives of this organization, and that is to preserve international peace and security and for that purpose to take collective measures for the prevention and elimination of all that threatens them. Although contemporary security problems are the subject of numerous international and national legal and strategic documents, public debates, scientific and expert polemics in the domestic and foreign literature, there is still no consensus when it comes to a clear and precise definition of these terms. Therefore the consensus on the contents of the strategic and legal measures taken to control them does not exist. The fact that in Europe only in 2013. flocked around 3.4 million people from the Middle East, the Western Balkans and North Africa indicates the necessity of preparedness the security services, finding and adopting a uniform solution.⁷ It is necessary to use our previous knowledge and experience in order to timely reduce the potential of terrorist groups, primarily through intelligence, monitoring, financial control, identification, control of suspicious persons, and in the extreme case by using a military force within its territorial boundaries. What further complicates is continuously fluctuation of the refugee population, lack or absence of personal documentation which would enable the identification of individuals, their list and collect adequate data about possible organized criminal or terrorist groups. It should be borne in mind that criminal organizations take advantage of all the resources that are available to them. First of all, there is a certain danger that transnational criminal groups will take advantage of the latest technological and political changes, alternative travel roads for transport of drugs, weapons and human trafficking. Using the unique status of refugees and migrants, and they are outside their countries and they are not subject of their jurisdiction, and due to the lack of fear of arrest, of further persecution and violence, they resort to certain underground operations. Then the flows of refugees and migrants are becoming sources of conflict, social and political upheavals. Also, by the local population of the host country they are seen as criminals, carriers of infectious diseases and the threat to their culture and way of life that they had before their arrival. Based on experience with regard to refugee camps in the Middle East, it is possible to propose specific measures to protect the national security of the Republic of Serbia and resolving the refugee crisis that affects Europe. For example, refugee camps such as Sabra and Shatila in Lebanon, or Jarmouk in Syria, have become sources of instability, terrorism, organized crime and therefore an immediate danger to the citizens of the mentioned countries. Although it is a Muslim Arab states, the Arab refugees in the Sabra and Shatila, ie. Lebanon were not given any rights, even the right to

⁷ *Migration and migrant population statistics, Eurostat Statistic Explained*, http://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics#Main_statistical_findings Preuzeto 22.10.2015

work. Bad treatment of their compatriots resulted in a huge wave of migration to Europe and not, where was logically considered, to the Arab countries with a high standard such as Qatar, Emirates or Saudi Arabia. Of course, it should be taken into consideration that above mentioned Arab states are perhaps the biggest reason for migration, because they support the Islamic Caliphate and Al Qaeda. The existence of a clear indication that the State of Saudi Arabia brought the mujahedin in Bosnia and Herzegovina, gives an alarm signal to the security services that is necessary to make a security assessment. It is a must to make a broader security assessment for such persons (which are going to stay on the territory longer) and to consider is newly created situation going to destabilize the already fragile inter-ethnic and inter-religious tensions that exist in Serbia.⁸ The consequences of poor judgment and lack of a legal framework that would need to thoroughly regulate the status of these persons are unforeseeable. States therefore have full authority to decide who to accept as immigrants, but when it comes to involuntary or refugee movements, there are limits to government power in the form of the obligations imposed to them by the Convention on the Status of Refugees from 1951. In fact, the Convention established minimum standards for the treatment of refugees. Under the Convention a refugee is defined as a person who is outside the country of his/her nationality and is due to a basic fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion does not wish to, or can not be put under the protection of that country. It is based on the principle that no country should return a refugee to a country where his/her life may be in danger.⁹ Modification of the Convention is a Protocol adopted in 1967.¹⁰ in New York, when it was removed its temporal and geographical limit, given that the Convention relating to refugees in Europe after World War II, which prevented its wider application in practice. The 1951. Convention and the 1967. Protocol constitute the legal framework for the protection of refugees and establishing international standards for the treatment of refugees (Lukic, 2005: 20). The Office of the High Commissioner for Refugees oversees the conduct of states in accordance with the Convention. So, the basic principles of international law obliges states to provide asylum and protection to those who face persecution based on religious, racial, ethnic or political opinion. There is necessary to distinguish and identify the persons who really need

⁸ See more: Darko Trifunović, *Islamic Terrorism and al-Qaeda in the Balkans (Testimony of a former al-Qaeda lieutenant)*, International Strategic Studies Association ISSA, Alexandria, VA, US, 2014.

⁹ *Convention relating to the Status of Refugees*, 1951 Available at: <http://www.unhcr.rs/media/1951RefugeeConventionSer.pdf> downloaded 25.09.2015.

¹⁰ *Protocol Relating to the Status of Refugees 1976*, available at: <http://www.unhcr.rs/media/1967ProtocolRefugeeSer.pdf>: downloaded 25.09.2015.

assistance and protection of persons who perceive and are part of the extremist ideologies and terrorist groups that pose a threat to the security of the states that harborage them. The political turmoil and sensitive security situations, all camps for refugees who are in the Middle East have become centers from which they threaten vital national interests of host governments. In analyzing the current situation and all future possible situations it is necessary to take the following facts which are relevant and suggest that the longer retention of such persons on the territory of the Republic of Serbia could destabilize the peace and security of our citizens:

2.1. Al Qaeda plan 2020 to conquest Europe until 2020

Even in 2005. the Jordanian journalist Foud Hussein after conversations with terrorist Osama Bin Laden issued a manifesto called Al Qaeda 2020. It is a terrorist manifesto according to which the Islamic Jihad warriors would until 2020 military take heart of Europe in seven different phases.

The first phase (2000-2003) is called "Awakening". This phase is focused on "the awakening of nations", ie. "The goal is to send a strong blow to the head of the snake in New York". The second phase (2003-2006) is called the "Phase of opening the eyes". At this stage, Al-Qaeda has a plan to constantly engage the enemy in combat, while developing the so-called "electronic jihad". In parallel, the Al Qaeda would quietly spread in strategic parts of the Arab and Islamic world, and would use Iraq as a base to build an army that will be deployed in neighboring countries. The third phase (2007-2010) is known under the name of "Rising and standing on its feet." During this phase, significant changes will be introduced in the regions that surround Iraq. The focus will be on al-Sham (Greater Syria), with a mission to transfer conflict from Iraq to al-Sham and to divide the territory of Syria, Lebanon and Jordan to sectarian statelet and regions. At the end of this phase, Al Qaeda would be the legitimate leader of the nation. The fourth phase, (2010-2013), is called the "Recovery". This phase in reality matched with the Arab Spring, the wave of rebellion and the crisis in Syria. At this stage, Al Qaeda will focus to overthrow the regime through direct participation in the rebellion against them. Al-Qaeda's plan, according to the documents, will seek to "discredit the regime in the eyes of the people, proving their cooperation with American politics."The fifth stage (2013-2016) is the phase of the "Declaration of the caliphate or Islamic state," Al-Qaeda's ultimate goal. This phase will be faced with many international transformations, starting from the weakening of Anglo-Saxon centers of power and the appearance of new world powers with whom Muslims do not have strong contrasts such as India and China. The sixth phase (2016-2020) is a phase of "Total war." Al-Qaeda ideologues estimated that the start of 2016. will be "the start of the conflict between faith and infidels, which

will increasingly begin after the establishment of the Islamic caliphate.” The final phase, “The final victory” (sometime in 2020.) Until then, according to the plans of Al-Qaeda, opportunities of the Islamic state will be large ie. beyond all measure because it will be a Muslim population of more than 1.5 billion.

2.2. The announcement of Al-Qaeda leader from 2006. of the intention of conquering Europe

Abu Musa Al Zarqawi, one of the major Al-Qaeda leaders in Iraq, announced in 2006. that: “The bird Phoenix (of the Islamic Jihad) was born in the region of two rivers (Tigris and Euphrates) and that this bird, when it comes time, will land in the heart of Europe .

2.3. Plan 3000

Plan 3000” is aimed at the first stage to works on creation of unique Islamic country that would have its borders from the Atlantic and Spain to the Urals. In the second phase, ending in 3000, the whole world should be Islamized, and Christians practically liquidated.

2.4. ISIS map

In mid-2014, ISIS five year plan was published. The plan of the Islamist organization involves the creation of the caliphate that would (besides some European countries such are Austria, Spain, Hungary and part of Ukraine, then in the Middle East, North Africa and large areas of Asia) also include the entire Balkans, along with ex-Yugoslav states of Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, Croatia and Slovenia.

2.5. The arrival and return of the members of Islamic caliphate in Europe

In the area of Sandzak, the flow of the Middle East crisis produced a large number of victims in the ranks of young people from the Muslim community of Novi Pazar, Tutin, Sjenica. Events in the Middle East not only encouraged radicalisation of Sandzak youth, but also their departure to the battlefields in Iraq and Syria. They certainly influenced on the encouraging extremist activities of political and religious subjects in Sandzak, which in this general atmosphere of the events in the Middle East, saw their chance to destabilize local issues.

2.6. The Islamic state (Caliphate) began with news in Serbian

The Islamic state began Al-Bayan, the local-regional news in newsletters in Serbian language intended for their members and supporters from the territory of Bosnia and Herzegovina, Serbia, Montenegro, Croatia, and for Kosovo and Metohija.

3. EU IS POWERLESS TO SOLVE BIG PROBLEMS - "THE CRISIS WITH NO SOLUTION - THIS IS A MIGRANT CRISIS - NOT A REFUGEE CRISIS"

German officials concluded that "the vast majority come not to save their lives, but for a better life." The migrants are coming from numerous Muslim countries including the Muslim states of the Balkans. Even the real Syrians are not broke refugees; they are well dressed, well fed, have smart phones, tablets, etc. More than half a million migrants have arrived in Germany this year but only 42% of them could claim reason for political asylum (not everybody will get it) in accordance with Germany's super-lenient criteria. According to the BBC investigation Germans continues to be most popular destination for migrant arriving in Europe. It has received the highest number of new asylum applications.¹¹ Analyzing the regulation of the French Law (also most lenient) – it can be concluded that only about 15-20% of these migrants would qualify to ask for political asylum (and not everybody would get it). The majority of the migrants flooding Europe are predominantly Muslim young men. According to UNHCR data, 72% of the migrants are young men, only 13% are women and 15% children. This means the young males will demand to bring in their families once they are settled. Since early 2014, close to a million migrants reached Europe and the pace of migration keeps rising very fast. There are more than six million dislocated people in Lebanon-Syria-Iraq-Jordan alone, and there are over three million dislocated people in the Sahel and western Africa. They have all set their eyes on Europe. Long term estimates range around 12-15 million migrants in the next five years. The migrants themselves do not conceal that their ultimate objective is long-term settlement and economic benefits. The vast majority of male migrants (and most families) insists on reaching Germany, Sweden and the UK. They refuse to go to East European countries even if they are EU members for resettlement. For example, more than 90% of the more than 167,000 migrants who reached Austria since early September refused settlement there and continued into Germany. Nobody knows who the migrants are and what their background is, including their countries of origin. According to the UNHCR data - 54% are from

¹¹ *Migrant crisis: Migration to Europe explained in graphics*: <http://www.bbc.com/news/world-europe-34131911>; 24.11.2015.

Syria, 13% Afghanistan, 7% Eritrea, 3% Iraq, 3% Nigeria, 3% Pakistan, 2% Somalia, 2% Sudan. However, the Germans have found people from Kosovo and Albania among the migrants who claimed to be Syrians. There is a very lucrative trade in counterfeit Syrian documents in Turkey and Greece. A major problem is that virtually all migrants are Muslim. European Islamist leaders try to capitalize on this to get additional political power. Self-anointed Muslim leaders and several liberal NGOs (including Soros-funded) insist on ensuring the Muslim character of the migrants' centers and their adjacent areas. This drive reaches absurd levels. For example, Jihads leaders are organizing huge protest riots among the 175,000 refugees in Bavaria demanding an end to Oktoberfest because it celebrates alcohol and female debauchery. Meanwhile, there is an epidemic of rapes near the main migrant holding centers all over Europe. There is also vibrant drugs trade going on. As Palestinian journalist, Bassam Tawill articulated: "The wave of refugees will increase, and the price will be paid by the Europeans, already faced with legions of refugees and no plan for dealing with them. Eventually Gaddafi's prophecy will come true: Islam will conquer Europe without firing a shot." There is also a major security threat. The Islamic State is exploiting the tidal wave of migrants into Europe in order to bolster its ranks there. In both Turkey and Libya - the main springboards of migrants into Europe - Islamist-Jihads entities affiliated with the Islamic State/Caliphate organize the migrants in order to provide cover for the infiltration of their own operatives. Estimates of Jihads among the migrants run as high as over 10% of the young male migrants. So far, about half a dozen Jihads were captured and these solely because they were stupid enough to post selfies of themselves in Germany and Austria on their Facebook pages where there are earlier pictures of theirs fighting for the Islamic State. There is strong evidence of a well-established infiltration program. For example, one Syrian operative in Turkey, a former Mukhabarat officer who had joined the ranks of the Jihadists, boasted in early September about their success to-date. He claimed that there are already more than 4,000 covert operatives "ready" throughout the European Union. These operatives are the first round of clandestine infiltration among the refugees. Their objective is to unleash revenge attacks at the heart of the West. "If someone attacks me then for sure I will attack them back," he explained. "I'm sending some (European) fighters who want to go and visit their families. Others just go to Europe to be ready." The Syrian operative emphasized that the ultimate objective of the clandestine infiltration of Jihadists is to contribute to the rise of the Caliphate. "It's our dream that there should be a Caliphate not only in ash-Sham but in the entire world," he said, "and we will have it soon, God willing." The migrant crisis is a political calamity that will soon get significantly worse. This is because the crisis already has direct impact on the day-to-day lives of most Europeans (in contrast with Greek debt crisis that is more serious in the long-term but is not felt in daily lives). Conservative leaders are already warning of the change to the Europeans heritage and gain immense levels of grassroots public

support. Hungarian Prime Minister Viktor Orbán is the most vocal leaders of this group. "If we lose sight of the European idea, (Christianity) can become, on its own continent, a minority," he warns repeatedly. Populist sentiments will change what politicians do. "Europe is, after all, the land of democracy and it is impossible to go against the will of the people for a long time and without arguments," Orbán says. In late-November, when the Christian Holidays season starts, the politically correct demands for public consideration toward Muslims' sensitivities will bring about a widespread explosion of grassroots frustration and rage. Meanwhile, the German and other West European Governments are very much at a loss as to how to handle the migrants. All governments are converting NATO-era barracks as interim holding camps for the migrants as their cases are being processed. In these centers, all migrants receive generous allowances and full services. However, there is no security and many young migrants flee and vanish into Europe unprocessed. However, the main problem now is what to do with the migrants already qualified for asylum. Desperately short of housing, several countries started to forcefully vacate near empty public housing projects of the remaining inhabitants to make way for migrant communities. (In simple terms - German police is evacuating by force elderly German citizens from public housing funded by German taxpayers to make space for Muslim migrants. The German poor are "consolidated" in inferior housings in faraway cities to make place for migrants in the main cities they insist on going to.) The same thing is happening in all Scandinavian countries. And that is the type of program the vast majority of Europeans are not willing to subsidize at tax payers' expense. Autumn is coming to Europe. The migrants will need roof over their heads, heating and blankets, as well as warm clothes they do not have. The interim housings and open-air venues will soon become unsustainable. The search for housing with heating is becoming desperate. The crash programs to purchase warm clothes and blankets create localized shortages and raise prices to the detriment of the average European citizens. In addition, all of this will cost a lot of public money at a time when governments are cutting programs for their own citizens. As these programs continue to expand, most of the Europeans simply want the migrants out at all cost. With the governments making immigration and absorption easy as the flow of migrants only increases - more and more citizens will start taking the law into their own hands and "make" the migrants leave. The growing numbers of Jihadists in Western Europe will take revenge... There is no solution in sight to the migrant crisis. The EU is paralyzed. Individual governments must address many of the problems, and this reality results in the reawakening of strong anti-EU/anti-Europe/anti-migrant grassroots chauvinism and nationalism. The German BND (foreign intelligence) changed its estimate about the number of migrants that will reach Germany during 2015. The new estimates expect at least 1.5-1.6 million migrants reaching Germany by the end of 2015 out of 1.8-2.0 million migrants reaching Europe. This more than double of the previous estimate (made in July) that only 700,000-800,000 would

reach Germany out of a total of 800,000-1,000,000 migrant expected to reach Europe. The BND warns that the new numbers might be an underestimate given the huge increase in the volume of people leaving the greater Middle East and West Africa for Europe. By late September, the Frontex (the EU borders authority) registered 630,000 migrants. Given the large volume of migrants smuggled into the EU via Bulgaria, Spain and Romania (on land) and Greece and Italy (by sea) - the actual total number of migrants that reached the EU by late September is around 850,000-900,000. The new BND estimates are creating a huge political crisis for the Merkel government. The doubling of the numbers of migrants means doubling the costs of processing, sheltering and absorbing them. The EU is broke and cannot help Germany with funds. The main crisis is in the CSU (the politically crucial Bavarian autonomous branch of Merkel's CDU party). The CSU demands that Germany closes the border with Austria and all pertinent states in order to stop the flow of migrants. The CSU points out that this weekend alone - 13,000 Muslim migrant crossed Austria into Bavaria. The conservative Catholic population of Bavaria is extremely hostile to the migrants and is burdened with handling most of them. (Because Bavaria was an independent kingdom when it joined Germany in the late-19th Century - it has a separate political system with greater political autonomy and its own system of parties. Consequently, Bavaria's influence in Berlin is greater than that of the other Federal States). Bottom line: Nobody in Berlin - starting with Merkel - knows what to do with the migrants. The German government is presently focused on three short-term crises: (1) Locating and registering the unregistered migrants; (2) Finding funds, housing and warm clothing for the migrants; and (3) Calming the incessant public opinion whose rage is becoming public to the point of risking the stability of the Merkel government and Merkel's own chances to get reelected in the October 2017 elections. Nobody in Berlin has any idea how to approach a long-term solution for the migrants' problem particularly if the pace will keep growing and continue over the next few years.

4. CONCLUSION

In the tidal wave of refugees, among a lot of desperate homeless people in Europe also entered the fighters of the Islamic state. The security services of the Danube Basin are facing a great challenge among incoming masses and unregistered refugees identify potential members of a terrorist group. The young, trained, with experience of warfare, they represents a serious security threat. Therefore, it is necessary to previously mentioned plans take into consideration when making security assessments. Bearing in mind that there are two categories ie. refugees and exiled persons from war-affected area of Syria and migrants coming from different countries such as Pakistan, Tunisia, Algeria, Malaysia and

other countries, Republic of Serbia, for a better protection of its borders and overall safety, should ensure partnership with Syrian police forces for joint control of entrance in the country. Not only for understanding the language the official representatives of the Syrian police have the possibility to identify who is actually from Syria and who are members of the ISIL or Al Qaeda. The most striking thing about current migration crisis, however, is how much bigger it could still get, and of course what consequences brings with it.

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Prof. dr Ratko LJUBOJEVIĆ¹

TERORISTIČKE PRETNJE RAZVOJU TURIZMA DUNAVSKOG REGIONA

APSTRAKT

Evropska Komisija je 2014. godine usvojila šestogodišnji Program dunavske transnacionalne saradnje (*The 2014-2020 Danube Transnational Cooperation Programme*). Programom se predviđa finansijska podrška u vrednosti od 202 miliona evra transnacionalnim projektima kooperacije devet zemalja Evropske Unije (Austrija, Bugarska, Hrvatska, Češka Republika, Mađarska, Nemačka, Rumunija, Slovačka, Slovenija) i tri zemlje koje nisu članice EU (BiH, Crna Gora i Srbija). Imajući u vidu da turizam predstavlja jednu od najjačih poluga privrednog razvoja zemalja Dunavskog bazena, projekti razvoja ove privredne grane će svakako zauzeti važno mesto u realizaciji pomenutog Programa. Pri tome, poseban izazov razvoju turističke industrije Dunavskog regiona i Evrope u celini u godinama koje dolaze predstavljaju terorističke pretnje. Zbog toga je neophodno da se u okviru pomenutog Programa realizuje projekat kojim bi bila formulisana zajednička evropska strategija borbe protiv terorističkih napada na turističke objekte. U prvom delu rada govori se o specifičnostima terorističkih pretnji razvoju turizma Dunavskog regiona, polazeći od činjenice da su se objekti turističke privrede pokazali kao relativno lake mete za napade terorista. Drugi deo rada posvećen je potrebi formulisanja Evropske strategije i politike borbe protiv terorizma u turizmu, gde značajno mesto treba da zauzme pitanje prevencije u slučaju terorističkih napada na turističke objekte. Imajući u vidu razvojne mogućnosti turizma u Republici Srbiji kao zemlji Dunavskog regiona, u trećem delu rada objašnjava se značaj koji bi za našu zemlju imalo aktivno uključivanje u projekat posvećen prevenciji od terorističkih napada na turističke objekte, u okviru Programa dunavske transnacionalne saradnje.

Ključne reči: terorističke pretnje, turizam, industrija, Dunavski region, Dunavska pretkogranična saradnja.

¹ Akademija za nacionalnu bezbednost, Beograd.

1. UVOD

Geografski položaj je veoma kompleksna kategorija. Njegov karakter određuju fizičko-geografski i društveno-geografski činioci koji su međusobno povezani uzročno-posledičnim pojavama. Odnos fizičkog i društvenog, u geografskom smislu, važno je teorijsko i praktično pitanje kada se vrednuju i određuju karakteristike nekog geografskog položaja. Prirodne komponente geografskog položaja smatraju se izuzetno bitnim faktorima. One karakterišu određeni položaj geografske celine prema krupnijim oblicima reljefa u odnosu na klimatske zone, hidrografiju, biogeografiju, areole itd. Nasuprot ovome, društveni činioci kao što su ekonomija, politika i demografija, daju pravu meru kvaliteta geografskog položaja. Zajedničkim posmatranjem prirodnog i društvenog uspostavljamo ravnotežu poimanja suštine geografskog položaja.² Srpski geopolitičar Milomir Stepić jasno je definisao političko-geografski pojam ističući da se položaj može posmatrati kao odnos neke geografske-teritorijalne celine prema prirodnim i društvenim komponentama geografske sredine u bližem i daljem okruženju, relevantnim za unutrašnje političke odnose i spoljnopolitičke pozicije prema drugim geografsko-teritorijalnim celinama i međunarodnim organizacijama. U skladu sa pomenutom definicijom, Evropska unija usvojila je Strategiju Dunavskog regiona. Naime, Evropska unija je pripremila od 2009. godine plan za sprovođenje Zajedničke sveobuhvatne strategije za zemlje Dunavskog sliva. Meseca decembra 2010. godine, od strane Evropske komisije predložena je strategija, a Evropski savet je istu usvojio 2011. godine. Osnovni razlog za donošenje makro-regionalne Strategije Dunavskog regiona je teritorijalna saradnja uz podršku Evropske unije, potreba za ciljnim prevazilaženjem narastajućih problema u pogledu stanja životne sredine, saobraćajne dostupnosti i podjednak razvoj većih prostorno-funkcionalnih celina. Makro-regionalna strategija podrazumeva jače integrisanje prioritetnih projekata oko zajednički ustanovljenih problema kao i efikasnije korišćenje raspoloživih evropskih finansijskih fondova. Usvojena su tri zajednička principa. Prvi da Strategija Dunavskog regiona ne predviđa stvaranje novih institucija. Drugi, da nisu predviđeni novi izvori finansiranja i treći, da nije predviđena nova zakonska regulativa.³ Dunavskom strategijom obuhvaćeno je 14 zemalja. To su Nemačka, Austrija, Slovačka, Češka, Mađarska, Slovenija, Hrvatska, Srbija, Bosna i Hercegovina, Crna Gora, Rumunija, Bugarska, Moldavija i Ukrajina. Pomenute zemlje su ujedno i potpisnice Konvencije o zaštiti reke Dunav i članice Međunarodne komisije za zaštitu reke Dunav (*International Commission for the Protection of the Danube River – ICPDR*).

² M. Stepić: *U vrtlogu balkanizacije*, Službeni list SRJ i Institut za geopolitičke studije, Beograd, 2001, str. 21-22.

³ Internet: <http://www.danube-region.eu/>

2. BEZBEDNOSNI RIZICI TURIZMA DUNAVSKOG REGIONA

Dunavski region naseljava oko 115 miliona stanovnika i zauzima petinu teritorije Evropske Unije. Kako su savremeni problemi narastajući a katastrofe ne poznaju granice (poplave, migracije, klimatske promene, zagađivanje životne sredine, terorističke pretnje), bezbednosni rizici postaju zajednički. Kao takvi, moraju se strateški posmatrati i zajednički i rešavati. Najveću odgovornost za sprovođenje bezbednosne politike nose političke elite koje moraju na jedinstven način da dijagnostikuju rizične pojave. Samim tim, najodgovorniji su u obavezi da se zajednički i blagovremeno suprotstave eventualnim bezbednosnim izazovima. Odgovore vlasti su naročito u obavezi da građanima obezbede ličnu sigurnost, bezbednost, ljudske slobode, zdravlje sveopšteg stanovništva, jednakost i pravičnost. Savremeni teroristički rizici postaju zajednički izazov celokupne političke elite, a Dunavski region, koji je zamišljen kao jedinstven zajednički prostor, postaje ekonomski zamajac Evropske Unije kao i članicama koje su na putu pridruživanja. Kuriozitet ove zamisli, svakako daje prednost državama u drugom delu sliva Dunava zbog prirodnog potencijal koji je u najvećem delu očuvan i zaštićen od ljudskog nemara. Primeri su Nacionalni park Đerdap u Srbiji i Delta Dunava u Rumuniji. Nameće se zaključak, da je turizam privredna grana koja direktno utiče na ostale privredne sektore kao što su saobraćaj, građevinarstvo, bankarstvo, agrar i uslužne delatnosti koje stvaraju ukupan turistički proizvod. Evropska komisija je još 2006. godine pokrenula prvi pilot projekat pod nazivom Izuzetne Evropske destinacije. Njegov cilj je bio sagledavanje vrednosti i zajedničkih karakteristika evropskih turističkih destinacija kao i promovisanje novih destinacija koje svoj ekonomski razvitak vide u društvenim i kulturnim vrednostima.⁴ Naime, turista kao konzument ima značajan uticaj na ekonomske efekte koji se javljaju kao posledica njegove potrošnje. Iz tog razloga hotelijeri i turistički radnici uopšte, moraju naročito voditi računa o milionima turista koji učestvuju u ukupnim turističkim kretanjima. Imajući u vidu turističku ponudu usluga, turistima se kroz cenu nudi i određeni kvalitet usluga i servisa. Polazeći od lestvice ljudskih potreba, američki psiholog Abraham Maslow svrstao je ljudsku bezbednost odmah iza osnovnih fizioloških potreba, što nas navodi na zaključak da cena i kvalitet nisu presudni kada je turistički proizvod u pitanju, već opšta bezbednost. Zapravo, teoretičari ne spore da bezbednost predstavlja jednu od najfundamentalnijih ljudskih potreba, što podrazumeva garanciju sigurnosti i blagostanja, ekonomske stabilnosti, društveno-socijalnog reda i života bez straha. Turizam može biti snaga za očuvanje održivog razvoja ali sa druge strane, može biti i pretnja ekonomskom razvoju čitavog regiona. Zapravo, zbog svoje ranjivosti,

⁴ S. Vujović, D. Cvijanović, S. Štetić; *Destinacijski koncept razvoja turizma*, Institut za ekonomiku poljoprivrede, Beograd, 2012, str. 16-17.

hoteli, kao osnovni turistički resurs postaju izuzetno lake a samim tim i vrlo interesantne mete potencijalnim terorističkim grupama ili organizacijama. Naime, veliki hoteli su kao mali gradovi. U njima se neprestano odvijaju raznorazne aktivnosti. Kretanje gostiju odvija se neprekidno, zaposleni neprestano dopremaju hotelske potrepštine, tako da pored velikog broja gostiju, broj zaposlenih može da broji i vise stotina ljudi. U ovakvim uslovima naročite fluktuacije ljudstva, potencijalni teroristi lako mogu da se infiltriraju i predstave kao gosti hotela. Na taj način, oni jednostavno i nesmetano mogu da opserviraju hotel kao i okolinu. Takođe, teroristi mogu bez velikih teškoća da planiraju svoje akcije i u pravom trenutak da ih izvode. Kada su u pitanju ovako lake mete, operativci terorističkih organizacija mogu angažovati mali broj operativaca, što bezbednosnim sistemima smanjuje manevarski odbrambeni prostor i povećava bezbednosni rizik.⁵

3. DUNAVSKA POLITIKA BEZBEDNOSTI TURIZMA

Zbog svojih specifičnosti, Strategija Dunavskog regiona zahteva zajedničku bezbednosnu politiku svih bezbednosnih službi zemalja Dunavskog sliva, pa čak i šire. Procesi globalizacije su u toku i oni su zahvatili sve društvene aspekte. U tim procesima, odgovorne političke elite imaju obavezu da preduprede krize modernog doba. Razlike između bogatih i siromašnih postale su nesrazmerne. Nasuprot ovoj konstataciji, bezbednosni rizici jednaki su i za bogate i za siromašne. Jedan od najvažnijih ciljeva Evropske unije jeste zajednička spoljna politika. Da bi se ostvarila a zatim i očuvala celovitost, bezbednosni aspekt Unije smatra se jednim od stubova očuvanja zajedničkih vrednosti, u prvom redu ideje humanizma. Međutim, najnovija međunarodna politička dešavanja nameću najodgovornijim političkim elitama Evrope savremena bezbednosna rešenja do kojih nije moguće doći bez ozbiljne naučne analize. Još je Platon govorio da je svaka zajednica stvorena za dobro čoveka a država za najveće. Ideja o stvaranju evropske nadnacionalne zajednice, koja povezuje sve zemlje Starog kontinenta zajednički je interes svih naroda evropskog kontinenta. Iako su centralni motivi integracije bili ekonomski razvoj i bezbednost, od osnivanja Evropske unije do danas ideja humanizma je istaknuta kao jedna od polaznih vrednosti integrisane Evrope.⁶ Zajednička spoljna i bezbednosna politike Evropske unije vuče korene od 1970. godine. Zapravo, od stvaranja pa do danas, bezbednosna politika je neprestano nadograđivana, tako da je postala stub očuvanja trajnog mira i saradnje zemalja članica. Ugovor koji je

⁵ R. Ljubojević: „Turistički objekti kao mete savremenog terorizma“, *HiT menadžment-menadžment u hotelijerstvu i turizmu*, vol. 3, br. 1, 2015, str. 117-125.

⁶ M. Crnobrnja, A. Trbović, *Impact Assessment of Serbia's EU Accession*, Faculty of Economics, Finance, and Administration, Singidunum University), Belgrade, 2009, str. 19.

potpisan 1992. godine u Mاستrihtu institucionalizovao je jedinstvene ciljeve spoljne i bezbednosne politike Evropske unije. Kasnije su Lisabonskim ugovorom, usvojenim 2007. godine, uvedene novine u oblasti zajedničke bezbednosti. Osnovna izmena ogledala se u različitoj pojmovnoj definiciji *Zajedničke bezbednosne i odbrambene politike*, što je suštinski svim članicama Evropske Unije nametnulo viši nivo angažovanja na poboljšanju sopstvenih bezbednosnih kapaciteta.⁷ Sama izmena pravno je regulisana Ugovorom iz Lisabona u članu 42 i ona se odnosi na klauzulu *uzajamne pomoći*. U ugovoru se eksplicitno navodi, da se u slučaju napada na jednu državu, ostale članice Evropske unije obavezuju na pružanje pomoći državi nad kojom je izvršena agresija.⁸ Takođe, pomenuti ugovor, u ovoj oblasti detaljno razrađuje način saradnje država zemalja članica vezano za borbu protiv terorizma.⁹ Kriterijumi za primenu *klauzule uzajamne pomoći i stalne strukturne saradnje* takođe su definisani i odnose se na vojni potencijal država članica Evropske unije. Ovakav vid saradnje rezervisan je za sve države članice koje teže da budu deo programa evropskog vojnog partnerstva, čime se stavljaju na raspolaganje sve borbene jedinice spremne za trenutnu akciju.¹⁰ Pomenuta novina podrazumeva i pružanje pomoći državi članici Evropske unije i u slučaju terorističkog napada. Evropska strategija bezbednosti takođe naglašava postojanje uzajamne solidarnosti čime se u prvi plan stavlja ono najbitnije: *očuvanje trajnog mira u oblasti zajedničke bezbednosne politike*.¹¹

4. REPUBLIKA SRBIJA U ZAJEDNIČKOJ EVROPSKOJ BEZBEDNOSNOJ POLITICI

Vlada Republike Srbije aktivno se uključila u plan sprovođenja Zajedničke sveobuhvatne strategije za zemlje Dunavskog sliva, te je septembra 2009. godine formirala radnu grupu koja je u martu naredne godine usvojila dokument pod nazivom Pozicija Republike Srbije za učešće u izradi sveobuhvatne strategije Evropske unije za Dunavski region. Strategija je podeljena u četiri osnovne celine.

⁷ S. Đurđević-Lukić, “Ten years of European Security and Defense Policy and changes established by the Treaty of Lisbon”, *Vojno delo*, Beograd vol. 62, br. 4, str. 28-48.

⁸ D. Gueguen, “The European Union in 2009”, Brussels: CLAN Public Affairs–ASL & Networks Group.

⁹ D. Todić, V. Grbić, “Economic and geographical aspects of the transitional periods analysis in the EU accession treaties”, *Megatrend revija*, vol.11, br.1, 2014, str. 53-72.

¹⁰ M. Savković, “Izvan dohvata integracije: industrija odbrane Evropske unije”, *Bezbednost Zapadnog Balkana*, br.17, 2010, str. 23-36.

¹¹ A. R. Zito, A. Schout, “Learning theory reconsidered: EU integration theories and learning”, *Journal of European public policy*, vol. 16. br. 8, 2009, str. 1103-1123.

Prva celina odnosi se na povezivanje Podunavskog regiona. Druga celina odnosi se na zaštitu životne sredine u Podunavlju, treća, na kreiranje politike prosperiteta Podunavlja i četvrta se odnosi na ekonomsko jačanje i integraciju celog Podunavskog regiona.¹² Republika Srbija pored učešća u kreiranju zajedničke bezbednosne politika, mogla bi dodatno da doprinese podizanju nivoa zajedničke bezbednosti. Iskustva koja su srpske bezbednosne službe stekle nakon raspada SFRJ govore da pretnje uvek postoje i da se potencijalni rizik moraju preduprediti. To znači da se neprirodne pojave moraju blagovremeno uočavati, analitički sagledavati, bezbednosno pratiti i adekvatno rešavati. Država Srbija kao sastavni deo evropskog kontinenta, u kojoj se naročito neguju ljudske slobode i vrednosti, sigurno je značajan strateški partner Evropske Unije u oblasti bezbednosti. Naime, iskustva koja zbog plitičke nestabilnosti bivše SFRJ poseduje Republika Srbija mogu značajno da doprinesu kreiranju bezbednosne strategije Dunavskog regiona. Pored bezbednosnih iskustava, značajan aspekt predstavlja prostorna komponenta. Naime, teritorija Republike Srbije nezaobilazna je ruta svih balkanskih puteva, pa samim tim i eventualnih terorističkih grupa čiji bi cilj bio destabilizacija evropskog kontinenta uopšte. Sa druge strane, zajedničkom institucionalizovanom bezbednosnom politikom Evropske Unije i Republike Srbije, bezbednosni rizici bili bi smanjniji. Svaka od strana imala bi određene bezbednosne zadatke, pa u tom slučaju ne bi dolazilo do preklapanja nadležnosti a ljudski i tehnički resursi mogli bi efikasnije da se iskoriste. Ostvarivanje visokog nivoa bezbednosti Dunavskog regiona prelio bi se i na ostale teritorije što bi svakako predstavljao svojevrstan izazov kriznom menadžmentu svih državnih političkih elita dunavskog sliva. Što su rizici veći, nesigurnost i neizvesnost raste a potražnja za turističkim proizvodom opada, što dovodi do sveopšteg privrednog zastoja. Nasuprot ovome, visok stepen bezbednosti ključni je argument pri odabiru destinacije i turističkog proizvoda.

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¹² Internet: <http://www.dunavskastrategija.rs/sr/>

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Prof. dr Ljubo PEJANOVIĆ¹

UGROŽAVANJE I EKOLOŠKA ZAŠTITA SAVE I DUNAVA NA PROSTORU REPUBLIKE SRBIJE

APSTRAKT

Na početku 21. veka, ekološko-bezbednosne pretnje i izazovi (od međunarodnog terorizma, ileganog prometa drogama i opasnim materijama do transnacionalnog kriminala i dr.) dobili su veliki značaj po pitanju održavanja regionalne bezbednosti životne sredine, posebno vodenih tokova. Opasnost od akcidentalnog ugrožavanja voda, ljudi i njihove imovine, odnosno životne sredine, danas je takođe prisutnija no ikad ranije. Zbog toga svaka moderna država među kojima je i Republika Srbija, mora voditi računa o zagađenju voda s različitim dimenzijama ugrožavanja bezbednosti živog i biljnog sveta u vodi, ako želi da obezbedi svoje osnovne interese i vitalne vrednosti reka, ali i civilizacijske tekovine zaštite ljudskih i građanskih prava, prava na ekološku kulturu i prava na zdrav život i zaštitu životne sredine. Civilno društvo mora iznaći snage i mogućnosti da zaštiti životnu sredinu na vodi i oko vode kao što je Dunav, Sava i druge reke na prostoru Republike Srbije. Republika Srbija ima ljudskog potencijala da bude ravnopravna drugim društvima u zaštiti voda od svih pretnji i da značajno unapređuje svoj potencijal, kako u ekološkoj svesti građana i specijalizovanih timova, tako i u ostvarenju nacionalne i ekološke bezbednosti.

Ključne reči: Reke, Dunav, Sava, bezbednost, ekologija, zaštita, Srbija.

1. UVODNE NAPOMENE

Reke Dunav i Sava pre svega predstavljaju i pružaju kvalitet života narodima mnogih država kroz koje protiču i kojima predstavljaju bogastvo i bez kojih bi život bio daleko nekvalitetniji i siromašniji. Čistim rekama se stvaraju uslovi za savremene izazove mnogih država, pa i Republike Srbije. S tim u vezi, sve države Evrope i Balkana koje imaju neizmerivu korist od ovih reka trebalo bi da ih sačuvaju od svih

¹ Fakultet za pravne i poslovne studije dr Lazar Vrkić, Novi Sad.

mogućih pretnji kojima su izložene, kako od opasnih materija i oružja tako i od zagađujućih sredstava i opasnog otpada. Strukture koje su ugrožavale i koje ugrožavaju ove reke su višestruke i to čine kontinuirano negde manje, a negde više. Bez obzira što su neka društva pažljivija prema ovim rekama, društva bi uopšte morala pristupiti njihovom održavanju i čišćenju, odnosno preduzimanju odgovarajućih mera zaštite u cilju stvaranja održivog kvaliteta života na samim rekama i pored njih. Ratovi, ratna dejstva i razaranja uz upotrebu oružja za masovna uništavanja jedan su od oblika najvećih pretnji rekama i životnoj sredini uopšte. Odbacivanjem opasnih sredstava i oružja drastično se ugrožava životna sredina, a posebno ekosistem. Ratni, vojni, civilni i privatni brodovi, čamci i druga plovila, postala su groblja otpada koja ugrožavaju životnu sredinu i bezbednost plovidbe na rekama. Naročitu opasnost predstavljaju zaostala eksplozivna sredstva iz ranijih ratnih sukoba, ali i otrovne materije poput hemijskih, bioloških, radioaktivnih sredstva i materija koja drastično zagađuju eko-sistem i koja realno predstavljaju pretnju po bezbednost ljudi i drugih živih bića. U Prvom i Drugom svetskom ratu, kao i pirlikom NATO agresije na Srbiju, izbačene su velike količine eksplozivnih materijala koji se u većim količinama nalaze u rečnim vodama i još uvek predstavljaju pretnju eko-sistemu. U kontekstu Evropskog i međunarodnog prava, za Srbiju ali i za sve druge države kroz koje protiču Sava i Dunav, zaštita životne sredine u koju spada i zaštita voda Save i Dunava predstavlja pravnu obavezu.²

2. PRETNJA REKAMA DUNAVU I SAVI

Pre svega neophodno je ukazati na problem i predmet ovog rada, na osnovu kojeg se podsećamo na postojanje pretnje rekama, a zatim u oblasti životne sredine i bezbednosti ugrožene prisustvom velikog broja neeksplozivnih i eksplozivnih naprava tj avio projektila, kasetnih bombi, protivtenkovskih mina i sličnih naprava, koje se nalaze u rekama. Da bi smo mogli raspravljati o navedenom problemu, neophodno je nagovestiti i objasniti da odbranbeno-bezbednosne institucije obrate pažnju na postojanje ovog problema o kojem se vrlo malo zna i skoro da se i ne piše o istom. To podrazumeva, da široj javnosti nikad nije pružena odgovarajuća, kvalitetna i opširna informacija o prisustvu ovih i drugih opasnih naprava. Koliko je nama poznato, niti jedna institucija nije pristupila ozbiljnijem istraživanju ovog problema, čime je javnost uskraćena sa informacijama i saznanjima o navedenom problemu. Te u tom smislu, predmetni rad ukazuje na postojanost nerešenog problema koji se mora rešiti bilo kad i bilo u koje vreme. Predmetni rad ima za cilj predstavljajući izvor problema koji je suštinski pretnja koju predstavljaju opasne naprave u rekama, kao davanje odgovora u pogledu postizanja mogućih rešenja koje

² Predrag Jelenković, Ljiljana Jelenković, *Životna sredina u dokumentima Evropske unije*, MRCN, Niš, 2012.

će zavistiti od spremnosti svih država kroz koje ove reke protiču. Za rešenja je pre svega potrebna politička volja vlasti tih država, ekonomska moć i adekvatna naučna i stručna radna snaga na, otklanjanju opasnih sredstava. Ako govorimo o izvoru problema, on se pojavio pre svega u Prvom svetskom ratu, Drugom svetskom ratu, NATO agresiji na Srbiju, i drugim oblicima krijumčarenja opasnih materija. Tokom ratnih događaja, iz vojnih vazduhoplova izbačen je veliki i zasada neprocenjiv broj eksplozivnih projektila (kasetne bombe, rakete, bombe i sl.) u obe reke. Da ti projektili postoje na to ukazuju skoro svakodnevnice činjenice pronalaska neeksplozivnih bombi iskopavanjem zemljišta za gradnju i druge svrhe. Dok u rekama iskopavanja nisu vršena i time se nisu ni pronalazila ova i druga sredstva. Drugo tokom građanskih ratova 1992-95. godina, zakopan je veliki broj mina i odbačene su kasetne bombe na prostor Srbije i BiH, koje su ostale u zemljištu i nisu iskopavane u velikom broju. Međutim, tokom 2014 i 2015. došlo je do velikih poplava i klizišta terena iz kojih je voda pokupila veliku količinu eksplozivnih naprava i ubacila ih u ove reke preko njihovih pritoka. Kad se radi o zagađenosti reka, nisu u njima samo prisutna navedena opasna sredstva u istim su prisutna i druga sredstva koja takođe predstavljaju pretnju po reke, vodu, ekologiju i bezbednost ljudi. Stim u vezi, mnogi ratni brodovi su prevozili i druge opasne materije (hemijske, biološke, radiološke, nuklearne), koje su zagadile i ostavile neizbrisiv trag zagađenja ovih reka i od kojih još uvek postoje ostaci i isti predstavljaju i dalje pretnju. Pored navedenih materija u rekama su odbačeni potopljeni ratni brodovi, naručito brodovi oružanih snaga u prvom svetskom ratu Austrougarske, u drugom svetskom ratu Nemačke i čije su bile najmoćnije oružane snage (OS) između ostalog i sa brodovima. Ti brodovi i ta otpadna sredstva su i danas prisutna u Dunavu i uvek mogu predstaviti pretnju drugim plovećim sredstvima naručito opadanjem nivoa reke Dunav, pa i Save. Prema nekim nagoveštajima bez posebno izvršenog istraživanja, ne može se utvrditi tačan broj i količina tih brodova, koji se nalazi naročito u vodama ispred hidrocentrale Đerdap. Međutim, nisu u pitanju samo ratni brodovi, u ovim rekama postoji otpad i od drugih plovećih sredstava i njihovih tovara, koji su potopljeni i koji se još uvek nalaze u tim vodama. U vodama se nalaze otpadna sredstva raznih mostova koji su rušene u ratovima ili u drugim neprilikama tj elementarnim nepogodama i sredstva koja su namerno odlagana u ove vode. Datan problem prestavlja hemijsko tretiranje iz vazdušnog saobraćaja, usled čega velike količine hemijskih sredstava se nalaze i u ovim rekama. Takođe i ta sredstva predstavljaju pretnju živom i biljnom svetu. Korišćenjem dva sistema tj kemters i HARP, vrši se uticaj na klimatske promene, a time i do velikih poplava i na kraju zagađenja šire teritorije preko čega i opasnosti po bezbednost.³ Sve navedeno, predstavlja veliku i veoma opasnu pretnju ekologiji

³ Na Srbiju bacaju otrove iz aviona. Internet: www.vestinet.rs/pogledi/na-srbiju-bacaju-otrov-iz-aviona, www.kurir-infors/truju-nas-s-neba-da-bi-sprečili-otopljanje-clanak-499934

i rečnoj plovidbi. Opasni otpadi, otrovi, opasne materije, nafta, čine realnu ekološku pretnju prirodi i ekosistemu rečnih slivova. Zagađenje ekosistema, predstavlja pretnju flori i fauni u vodi i oko nje. Otuda postoji i realna pretnja čoveku u slučaju eksplozija, radijacije i trovanja, kao i korišćenja voda iz rečnih slivova Dunava i pritoka. Istraživanje ovog velikog problema, može izvršiti država preko svojih institucija, a ne pojedinci i avanturisti.

3. UGROŽAVANJE ŽIVOTNE SREDINE ILI EKOSISTEMA

Velike količine i prisutnost gabaritnih sredstava (vojni i civilni brodovi, tovari i druga ploveća sredstva), iz Prvog i Drugog svetskog rata, agresije NATO na Srbiju, i građanskih sukoba na ovim prostorima ostavio je značajne posledice na bezbednost ekosistema i čovekove okoline uopšte. Sve ukazuje da su pomenuta sredstva, oprema, materije i drugi sadržaji, ogromnih količina, veličina i brojki i da time predstavljaju opasnost za život i zdravlje naroda. Preko obolenja gube se zdravlje i životi. Dokazivanje ovog problema do sada se svodio na pojedinačni opis događaja uz davanje pretpostavki koje su trebale potvrditi ili povrgnuti postojeću opasnost bez da društvena zajednica ozbiljno i planski pristupi otklanjanju opasnosti ili barem dokazivanju iste.

4. POSLEDICE ZAGAĐENJA

Svako zagađenje životne sredine i ekosistema u istoj, ostavlja privremene i često trajne posledice, kako po ekosistem tako i bezbednost ljudi. Kad se radi o posledicama u eko sistemu, iste nastaju usled zagađenja, pre svega po tri *osnovna prirodna resursa*, bez kojih nema života i opstanka, a to su: voda, zemljište i vazduh. Zagađenjem vode, zagađuje se i zemljište koje se napaja i snabdeva vodom i na kraju isparavanjem vode i vazduh. Voda i vazduh, su obnovljivi prirodni resursi, dok je zemlja *neobnovljivi* prirodni resurs. Bez obzira koji je resurs obnovljiv i neobnovljiv, ako su drastično zagađeni u tom slučaju su nekorisni za život.⁴ U zagađenoj vodi, teško opstaje živi i biljni svet. Da je opstanak živog sveta u zagađenoj vodi nemoguć, na to nam ukazuju česti primeri i činjenice trovanja velikih količina ribe u vodama i njihova uginuća. Isto tako u zagađenoj vodi nema ni opstanka po biljni svet koji nestaje, a njegovim nestankom nestaje i živi svet koji je zavisan od biljne ishrane. Zagađenom vodom zagađuje se zemljište sa opasnim materijama, hemijski sredstvima, otrovnim materijama i slično. Zagađenjem zemljišta, zagađuje se prirodno rastinje, bilje, voće, povrće i svo bilje koje se koristi za ishranu ljudi i drugih živih bića. Zagađenjem

⁴ Slobodan Marković, Ljubo Pejanović, *Zaštita životne sredine*, Fakultet za pravne i poslovne studije dr Lazar Vrkatić, Novi Sad, 2012, str. 86-87.

voća, povrća i drugih biljaka koji se koriste za ishranu, zagađuju se organizmi usled čega nastaju bolesti, epidemije i pandemije, a time i katastrofalne posledice. Zatim, zagađenjem vazduha koji je osnovni resurs za opstanak života kao i voda i zemljište, dolazi do trovanja živih bića, time obolenja i na kraju gubitka života. Dakle, svako zagađenje voda je osnov za zagađenja drugih osnovnih prirodnih resursa, bez kojih nema ni života. Tretiranjem iz vazduhoplova hemijom, zagađuje se vazduh, voda i zemljište, čime se dodatno doprinosi pretnji životu u vodama, i oko voda. S tim u vezi, zagađenjem vode, zemljišta i vazduha, zagađuje se ekosistem, a time se nameće pretnja po bezbednost živih bića i bilja preko čega i bezbednost života uopšte, pri čemu i pretnja opstanka prostora i života na njemu. Ocena kvaliteta životne sredine, ispitivana je nas osnovu utvrđivanja: kvaliteta voda, otpadnih voda, kvaliteta vazduha, kvaliteta hrane, stanje deponija i čvrstih otpada, skladištenje industrijskog otpada, i drugo...⁵ Da je zagađenje vode, veliki problem na to ukazuju dimenzije kvaliteta navedene u radu. Posebno istraživanje zagađenja u Dunavu i Savi ovde je samo generalno opisano.

5. MOGUĆA REŠENJA

Da bismo mogli sprovesti moguća rešenja problema zagađenog Dunava i Save, neophodni su odgovarajući pristupi svih država kroz koje protiču Sava i Dunav. Ni u jednom navedenom slučaju zagađenja niti jedna država ne može rešiti ovaj problem samostalno. Pre svega potrebna je politička volja svih vlasti država koji koriste Dunav i Savu i njihove slivove bilo za plovidbu, transport, ribolov, navodnjavanje, prerada vode za piće ili za druge namene. Drugo, potrebna su ogromna finansijska sredstva za čišćenje reka od svih navedenih materija, sredstava, oružja, otpada i slično za šta je moguće koristiti postojeće evropske fondove. Zatim se moraju hramonizovati unutrašnji propisi sa propisima EU u vezi zaštite voda. Potrebna je odgovarajuća obuka i priprema, stručnjaka, izvođača, i sredstava za kvalitetno odstranjivanje navedenih opasnosti i dovođenja voda u stanje koje nije opasno za ekologiju i život ljudi. Da bi smo izvršili odgovarajuću sanaciju potrebna je i odgovarajuća profesionalna obuka. To konkretno podrazumeva profesionalizaciju i edukaciju u cilju zaštite životne sredine.⁶ Ekološki problemi dodatno će opterećivati sva društva država kroz koje protiču Sava i Dunav. Savremena društva suoče se sa raznim socijalnim ekonomskim problemima koji dovode do ugrožavanja održivog razvoja.⁷

⁵ Vesna Zlatanović, IV Naučna stručna konferencija, *Zaštita životne sredine i energetska efikasnost*, Udruženje inženjera, Beograd, 2012, str. 97-98.

⁶ Mirjana Galjak, *Obrazovanje životne sredine i vanredne situacije*, Zadužbina Andrejević, Beograd, 2007, str.49-50

⁷ Bogdan Ilić, Nebojša Praća, *Održivi razvoj u uslovima informaciono-komunikacionih tehnologija*, SOVA, Beograd, 2013, str. 148-149.

Siromaštvo predstavlja zajednički i osnovni problem, ali to ne sme biti izgovor zbog kojeg priobalne države ne mogu krenuti sa očišćavanjem reka od svih navedenih sredstava kojima su zagađene.

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Jelena ŠUPUT, Ph.D¹

THE ACTIVITIES OF THE REPUBLIC OF SERBIA IN THE AREA OF ENVIRONMENTAL PROTECTION AS ONE OF THE GOALS OF THE DANUBE STRATEGY

ABSTRACT

Five years ago, the European Commission adopted the EU Strategy for the Danube Region, together with the Action Plan on its implementation. After that, the Council of the European Union adopted a decision which called upon all stakeholders to get actively involved in its implementation. The Danube Strategy contains several priority areas. One of them is the protection of the environment and the sustainable use of natural resources in the Danube River Basin. For the sake of the improvement of the economy, the process of integration and inclusion of the Republic of Serbia in the development plans of the European Union and connecting with all the countries of the Danube River Basin, our country, before obtaining the EU membership candidate status, participated equally in defining the objectives of the Danube Strategy. In addition, Serbia participates in their implementation as well. Although the Republic of Serbia is one of the coordinator countries for science and transport (except waterways), important for its development, as well as the process of accession to the European Union, are activities in the field of environmental protection and sustainable use of natural resources in the Danube River Basin. No special funds are provided for the realization of the objectives defined by the Danube Strategy, and it is not required to adopt new regulations. Therefore, for the implementation of projects in the field of environmental protection and sustainable use of natural resources, the Republic of Serbia will mainly have to use pre-accession funds, as well as funds from international financial institutions.

Key words: the Danube River Basin, the environment, natural resources, the European Union, finances.

¹ The Institute of Comparative Law, Belgrade.

This paper is result of the scientific and research work involvement in the project “Serbian and European law-comparison and harmonization”. Project number 179033, funded by the Ministry of Education, Science and Technological Development of Republic of Serbia and implemented at the Institute of Comparative Law in the period 2011-2014.

1. INTRODUCTION

In order to integrate sectoral policies in development programmes and plans of the European Union, as well as to promote bilateral and multilateral cooperation with all countries in the Danube River Basin, the Republic of Serbia has actively participated in drafting the European Union Strategy for the Danube Region (hereinafter referred to as: the Danube Strategy) and Action Plan on its implementation.² This activity has been recognized as an opportunity for further improvement of cooperation between the Republic of Serbia and neighbouring and other European countries. Therefore, the Danube Strategy represents a very important instrument with which the Republic of Serbia can strengthen the institutional and human capacities through the development of local, regional and national potentials.³ The Danube Strategy is contained in two documents: the Communication from the European Commission to the other institutions of the European Union and the Action Plan which accompanies the Communication. The Strategy is based upon four pillars and eleven priority areas. The environmental protection is among the four main objectives.⁴ Within this pillar, the following three Priority Areas have been defined: 1) restoring and maintaining the quality of waters; 2) environmental risk management, and, 3) preservation of biodiversity, landscapes and the quality of air and soils. Pollution can be caused by various factors: the discharge of agricultural substances (phosphates and nitrogen as a result of tillage) or discharge of industrial waste water. The environmental risks management aims at reducing the threats to the environment and the population. Implementation of activities in this field refers to the prevention, preparation and timely response to natural disasters as well as to disasters caused by human factors, such as massive floods or industrial accidents. In this way, risks that have a negative impact on the environment and biodiversity, and which also result in loss of human lives and economic damage due to natural disasters, are reduced. It should be borne in mind

² Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, European Union Strategy for Danube Region, Brussels, 8/12/2010, COM (2010)715, Internet: www.danube-region.eu/component/edocman/?task=document.viewdoc&id=36&temid=0, 2/11/2015; Action Plan accompanying document to Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, European Union Strategy for Danube Region, Brussels, SEC (2010)1489, Internet: www.danube-region.eu/component/edocman/?task=document.viewdoc&id=34&temid=0, 2/11/2015.

³ Jelena Stojović *et al*, *Vodič kroz Dunavsku strateriju*, Evropski pokret u Srbiji, Beograd, 2012, p. 19.

⁴ The other basic goals (pillars) of the European Union Strategy for the Danube Region are: connecting the Danube Region, building prosperity in the Danube Region and strengthening the Danube Region. Each pillar defines the priority areas.

that industrial production contributes to the pollution of the environment in several ways. In addition to emission of pollutants and waste disposal, a significant factor is the use of energy and raw materials, since the industry is a major consumer of energy.⁵ Within this priority, particular attention is paid to the climate change and the possible consequences for the Danube Region. Excessive exploitation of natural resources in conditions of underdeveloped environmental infrastructure and underdeveloped public awareness about the ecological needs imposes the need for cooperation of the Danube River Basin countries and the sharing of knowledge and use of best available practices in this area.⁶ The Danube Strategy represents a strategic document and is not legally binding, hence the activities of the Danube Region countries are carried out in accordance with the EU regulations and national regulations. No special funds are provided for the realization of the objectives envisaged by the Danube Strategy; therefore, for the implementation of projects related to the environmental protection in the Danube River Basin, the EU funds are used, as well as funds from international institutions.

2. THE APPLICATION OF REGULATIONS OF IMPORTANCE FOR ENVIRONMENTAL PROTECTION

The preservation and protection of the environment is consistent with the EU values and the EU acquis. Thus, in accordance with the Article 174 of the European Community Treaty, it is stipulated that the Community policy on the environmental protection should contribute to:⁷ preservation, protection and improvement of the quality of the environment; protection of human health and rational use of natural resources and promotion of measures and activities at international level to deal with regional or worldwide environmental problems. The implementation of environmental policy is based on the principle of precaution and the principle of preventive action, according to which the damage caused to the environment is repaired at the source, and the polluter pays for it. When designing environmental policy, one must take into account the available scientific and technical data on the environment in different regions of the European Union, the potential benefits and costs of action or inaction, economic and social development of the European Union

⁵ Miloš Vasiljević, Đuro. M. Đurić, "Harmonizacija propisa Republike Srbije u oblasti zaštite životne sredine sa pravom EU", in: Aleksandra Čavoški, Ana Knežević Bojović (eds.) *Ekologija i pravo*, Institut za uporedno pravo, Pravni fakultet Univerziteta Union, Beograd, 2012. p. 143.

⁶ Jelena Stojović et al, *Vodič kroz Dunavsku strategiju*, op. cit., pp. 23-24.

⁷ Aleksandra Ljuština, *Ekološka bezbednost*, Kriminalističko-policijska akademija, Beograd, 2012. p. 118. Internet: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12002E%2FTXT>, 2/11/2015.

as a whole and even development of all its regions.⁸ The interest of our country for the protection of the Danube has existed even before drafting and adoption of the Danube Strategy. In 2003, the Federal Republic of Yugoslavia ratified the Convention on Cooperation for the Protection and Sustainable Use of the Danube River.⁹ That same year, the State Union of Serbia and Montenegro became a full member of the International Commission for the Protection of the Danube River, which consists of fourteen Danube countries, signatories of the said Convention.¹⁰ Given the above mentioned, the conditions were created for the application of measures concerning the protection of the environment in the Danube River Basin. It seems that citizens' engagement in the field of environmental protection is necessary in the Republic of Serbia, as much as possible. Not only their engagement as a passive side, but also as a side that is going to give their suggestions for improvement of the environment. Of great importance for the Republic of Serbia is the ratification of the Aarhus Convention, which was adopted in 1998 at a conference in the Danish town of Aarhus.¹¹ What is prescribed by the said Convention, is in fact a constitutional right as well. Specifically, the Article 74 of the Constitution of the Republic of Serbia, in accordance with international documents which guarantee protection of human rights, guarantees the right of citizens to a healthy environment,

⁸ *Ibid.*

⁹ The Law on Ratification of the Convention on Cooperation for the Protection and Sustainable Use of the Danube River („Службени лист СРЈ – Међународни уговори“, број 2/2003). The said Convention defines the principles and rules concerning the protection and sustainable management of the Danube River. Its adoption should enable the provision of sustainable and equitable use of water resources in the basin, including measures for preservation (conservation).

¹⁰ The International Commission for the protection of the Danube River accomplishes its goals by adopting recommendations for the improvement of water quality, by developing mechanisms for flood and accidents control, by agreeing standards in the field of emissions, as well as by ensuring some of the measures to be implemented and through national legislation, as well as through the implementation of water management policy in countries in the Danube Region. Interenet: <https://www.icpdr.org/main/icpdr>, 2/11/2015. By joining the International Commission for the Protection of the Danube River, our country has assumed the obligation to implement parts of the Water Framework Directive, even though it is not a member state of the European Union. In 2009, the said Commission adopted the Danube River Basin Management Plan with a program of measures that should to be implemented until 2015.

¹¹ The Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) is ratified in the Republic of Serbia by the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters („Службени гласник Републике Србије-Међународни уговори“, број 38/2009). The said Convention was adopted by the United Nations Economic Commission for Europe – UNECE. The text of the Aarhus Convention in English language is available at the following web page: <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>, 2/11/2015.

as well as to timely and complete information about its condition. Furthermore, the same provision provides that everyone, especially the Republic of Serbia and the Autonomous Province of Vojvodina, is responsible for environmental protection, and that everyone is obliged to preserve and improve the environment.¹² Therefore, the initiator of the projects that would be implemented in order to protect the environment in the Danube River Basin should primarily be the Republic of Serbia and the Autonomous Province of Vojvodina. The Aarhus Convention provides for the right of citizens to access to information, the right of citizens to access to environmental information, and the right of citizens to legal protection in the case that the above rights have been violated.¹³ Since one of the criteria for accession to the European Union is protection of the environment, measures taken in the Danube River Basin in that regard should be seen as part of measures taken in order to meet the requirements for EU accession. One of the activities which leads towards harmonization with the European standards is the application of the following Directives: 1) the EU Water Framework Directive¹⁴; 2) the EU Urban Waste Water Treatment Directive¹⁵ and, 3) the EU Nitrates Directive¹⁶. The provisions of the Directive basically always serve as guidelines for the determination of policies in certain areas at the national level. Therefore, their implementation depends solely upon national regulations. In addition, the Republic of Serbia passed a number of regulations relating to environmental protection in the previous period, such as:

¹² Ustavni zakon za sprovođenje Ustava Republike Srbije (“Službeni glasnik Republike Srbije”, broj 98/2006).

¹³ The Article 3 of the Aarhus Convention stipulates the obligation of educating and informing the public about the importance of the environment, while the Articles 6 and 7 provide for the possibility of public participation in decision-making, plans, programs and policies relating to environmental protection.

¹⁴ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. The objective of the adoption the said Directive is the protection against water pollution, river basins and the environment. Directive is amended by Decision No 2455/2001/EC of the European Parliament and of the Council, Directive 2009/31/EC, Directive 2013/39/EU and Directive 2013/64/EU. The text of the said Directive in English language is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32000L0060>, 2/11/2015.

¹⁵ Council Directive of 21 May 1991 concerning urban waste water treatment 91/271/EEC is amending by Directive 91/15/EEC. The text of the Urban Waste Water Treatment Directive in English language is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0271>, 2/11/2015.

¹⁶ Council Directive 91/676/EEC concerning the Protection of waters against pollution caused by nitrates from agricultural sources. The text of the said Directive is available at the following web page: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0676>, 2/11/2015.

1) the Law on Environmental Protection;¹⁷ 2) the Law on Environmental Impact Assessment;¹⁸ 3) the Law on Integrated Environmental Pollution Prevention and Control;¹⁹ 4) the Law on Waste Management;²⁰ 5) the Law on Nature Protection.²¹ The largest number of regulations on environmental protection, which are related to EU accession, was passed in 2009. A total of sixteen regulations were passed then. However, the obligation to protect the environment is not contained only in harmonization of regulations concerning the protection of the environment with the EU *acquis*, but also in the application of certain measures of importance for preservation and improvement of the environment. These measures are defined in national legislation. More significant measures are implemented through regional and national projects. Since the Danube Strategy does not provide for additional funds, one might ask how it is possible to finance projects in the field of environmental protection. These projects can be funded from national or international donations, structural funds of the European Union and pre-accession funds in case of a country candidate for membership in the European Union. However, the adoption of European standards in the field of environmental protection is not the only thing that is of importance for its protection, but the implementation of specific measures through projects at national and regional level is important as well. Of great importance is connecting with other regions involved in the Danube Strategy. Taking measures related to the protection of the environment in the Danube River Basin can be important for the development of agriculture, tourism and other industries in the that area. The projects that will be implemented in the forthcoming period should be part of national programmes and strategies, as well as the result of research in the field of environmental protection. Bearing in mind that the Republic of Serbia has a status of a candidate for membership in the European Union, it is unable to use the funds to finance projects in this area. However, it is possible to use the funds from the EU pre-accession funds (IPA), as well as funds from other international organizations.

¹⁷ Zakon o zaštiti životne sredine (“Službeni glasnik Republike Srbije”, broj 135/2004, 36/2009, 36/2009-dr. Zakon, 72/2009-dr. Zakon i 43/2011-odluka US). The Law on Environmental Protection set the entire environmental protection system, including the protection of water, soil and land, biosphere and biodiversity, as well as the protection of flora and fauna in the territory of the Republic of Serbia.

¹⁸ Zakon o proceni uticaja na životnu sredinu (“Službeni glasnik Republike Srbije”, broj 135/2004 i 36/2009).

¹⁹ Zakon o integrisanom načinu i kontroli zagađenja životne sredine (“Službeni glasnik Republike Srbije, broj 135/2009).

²⁰ Zakon o upravljanju otpadom (“Službeni glasnik Republike Srbije, broj 36/2009 i 88/2010).

²¹ Zakon o zaštiti prirode (“Službeni glasnik Republike Srbije, broj 36/2009, 88/2010 i 91/2010).

3. FUNDING OF THE ENVIRONMENTAL PROTECTION AS ONE OF THE GOALS OF THE DANUBE STRATEGY

The Danube Strategy does not provide for additional funding sources for implementation of projects in the field of environmental protection in the Danube River Basin. For their implementation, funds from the national budgets, donations, pre-accession funds and other sources are used. Hence, the quality and effectiveness of measures taken by the countries in the Danube River Basin depend not only upon the will of these countries, but also upon their economic development. Thus, countries that have not only the will, but also the ability to allocate more public funds to the implementation of projects related to environmental protection, will be more successful in their implementation. The Republic of Serbia is a candidate for membership in the European Union, and therefore has the ability to use pre-accession IPA funds. These funds are available to countries while in a position of a negotiator for EU membership. As soon as a candidate country gets accepted in membership, it loses the right to receive benefits from these funds, but then it has a number of options for financing through structural and cohesion funds. That is why it is believed that pre-accession instruments are a form of preparation for a country's entry into the system of a single European market and the Common Agricultural Policy, but also for transition to funding from the structural and cohesion funds.²² For the funding of projects relating to the protection of the environment in the Danube Region, pre-accession funds for the period 2014-2020 can be used. By using these funds, candidate countries or potential candidates are preparing for the use of cohesion and structural EU funds. The aforementioned funds provide for up to 4% means, which will be directed to programmes of cross border cooperation in accordance with their needs and priorities for national and regional projects.²³ However, all projects, including those related to environmental protection, must be planned and fit into the strategies. The funds serve to support reforms in the EU accession process. Contribution in the field of environment, improvement of infrastructure, the integration of the region, strengthening research, technological development and innovative capacity, are also listed as priority areas. Of course, one of the goals is to strengthen the capacity of countries to meet their obligations arising from EU membership and to be ready for later use of structural and cohesion funds. However, IPA funds foresee the possibility of support through strengthening

²² Snežana Stojanović, *Finansiranje Evropske unije*, Službeni glasnik, Beograd, 2009, pp. 110 and 111.

²³ Andrija Pejović, et al, *Vodič kroz IPA II instrument za pretprištopnu pomoć 2014-2020*, Evropski pokret Srbije, Friedrich Ebert Stiftung, Beograd, 2014. p. 8, available at the following web page: www.emins.org/uploads/useruploads/knjige/vodic-kroz-IPA-II-2014-2020-za-web.pdf, 2/11/2015.

of regional and territorial cooperation of beneficiary countries. The field of environmental protection in the Danube Region can be financed from pre-accession funds if it fits in the Indicative strategic documents of the Republic of Serbia for the period 2014-2020.²⁴ Pre-accession funds can be used for financing of projects in the field of environmental protection, climate change, development and improvement of environmental infrastructure, particularly in the areas of waste management, water and wastewater treatment in urban areas.²⁵ However, since a number of measures to improve environmental protection must be undertaken in the coming period, one may reasonably ask whether the pre-accession funds will be sufficient for the realization of all projects. In case of insufficiency of these means, funding can be combined with other means, such as, for example, the Western Balkans Investment Framework.²⁶ Of great importance is the international cooperation programme for the Danube Region as well. The Danube Transnational Programme is a financial instrument with a specific goal, and an independent body which should support the integration policies in the Danube Region. It is closely linked to the EU Strategy for the Danube Region. Geographically, the Programme covers nine EU member countries and four non EU member countries.²⁷ The Danube Transnational Programme also affects other areas and takes into account the objectives identified in specific thematic areas. Strategic documents and policies include: the EU Water Framework Directive of 2000, the EU Biodiversity Strategy, the Prioritised Action Framework for Natura of 2000, the 7th Environment Action Programme of the European Union, the EU Plans on energy efficiency – climate and energy. When it comes to climate change and risk management, characteristic is cooperation programme within the Danube Transnational Programme for restoring water quality and ecological balance.²⁸

²⁴ *Ibid.* pp. 16 and 17.

²⁵ *Ibid.* p. 20.

²⁶ Financing from the Western Balkans Investment Framework is done by areas. One of the areas for which it is possible to receive funding is the environmental protection. Call for participation is published for two years, in September and February. However, only projects approved by the national IPA coordinator are eligible. The means from these funds are mostly used when means from the EU pre-accession funds are not sufficient for the realization of projects. For more information about the Western Balkans Investment Framework, see the following web site: <http://www.wbif.eu/>.

²⁷ The following EU member countries are covered by the Programme: Austria, Bulgaria, Croatia, Czech Republic, Hungary, Germany – Baden-Wurttemberg and Bayern, Romania, Slovakia and Slovenia. The following non-EU member countries are covered by the Programme: Bosnia and Herzegovina, Moldavia, Montenegro, Serbia and Ukraine.

²⁸ For more information about the Danube Transnational Programme visit the following web site: http://www.southeast-europe.net/en/about_see/danubeprogramme/, 2/11/2015. The objective of joining this Programme is to achieve better results through international cooperation. These

4. CONCLUSION

The Danube Strategy represents a document of great importance for the development of countries located in the Danube River Basin. In order to improve cooperation and its EU accession processes, the Republic of Serbia participated in defining the objectives of the said Strategy. For its implementation, adoption of new regulations is not necessary, but additional funds are not provided for as well. However, the measures concerning the environmental protection are carried out not only through harmonization of national legislation with the EU *acquis*. Although the Republic of Serbia passed a number of regulations in the area of environmental protection in 2009, the list of measures for environmental protection did not become final. The adoption of national regulations that protect the environment enabled the implementation of the Directives of the European Union, which are important for the protection of the environment in the Danube River Basin: the EU Water Framework Directive, the EU Urban Waste Water Treatment Directive and the EU Nitrates Directive. When it comes to financing of projects concerning environmental protection, the existing funds can be used, such as the structural or IPA EU funds, donations or funds from international financial organizations (EBRD), etc. When it comes to countries that are in the process of accession to the European Union, it seems that it is the best to finance national projects, as well as transnational ones, from pre-accession funds. Under the IPA funds for the period 2014-2020, special funds are provided for national projects related to environmental protection, as well as funds related to transnational cooperation between countries that are in the process of joining the European Union with the EU member countries. In addition to the funds that can be used for cooperation with the EU member countries, funds that can be used for transnational cooperation with countries which are also beneficiaries of pre-accession funds are foreseen. However, in order to use these funds, it is necessary to implement a series of measures at the national level, which will consist of determining the priority areas and development of plans and programmes for future projects. Since it can happen that means from pre-accession EU funds are not sufficient for the realization of projects in the field of environmental protection, funds from additional sources can be used, such as funds from the Western Balkans Investment Framework. Although the benefits from environmental protection in the Danube River Basin are multiple and has an impact on economic development, it can be said that additional engagement is necessary in the coming period in the promotion of measures concerning the protection and improvement of the environment in this basin. The adequate protection of the environment can be of great importance for the development of tourism and other economic sectors.

results should be achieved in the field of prevention of floods, industrial accidents and fires as well. For this purpose, exchange of knowledge at international level is encouraged as well.

However, one should not forget that it is also important to carry out certain research. Therefore, it can be concluded that the improvement of scientific and research activity is necessary in these fields, which also represents one of the priority areas envisaged by the Danube Strategy.

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Marija NIKIĆ¹

SECURE SAILING ON RIVERS – WITH SPECIAL REFERENCE TO THE DANUBE

ABSTRACT

In today's world security aspects concern every segment of each country and international community. Given that there are many different categories of security, some of them, most certainly, have a great influence on rivers and safe sailing on them. Environmental degradation, organized crime, which includes the illegal transport and trafficking of weapons and people on the rivers, are some of the aspects that are of great importance not only for a certain country, but for the region and Europe in general. Other security issues concern the prevention of floods, and accidents while sailing. Of course, giving the complexity of these challenges it is necessary for countries to have very developed cooperation in order to prevent them and that is why the EU as one of the most important global actors has a big role. The Channel Rhine-Main-Danube, the river Sava, and especially the Danube river itself are to be further examined from a security perspective and a conclusion on these challenges are to be drawn.

Key words: Rivers, Sava, Danube, Security challenges, organized crime, environmental degradation, preventions.

1. INTRODUCTION

Rivers represent an important resource, not only in the sense of natural resources, but also in the sense of the transportation of people and international and domestic trade of goods. They also represent an important factor which can improve the regional cooperation between countries and a factor which has a great influence on the geostrategic position of any country. Up to the Vienna Congress, which was held in 1815, rivers were considered strictly as a part of national law and under the sovereignty of an individual country, but since then, especially after the Second World

¹ Faculty of Political Sciences, postgraduate studies, Belgrade.

War, many sets of laws and rules about navigation on rivers were adopted. In today's world the aspect of security cannot be neglected. There are many different kinds of security challenges and some of them refer to military, political, economic, cultural or ecological challenges. Each of these has a great influence, not only to a country in particular, but to regions and the world. It is important to keep in mind that when talking about safety while sailing on rivers it is necessary to consider all of these security challenges. In order for any region or country to safely use and prevent any potential accidents, it is necessary to define the most important challenges and to try to eliminate them. Some of the challenges that are absolutely necessary to be prevented are potential ecological disasters like floods, river spills, and on the other hand, it is necessary to continue to work seriously on the fight against and prevention of organized crime, different types of trafficking and potential terrorism. These questions are of extreme importance for all rivers, and especially the Danube, which represents one of the most important rivers in Europe. Most of today's world policies focus on the opening of borders, promoting the mobility and integration of regions. These policies are especially noticeable in the EU and Europe in general. However, this path brings lots of potential security challenges along with it.

2. POTENTIAL SECURITY CHALLENGES

One of potential security challenges is organized crime which represents the behaviour of any group whose primary objective is to obtain money through illegal activities.² Some of these activities refer specifically to drug and human trafficking, which are considered to be the world's most illegal activities.³ On the international level many different legal acts have been adopted in order to fight all the kinds of human trafficking, production and trade of drugs and illegal transport of goods. Of course, as on the ground, all these illegal acts are happening on the rivers as well and it is extremely important to work hard on their prevention and elimination. Numerous drug and illegal goods seizures on the seas and the oceans represent a straight signal that these kinds of acts are also happening on the rivers. The South-Eastern Europe route has long served as a corridor for drug trafficking routes to Western and Central Europe⁴. There are indications that the "Balkan route", once

² Organized crime, FBI, Internet: <https://www.fbi.gov/about-us/investigate/organizedcrime/glossary>, 15.09.2015.

³ Pierre Hauck and Sven Peterke, *Organized crime and gang violence in national and international law*, No. 92 Number 878 June 2010, Internet: <https://www.icrc.org/eng/assets/files/other/irrc-878-hauck-peterke.pdf>, p. 418, 13.09.2015.

⁴ UNODC, *The illicit drug trade through South-Eastern Europe*, March 2014, p. 33, Internet: https://www.unodc.org/documents/data-and-analysis/Studies/Illicit_DT_through_SEE_REPORT_2014_web.pdf, 15.09.2015.

detected by border police of a few countries, has changed and that criminals have begun using rivers for these crimes much more often⁵. European security services have noticed that the use of river vessels and boats is increasing not only for drug trafficking but also for the smuggling of different goods. These illegal acts are used on almost all rivers passing through Europe, and the Danube, given its length and importance, represents the most frequent one. As a result in 2011 the European Commission adopted the new Danube Transnational Cooperation Programme, which represents a macro regional strategy and as its main goal is committed to supporting transnational cooperation projects in line with the priorities of the European Union Strategy for the Danube Region.⁶ Furthermore, priority area number 11 of this Programme is focused on security questions and underlines the importance of improving security and tackling serious and organised crime in the EUSDR countries and strengthening the efforts against terrorism threats.⁷ This includes further cooperation in the field of countering the smuggling and the trafficking of human beings, fighting against terrorism, as well as fighting against illicit drug smuggling etc.⁸ Another part of this Programme refers to the development of a long-term strategy for cooperation between law enforcement by strengthening networks for cooperation by the year 2020.⁹ The third part refers to the improvement of systems of border control, document inspection, management and cooperation on consular related issues in the Danube region.¹⁰ And finally, the fourth part is to promote the rule of law and the fight against corruption. Each of these parts has the goal of reducing crime and preventing any possibilities of it in the future. This Strategy refers to the countries through which the Danube passes, but certain parts could be used as an example and could be applied to other rivers and countries. As for Serbia, the Danube represents a state border and the security of it is divided among eight regional police departments. Serbia is participating in the Danube Transnational Cooperation Programme and there are four forms identified as unlawful actions: smuggling of different kinds of goods, misuse of transport of goods by the boat crew itself, economic crime and the smuggling of people¹¹. In order to

⁵ *Ibid* p. 10.

⁶ Danube Region Strategy, Internet: <http://groupspaces.com/Security/> 10.09.2015.

⁷ Priority number 11 Area Revised Targets and Actions, 2011, Internet: <http://files.groupspaces.com.s3.amazonaws.com/files/38075/1494600/Priority%20Area%2011%20revised%20Targets%20and%20Actions.pdf?AWSAccessKeyId=0A8Z1WYDADBF2DZEBCG2&Expires=1441633995&Signature=sj0Xnhp3QxqzbfCDLRe4DkAmOo%3D>, 5.09.2015.

⁸ *Ibid* p. 7.

⁹ *Ibid* p. 7.

¹⁰ *Ibid* p. 8.

¹¹ Edita Stojić-Karanović, Dragan Petrović, *Dunavska strategija*, Institut za međunarodnu politiku i privredu i Međunarodni naučni forum „Dunav reka saradnje”, Beograd, 2010, p. 129.

fight all of these, it is necessary to fulfil certain requirements. One is the necessity of the formation of united records of data about vessels, legal entities, records of movement of vessels, goods and passengers in order to prevent and repress illegal smuggling. It is also necessary to work on equipping borders so that they are able to ensure safety on the borders, as well as on the full implementation of the Strategy which will further help the coordination of all the services on the state border of the Danube.¹² Through the implementation of this Strategy, the whole of the Danube Region would benefit from reduced security threats. If each country would work on these challenges and if they would expand their level of cooperation, potential illegal acts would be much easier to control and to be stopped. Also, part of the EU Danube Strategy, 'Strengthening the Danube Region', is concerned with questions of security and as its main goal has to implement activities against organized crime, corruption and illegal passage through the borders, as well as to include civil society in solving these issues. Civil society could have a great influence on the decision makers. They should be able to use their resources to educate the public about all the challenges and on the possibilities on how fight them.¹³ Therefore, civil society represents an important link between the governments and their people and should be used more extensively throughout the whole Europe.

3. ECOLOGICAL SECURITY

One of the other key security challenges is certainly the ecological aspect. Ecology is in general, considered to be one of the great challenges of the 21st century. Ecological security concerns different questions such as energy scarcity, global climate changes and they all have a great influence on mankind and in many countries are included in national security strategies. However, the importance of water is increasing on a daily basis. It is also necessary to keep maintained river's basin not only in order to have clean drinking water, but also for the prevention of hazards such as floods, and different accidents. It is clear that floods are a natural phenomena and that it is very hard to prevent them. However, there is no doubt that human activity does contribute to an increased risk of flooding and it is important to find ways in which these risks can be reduced. In the years between 1998 and 2009, Europe had more than 200 major floods, including the catastrophic floods along the Danube and the Elbe rivers in the summer of 2002. Floods can be defined as a natural event when water covers parts of land which are not otherwise covered by it. Between 1998 and 2009, floods in Europe caused around 1126 deaths, the

¹² Ibid

¹³ Vodič kroz *Dunavsku Strategiju*, Evropski pokret u Srbiji, Beograd, jun 2012, Internet: http://emins.org/sr/publikacije/knjige/12-dunavska_sr.pdf, 23.09. 2015.

displacement of about half a million people and at least €52 billion in insured economic losses.¹⁴ The European Environmental Agency, which published a report on the environmental challenges facing Europe in 2011, underlined the importance of the implementation of an Integrated Risk Management approach, which included prevention and quick recovery from all the potential hazards in Europe. A special emphasis on floods and their prevention is also very visible.¹⁵ As for the EU, the river basins of the Danube, the Vistula and the Rhine make up approximately a quarter of the EU territory and are mostly used for water supply, energy production, irrigation and transportation.¹⁶ This is why it is so important to work on the maintenance of their basins, and in accordance with it, back in 1998 the International Commission for the protection of the Danube River was established. This international organization consists of 14 states and the EU, and it has grown into one of the world's most active bodies which deal with the basin management.¹⁷ One of the main tasks of this organization is to increase work related to the response to potential flooding and management of the flood risks in a sustainable way. It has adopted and implements an Action Programme which for its main goal has to achieve a long term approach towards the management of floods and which tries to do so by improving the early warning system, giving support in linking flood and river basin management, supporting the exchange of expertise and knowledge, and working on the recommendation of a common approach toward this question.¹⁸ The International Commission for the Protection of the Danube River also publishes reports on its progress and recommendations. This is very important because they are public and they invite civil society to take part and participate in this process. This is one of the ways to learn how to prevent and act in the case of the ecological challenges on the local level, which would, furthermore, have an impact on the global level. Safe navigation of the rivers is impossible if all of these standards and preventative measures are not implemented since any potential flood or hazard can put any vessel on the water at risk. This approach towards the Danube is a very good example since it covers all the major segments of flood risks and shows that good practice and cooperation is possible and necessary when it comes to ecological challenges. Another example of good practice is the initiative that established the International Sava River Basin Commission, which has as its main goal the implementation of

¹⁴ Disasters in Europe: more frequent and causing more damage Internet: <http://www.eea.europa.eu/highlights/natural-hazards-and-technological-accidents> 14.09.2015.

¹⁵ The EU Floods Directive Internet: http://ec.europa.eu/environment/water/flood_risk/ 14.09.2015.

¹⁶ Life and Europe's rivers, European Communities, 2007, Internet: <http://ec.europa.eu/environment/life/publications/lifepublications/lifefocus/documents/rivers.pdf> 14.09.2015.

¹⁷ International Commission for the Protection of the Danube River, Internet: <http://www.icpdr.org/main/>

¹⁸ <http://www.icpdr.org/main/activities-projects/flood-risk-management>, 14.09.2015.

the Framework Agreement of the Sava River Basin. This Agreement has been working to establish an international regime of navigation on the Sava, sustainable water management and to prevent hazards and hazard related consequences.¹⁹ As the Sava River represents one of the most important rivers in South-Eastern Europe, regional cooperation among countries that it passes through is very important. Therefore, it is important to mention that back in 1999 along with the establishment of the Stability Pact for South-Eastern Europe, began the creation of a new approach for water resource management in the Sava River.²⁰ The Work of the Sava Commission has also a big impact on the implementation of the EU Floods Directive. This Directive was proposed by the European Commission back in 2006 and was put in force in 2007. The Directive obligates Member States to evaluate the risk of flooding for all water courses and coast lines, to map the flood extent and to take adequate and coordinated measures to reduce flood risk.²¹ Another important segment of the EU strategies is the European Flood Action Programme, which stresses five key steps: prevention, protection, preparedness, emergency response, recovery and lessons learned.²² Following these steps reduces the impact of floods and possibilities of them to happen. This programme is a part of flood risk management and is to be coordinated with the Water Framework Directive, which aims to create a single and unified system for the Member States and other countries, on one hand, simplify the administration and political boundaries and on the other to work together on clean basins and unified approaches.²³ This Directive also emphasises the importance of flood risk management plans and river basin management plans which should be coordinated and made available to the public. One of the phases of the river basin management was to promote examples of good practice and in that way influence people to work in the same direction. Some of these examples were the Maas, Scheldt or Rhine Rivers and their basins, which showed that a unified response is possible and needed.²⁴ It is clear that all of the above mentioned directives and examples are of great importance in order to have secure navigation on the rivers. However, it is also crucial to develop certain systems of protection and rescues from floods and in that way minimize the number of potential accidents on the rivers. Clearly, these kinds of systems could be developed and put in force only through very high level of cooperation among countries in the region.

¹⁹ Časopis Ministarstva unutrašnjih poslova, Bezbednost, no. 2, 2014. Internet: http://prezentacije.mup.gov.rs/upravazaobrazovanje/aktuelno/Bezbednost_3-2014.pdf, p. 52, 12.09.2015.

²⁰ Ibid

²¹ The EU Floods Directive, Internet: http://ec.europa.eu/environment/water/flood_risk/

²² http://ec.europa.eu/environment/water/flood_risk/flood_risk.htm 13.09.2015.

²³ Ibid.

²⁴ Ibid.

4. INFORMATION SYSTEM AS PART OF SECURITY SYSTEM OF NAVIGATION ON THE RIVERS

One of the systems that have had a great influence on safety on the rivers and that has been implemented in Serbia, for the Sava and Danube, is called the River Informational System. This system, which is worth around 11 million euros, has been put into use thanks to a generous donation from the EU, in accordance with the IPA funds. It allows the authorities to know the exact position of each ship passing through a certain river basin since this system works as an electronic navigational map in real time. This is of great importance, since, apart from giving the exact position of any ship, it allows us to know who and at what time certain violations of ecological laws and practice such as oil spills and leaks take place. This further leads to the adequate measures and punishments being implemented which would prevent future similar incidents. It also has a great impact on organized crime because it helps identify all the ships in a certain basin and in that way eases the search for potential violators.

Another feature of this system concerns the fact that sailors are obligated to be part of the Hull Database, which contains all the data and information about them, their ships, equipment etc.²⁵ giving that this is an international database it allows exchange of data among countries, which further develops cooperation and prevention of different crimes and accidents. Moreover, this system is of great importance for the crew on the ship, since, in the case of bad weather conditions, it allows them to see the exact coordinate of their ship and to safely continue their voyage. The development and implementation of these kind of systems would further improve prevention of all the possible accidents on the rivers, and would be very helpful in case of some disasters and bad conditions, such was the winter in Serbia in 2012, when police had to use all the possible resources to help citizens, and when it was clear how many equipment, such as the icebreakers were missing. These systems would, in a certain way, help authorities to communicate instantly with the authorities of other countries, and exchange information and speed up any assistance if necessary.

5. CONCLUSION

It is clear that all the above mentioned security challenges could be minimalized and some of them even neutralized. All the mentioned strategies and directives aim to do so by defining, explaining and finally networking all the actors and it does

²⁵ Rečni informacioni servisi u Republici Srbiji, Internet: <http://www.plovput.rs/file/flajeri/flajering-2.pdf> 24.09.2015.

seem that this is the best way to prevent any potential incidents. The EU has a great impact on regulating all the legal acts as well as on influencing the further development of the ways necessary to improve the safe navigation of the vessels and boats on the rivers. The Danube, so far, seems to be one of the rivers that have had lots of improvement in terms of safety regulations and, although, it still faces many challenges, some of them are on a lower level than on the other rivers. In order to improve the security of navigation on the rivers in general, it is necessary to maximize the cooperation among countries and regions, to publish more experts' opinions and recommendations as well as to include civil society in this process. It is also necessary that the authorities of each country keep on equipping and educating all their experts and people who deal with these challenges, since that is the best way to prevent and react to any incident.

As for most of Europe, especially in these troubling times that include the current migrant crisis, it is very important to define strategies and act in a united way to prevent and stop all illegal activities on the rivers. It is also important to recognize ecological challenges so that in the near future we can identify and prevent them in a more efficient and secure way.

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dr Milena TRGOVČEVIĆ PROKIĆ¹

ULOGA JAVNOG BELEŽNIKA U KOMPANIJSKOM PRAVU ZEMALJA DUNAVSKOG SLIVA

APSTRAKT

Zemlje dunavskog sliva prihvatile su latinski oblik beležništva. U Nemačkoj postoji i poseban organizacioni oblik ovog instituta, a to je advokat-beležnik. Specifičnost ovog organizacionog oblika je u tome što jedno lice istovremeno može biti advokat i beležnik, što znači da može obavljati dve funkcije istovremeno. U odnosu na zemlje u Dunavskom slivu, Nemačku, Austriju, Mađarsku, Moldaviju, Ukrajinu, Češku, Bugarsku, Slovačku i Rumuniju, Hrvatsku, Sloveniju, Bosnu i Hercegovinu, Crnu Goru, u Srbiji je tek prošle godine otpočela primena Zakona o javnim beležnicima. Pravo trgovačkih društava čini tradicionalni deo nadležnosti javnog beležnika. Uporednopravna zakonodavstva zemalja dunavskog sliva imaju različita rešenja u domenu trgovačkog prava. U Nemačkoj, Austriji i Hrvatskoj zahteva se da svaka promena statusa društva kapitala neophodno bude u obliku javnobeležničke isprave. Mađarska predviđa paralelnu nadležnost javnog beležnika i advokata kada je u pitanju osnivanje privrednog društva. Zakon o javnim beležnicima Srbije predviđa overu zapisnika sa osnivačke skupštine akcionarskog društva. Međutim, nijedan od analiziranih zakona ne otvara prostor za pravo trgovačkih društava, izuzev predviđanja overe zaključaka skupštine ili nekog drugog organa društva, ako je javni beležnik prisutan na sednici ili skupštini tih organa. Razmatrajući uporedno pravna rešenja zemalja dunavskog sliva, može se zaključiti da je javni beležnik takođe savetnik osnivača društva i svoju funkciju savetnika ispunjava u prvom redu ispitivanjem koji je od pravnih oblika najpogodniji za ispunjenje ciljeva osnivača u društvenom, poreskom, a nekada i u socijalnom smislu. Prisustvovanje javnog beležnika prilikom imenovanja organa društva i zadruge uobičajeno je mada nije propisano zakonima uporednog prava, ali u praksi, u Nemačkoj i Austriji, obično pri imenovanju organa društva, prisustvuje i javni beležnik. Javni beležnik ima preventivnu kontrolu zakonitosti osnivačkih elemenata društava. Forme isprava koje sačinjava javni beležnik kod osnivanja nekog pravnog lica sadrže kontrolu forme, bitne navode u ispravi, kontrolu

¹ Prvi osnovni sud u Beogradu i Pravni fakultet Univerziteta Union, Beograd. Stavovi izneti u ovom radu su isključivo stavovi autora, a ne i organizacije u kojoj je autor zaposlen.

pridržavanja zakonskih specifičnosti i kontrolu sadržaja, što je veoma bitno u delatnosti preventivne jurisdikcije. Javni beležnik u svojoj funkciji lica od javnog poverenja prilikom overavanja daje svojstvo autentičnosti, koja i jamči sigurnost društvenog ugovora dajući mu dokaznu snagu i štiteći ga službenom prisilom. S obzirom na to da je država u potpunosti svesna značenja koje javni beležnik ima u trgovačkom pravu, time je veća tendencija u uporednim zakonodavstvima ovih zemalja da se prošire njegova ovlašćenja na ovom području. Beležničke isprave, po načelu uzajamnosti, po pravnoj snazi, priznate su i izjednačene s domaćim javnim ispravama. One omogućavaju bržu privrednu saradnju i na taj način doprinose Dunavskoj strategiji Evropske unije.

Ključne reči: javni beležnik, javnobeležnička isprava, trgovačko društvo, solemnizacija, savetovanja i provere, sastavljanje osnivačkog akta, overa.

1. UVOD

Zemlje dunavskog sliva prihvatile su latinski oblik beležništva. U Nemačkoj postoji i poseban organizacioni oblik ovog instituta, a to je advokat-beležnik.² Specifičnost ovog organizacionog oblika je u tome što jedno lice istovremeno može biti advokat i beležnik, što znači da može obavljati dve funkcije istovremeno. Paralelna funkcija ima istorijski začetak u Pruskoj, i to od sredine XVIII veka, kada advokati nisu mogli da opstanu obavljajući svoju advokatsku funkciju, pa im je dat i posao beležnika. U odnosu na beležnika, advokat-beležnik ima i jedno posebno ograničenje, a to je da ne može u istom predmetu biti i advokat i beležnik. Ova paralelna funkcija uslovlila je i „paralelno članstvo“, tj. advokat-beležnik je član beležničke komore, ali istovremeno i advokatske komore, te ovo članstvo razdvaja i deli ove funkcije. Savezna uredba o beležnicima Nemačke samo je prihvatila istorijsko nasleđe, faktičko stanje advokata-beležnika, ali ipak ne kao pravilo, već kao organizacionu specifičnost. U odnosu na zemlje u dunavskom slivu, Nemačku, Austriju, Mađarsku, Moldaviju, Ukrajinu, Češku, Bugarsku, Slovačku i Rumuniju, Hrvatsku, Sloveniju, Bosnu i Hercegovinu, Crnu Goru,³ u Srbiji je tek prošle godine otpočela primena Zakona o javnim beležnicima.⁴ Iako sa zakašnjenjem institut

² Član 3. Savezne uredbe o notarima Nemačke, Bundesnotarordnung, od 24. februara 1961, u daljem tekstu: SZON.

³ Zakon o javnom bilježništvu Hrvatske „Narodne Novine“, br. 78/93, 29/94, 16/07, u daljem tekstu: ZJB Hrvatske, Zakon broj 61 od 7. oktobra 1991, s Uredbom broj 13/1991. u daljem tekstu: ZJB Mađarske, Zakon o javnim beležnicima i javnobeležničkim poslovima Slovačke, od 6. maja 1992, s izmenama 63/93, 232/95, 397/2000, 561/2001, 562/2002, 527/2002), Zakona o notarima „Službene novine 45/2002, Zakona o notarima Crne Gore, *Službeni list CGore*, broj 68/05, 48/08, u daljem tekstu: ZN Crne Gore.

⁴ Zakon o javnim beležnicima „Službeni glasnik RS“, br. 31/2011, 85/2012, 19/2013, 55/2014 – dr. zakon, 93/2014 – dr. zakon, 121/2014 i 6/2015, u daljem tekstu: ZJB Srbija.

javnog beležnika doprineće rasterećenju pravosuđa i visokom nivou zaštite, a to je u skladu sa zaključcima i preporukama Saveta ministara Evrope.⁵ Isto će doprineti bržoj privrednoj saradnji sa zemljama u dunavskom slivu. U suštinskom shvatanju pojma latinskog oblika beležništva sve zemlje se slažu u pogledu određivanja prirode javnog beležnika i njegove funkcije. Beležništvo je u latinskom modelu slobodan poziv, javna služba koju obavljaju beležnici kao njeni nezavisni nosioci, ali oni nisu državni službenici. Oni svoju službu obavljaju samostalno i nepristrasno, a stranke mogu slobodno da im se obrate, dok se tarifa beležničkih usluga službeno utvrđuje. U pojedinim zemljama, na primer, u Nemačkoj, Sloveniji, Hrvatskoj, Crnoj Gori, Bosni i Hercegovini, Mađarskoj, Ukrajini i Srbiji, teritorijalna nadležnost poklapa se s mesnom nadležnošću. U Austriji ide se u pravcu labavljenja režima teritorijalne nadležnosti, i to ukidanjem lokalne vezanosti beležnika. To znači da beležnici koji su ranije bili ograničeni na vršenje delatnosti u svom okrugu sada ne moraju da rade samo u okrugu u kome imaju kancelariju.⁶ Suština javnobeležničke delatnosti jeste sačinjavanje isprava, overa, potvrđivanje i čuvanje isprava. U pojedinim zemljama dunavskog sliva, kao na primer u Hrvatskoj, Sloveniji, Bosni i Hercegovini, Crnoj Gori i Srbiji, delatnost javnobeležničke službe obuhvata i postupanje po nalogu suda u ostavinskom postupku i procesnim radnjama odnosno dostavljanju. Nalog suda u Hrvatskoj i Srbiji obuhvata poveravanje ostavinskog postupka dok u Crnoj Gori i Bosni i Hercegovini, obuhvata postupanje u radnjama iz prethodnog postupka (sastavljanje smrtovnice, popis i procenu zaostavštine), ali i donošenje rešenja kod mera obezbeđenja zaostavštine. U Mađarskoj je nadležnost vođenja ostavinskog postupka prenet na javnog beležnika. Javni beležnik sprovodi ostavinski postupak i ostale vanparnične postupke koji su stavljeni u njegovu nadležnost. Mađarski zakon daje istu važnost rešenju o nasleđivanju koje donosi beležnik i rešenju ostavinskog suda. Rešenje koje je doneo javni beležnik podleže žalbi koja se podnosi javnom beležniku koji je rešenje doneo.⁷ U Nemačkoj ostavinski sud donosi ostavinsko rešenje prema navodima iz predloga stranaka. Predlog treba da sadrži izreku ostavinskog rešenja. Nemačko uređenje daje javnom beležniku ulogu u sastavljanju predloga za donošenje ostavinskog rešenja, a to praktično znači da beležnička isprava treba da sadrži izreku rešenja ostavinskog suda. To doprinosi rasterećenju suda i njegovom lakšem radu, a ujedno je veliko olakšanje za stranke

⁵ Preporuka Saveta ministara Evrope br. 12, usvojena 16.09.1986. U duhu ove Preporuke je i Preporuka br. R (84) 5, koja postavlja kao osnovni cilj da se građanski postupak pojednostavi i da se strankama obezbedi visok nivo zaštite.

⁶ Décret no. 71–942. od 26. novembra 1971; no. 281 od 3. decembra 1971, čl. 8 i 12, u: Knežić-Popović, D., „Javno beležništvo u evropskim zemljama”, *O javnom beležniku – notaru*, priredio Nebojša Šarkić, Glosarijum, Beograd, 2004, str. 98.

⁷ Član 172. tač. 1. i 2. ZJB Mađarske.

koje nisu upoznate s pravnim propisima i oblicima ostavinskih rešenja.⁸ U pojedinim pravima nalog suda obuhvata sprovođenje ostavinskog postupka. Preuzimanje sudske nadležnosti u ostavinskom postupku označava da se beležnička funkcija poklapa sa sudskom. Načelno, u latinskom sistemu javni beležnik preuzima radnje iz prethodnog postupka koje se odnose na popis i procenu, čuvanje, obezbeđenje zaostavštine, ali sprovodi i ostavinski postupak. U svim zemljama dunavskog sliva uloga beležnika ogleda se i u sastavljanju i overavanju ugovora naslednopravnog karaktera. Javnobeležnička delatnost gledano u uporednom pravu predviđena je u statusnopravnoj materiji za pojedine radnje, poslove i odluke za koje su obavezne javnobeležničke isprave i sudelovanje javnih beležnika pri preduzimanju, zaključivanju donošenja odluka kod društva kapitala u deoničarskom društvu i u društvu s ograničenom odgovornošću. Za sve pravne radnje, odluke i pravne poslove koji dovode do bitnih promena, ali i pravne radnje koje rezultiraju nastankom i prestankom društva, u uporednom pravu predviđena je posebna forma u obliku javnobeležničkog akta – zapisa, kao i overe za njihovu valjanost. Beležnik doprinosi zaštiti prava na osnovu saglasnosti volje učesnika i sprečava moguće sporove između učesnika. Savremeno pravo dopunjuje sistem pravne zaštite kroz beležništvo, postavlja beležništvu osnovne institucionalne garancije, jer je beležnik „preventivni sudija” koji osigurava mirno funkcionisanje pravosuđa.⁹ Izuzetno značajnu ulogu beležnička isprava ima u domenu trgovačkog prava. Sve statusne promene trgovačkih društava, smanjenje i uvećanje osnovnog kapitala i sve druge značajne promene obavlja javni beležnik. Beležnik na skupštini društva ne zastupa upravne organe i njene interese, već kontroliše zakonitost toka skupštine i zakonitost usvajanja odluka. Sve izmene mora prijaviti nadležnom registarskom društvu. Beležnička isprava, kao i svaka javna isprava, ima veliku dokaznu snagu, što dovodi do povećanja opšteg nivoa pravne sigurnosti i ubrzanja sudskog postupka. Osim toga, ona je značajna i na području međunarodnih privatnih odnosa. Beležničke isprave, po načelu uzajamnosti, po pravnoj snazi, priznate su i izjednačene s domaćim javnim ispravama.

⁸ Nemačko uređenje predviđa više vrsta ostavinskih rešenja, a to su: ostavinsko rešenje s jednim naslednikom (čl. 23, 52, stav 1. tačka 1. Nemačkog građanskog zakonika – BGB, od 18. avgusta 1896), delimično ostavinsko rešenje (čl. 23, 53 stav 1. tačka 2. BGB), koje sadrži nasledna prava samo jednog naslednika, ali može ga zatražiti i drugi sanaslednik; zajedničko ostavinsko rešenje, i to u slučaju kada ima više naslednika (čl. 23, 57. BGB).

⁹ Pützer, H. J., Pützer, Hanns-Jakob, „Das Notariat im Zivilrechtssystem”, *Das moderne Notariat – Strukturen und Aufgaben*, Bundesnotarkammer – Deutsche Notarzeitschrift, Köln, 1993, str. 9–11.

2. UPOREDNOPRAVNA REŠENJA U TRGOVAČKOM PRAVU

2.1. Nemačka

U nemačkom pravu postoji razlika između društava koja nemaju status pravnog lica i onih koja imaju status pravnog lica. U širem smislu, podela se može izvršiti na društvo lica (društvo građanskog prava, javno trgovačko društvo, komanditno društvo, tajno društvo, brogarsko društvo, evropsko državnointeresno udruženje, partnerstvo) i društvo kapitala (društvo s ograničenom odgovornošću, deoničarsko društvo, komanditno društvo na deonice, registrovana zadruga, društvo za uzajamno osiguranje). Osim ovih oblika postoje i prelazni oblici kao što su državno udruženje i mešoviti oblici društva kapitala. Nemački propisi o trgovačkim društvima za pojedine akte propisuju javnobeležničku ispravu.¹⁰ Formi javnobeležničkog akta podležu: osnivački ugovor i statutarne promene kod društava s ograničenom odgovornošću, deoničarskih društava i komanditnih društava na deonice; skupština deoničara kod deoničarskih društava i komanditnih društava na deonice ukoliko deonice kotiraju na berzi; prenos udela u društvima s ograničenom odgovornošću. Javnobeležnička overa potrebna je za: izjave o preuzimanju nekog udela prilikom dokapitalizacije u društvu s ograničenom odgovornošću; prijave za upis u trgovački registar. Ovo je propisano u formi, a pravilima podležu osnivanje, odnosno izmene ugovora kod društva lica.

2.1.1. Funkcija propisane forme

Ova funkcija ogleda se u dokaznoj snazi javnih isprava, na primer, kod sastavljanja osnivačkih ugovora, statutarne promene, zapisnika glavne skupštine, prenosa udela, ali i kod osiguravanja, pravnog saveta i pouke, kao i kod opomena i zaštita od prenegljenih postupaka prilikom osnivanja društva, takođe i kod izjave o preuzimanju udela i prijave za upis u registar. Savetovanjem i sačinjavajem beležničke isprave omogućuje se u prvom redu članovima, s jedne strane, sprečavanje sudskih sporova, a s druge – jamči se pravna sigurnost. Osim toga, u okviru propisa o trgovačkim društvima, trgovački registar i javni beležnici štite interes javnosti i pravnih poslova. U Nemačkoj se sva trgovačka društva upisuju u trgovački registar, osim društva građanskog prava. Trgovački registar u Nemačkoj još uvek je decentralizovan, za razliku od austrijskog. Nemačka se odlučila za drugačije rešenje. U Bavarskoj se trenutno trgovački registri prebacuju na automatsku obradu podataka. Na taj način omogućavaju se umnožavanje registra i pristup podacima drugih registarskih sudova, te istovremeno i pristupačnost registara građanima.¹¹

¹⁰ Trgovački zakon Nemačke od 22. juna 1998, Zakon o deoničarskom društvu i Zakon o partnerstvu.

¹¹ Drasch, W., „Zadaci javnog bilježnika u sklopu zakona o trgovačkim društvima”, *Javni bilježnik*, br. 4/1998, Zagreb, str. 35.

2.1.2. Solemnizacija javnobeležničkih akata u inostranstvu

Nemački zakon o trgovačkim društvima priznaje solemnizaciju od stranih javnih beležnika ako se odnosi na nemačko društvo. Ovaj pristup odgovara potrebama zemlje s velikim izvozom. Međutim, važne funkcije nadzora podeljene su jer strani javni beležnik ne podleže obavezi prijavljivanja, tako da drugi članovi društva mogu doći u bolji položaj ukoliko solemnizaciju sprovodi javni beležnik koji je upoznat s nemačkim pravom, pa stoga on može dati stručnu pouku o pravnom leku.

2.1.3. Zadaci javnog beležnika vezani za pojedine procedure

Zakonima o trgovačkim društvima data su javnom beležniku sledeća ovlašćenja: utvrđivanje činjeničnog stanja, davanje pouke o mogućim pravnim posledicama nekog posla i zabeležba rezultata istraživanja u ispravama koje imaju snagu dokaznog materijala, odnosno javne solimnizirane isprave.¹² Kad mu se obrate stranke radi osnivanja društva s ograničenom odgovornošću javni beležnik dužan je da im sačini nacrt ili, ukoliko mu one dostave taj nacrt, da ga uporedi i utvrdi da li je ugovor usklađen s poreskim potrebama društva i članova društva. Javni beležnik ima ulogu savetovanja i provere koje sprovodi u sledećim domenima: valjanost preduzeća, tačna formulacija predmeta poslovanja društva; savetovanje o pitanju svrsishodnosti odredaba o zastupanju društva; napomena o odredbama važnim u slučaju spora između članova društva, kao što su pravo otkaza, pravo naplate potraživanja prema odredbama koje se odnose na visinu otpremnine; napomena o mogućim ograničenjima ugovora prilikom prodaje ili hipotekarnog opterećenja udela, odredbe u slučaju smrti nekog od članova društva. Javni beležnik traži potvrdu da li je uplaćen osnovni kapital, a zatim osnivački ugovor uručuje trgovačkom registru, i ako postoji takav zahtev – nabavlja potrebnu dozvolu o upisu u trgovački registar. Obaveza javnobeležničkog akta ograničena je u udelu društva s ograničenom odgovornošću. Međutim, udeli u društvenim licima po pravilu se mogu preneti bez nekih formalnih obaveza. Prenos deonica vrši se u skladu sa zakonom o vrednosnim akcijama. Prilikom savetovanja kod društva s ograničenom odgovornošću javni beležnik mora da utvrdi sledeće: kakvi su dosadašnji odnosi svojinskih udela; da li ostali članovi društva moraju dati saglasnost ili imaju povlašćeno pravo otkupa; vreme prenosa prava; nesuglasice, garancije; osiguranje i razmene usluga. Ako stranke žele, javni beležnik može nadzirati i realizaciju sastavljenog – solemniziranog ugovora o ustupanju udela. On tada prikuplja nužne izjave o saglasnosti ili o pravu otkupa od ostalih vlasnika ili društva i nadzire isplatu dogovorene cene.

¹² Član 17. SZON Nemačke.

2.2. Austrija

U Austriji se pod pojmom društva podrazumeva pravna zajednica koja se osniva povodom pravnog posla – ugovora između najmanje dve osobe koje se organizovano udružuju kako bi ostvarile zajedničke ciljeve.¹³ Austrijski zakonodavac poznaje 17 oblika trgovačkih društava, a osnovni oblici su društva građanskog prava, javno trgovačko društvo, komanditno društvo, javno profitno društvo, komanditno profitno društvo i tajno društvo. Korporacija je kao pravno lice samostalan nosilac prava i ona je vlasnik preduzeća, a njeno postojanje je delovanje nezavisno od članova društva. Korporacije su društvo, štedionica, osiguravajuća društva, deoničarska društva, društva s ograničenom odgovornošću i zadruge. Kada se društvo lica unese u registar trgovačkih društava, tada javni beležnik u okviru svoje delatnosti ima pravo na overu potpisa i, u svakom slučaju, pravo na overu kopija s originalnim ispravama. Delatnost javnog beležnika ogleda se u overi potpisa svih članova društva na prijavama za upis društva u trgovački registar i članova društva koji su ovlašćeni za zastupanje na primerku njihovih potpisa. Javni beležnik daje pravne savete članovima društva, sastavlja sve isprave, kao što su društveni ugovori, zahtevi za upis u trgovački registar, ugovori vezani uz pismene namere, ugovori o kupoprodaji udela u društvu, molbe upućene raznim državnim telima. Uloga javnog beležnika jeste i da zastupa članove društva pred upravnim telima i sudovima. Ovu profesionalnu delatnost mogu da obavljaju advokati a delimično i poreski savetnici. Obaveznost javnobeležničke isprave zahteva se kod društva s ograničenom odgovornošću prilikom prenosa udela kako bi se sprečila trgovina društvenim udelima.

2.2.1. Delatnost javnog beležnika u okviru društva kapitala

Obaveznost sastavljanja javnobeležničke isprave potrebna je za: društvene ugovore društva s ograničenom odgovornošću; izjave o osnivanju društva s ograničenom odgovornošću s jednim članom; ugovor o ustupanju udela u društvu s ograničenom odgovornošću; ponudu o ustupanju udela; izjave o prihvatanju udela u društvu s ograničenom odgovornošću; izjave o preuzimanju udela kod dokapitalizacije društva s ograničenom odgovornošću; ugovore o fuzionisanju; planove o restrukturiranju; ugovore o izdavanju ili preuzimanju. Javnobeležnički zapis sastavlja se kod osnivačke skupštine deoničarskih društava, svih glavnih skupština deoničarskih društava, glavne skupštine društava s ograničenom odgovornošću kod kojih bi trebalo doneti zaključke o promeni društvenih ugovora. Kod promene statuta društva s ograničenom odgovornošću i društvenih ugovora društva s ograničenom odgovornošću trgovačkom registru treba predati celokupni tekst statuta, odnosno društvenih ugovora. On mora biti overen od strane javnog

¹³ Član 1175. AGZ.

beležnika i na njemu se mora videti napomena javnog beležnika o tome da se izmene odredaba podudaraju s odlukom o izmenama statuta, odnosno društvenih ugovora, kao i o tome da se neizmenjene odredbe podudaraju sa celokupnim tekstom statuta.¹⁴

2.2.2. Overa potpisa

Ona je potrebna u sledećim slučajevima: ukoliko se radi o odlukama u pisanom obliku članova društva s ograničenom odgovornošću i kada se radi o postavljanju ili smenjivanju rukovodilaca; overa potpisa osnivača, članova nadzornih odbora i članova uprava društva s ograničenom odgovornošću na zahtevu za upis u trgovački registar; overa potpisa članova uprave i predsednika nadzornog odbora na zahtevu za upis u trgovački registar prilikom dokapitalizacije ili smanjenja temeljnog kapitala deoničarskog društva; overa potpisa direktora i članova uprave na zahtevu za upis u trgovački registar, osim u slučaju pojednostavljenja prijave. Javni beležnik u Austriji najčešće sastavlja ugovore o raznim posrednicima, sindikalne ugovore, ugovore o vezivanju prava glasa, ugovore o prodaji deonica. On često dobija u nalog sastavljanje svih mogućih vrsta isprava koje je potrebno sastaviti u skladu s odredbama trgovačkog prava, a koje predočava trgovačkom sudu. To su najčešće: upis deonica, ustupanje udela, privremeni upis, popis članova društva i dr.¹⁵ Delatnost javnog beležnika na području trgovačkog prava u Austriji vezana je uz javne isprave. Na ovom području javni beležnik obavlja poslove koje mu je prenela država kao suvereni zadatak, a to su: izrada javnobeležničkih isprava o pravnim izjavama i pravnim poslovima; izjava o preuzimanju udela i društvenih ugovora kod društva s ograničenom odgovornošću; overa stvarnih činjenica koja obuhvata solemnizaciju isprava, overu potpisa i odluka donesenih na glavnoj skupštini društva s ograničenom odgovornošću. Javni beležnik, između ostalog, ima pravo da sastavlja privatne isprave i zastupa stranke pred upravnim službama o pravnim pitanjima, ukoliko nema spora.¹⁶

2.3. Mađarska

U Mađarskoj je predviđeno da društveni ugovor mora biti donet u formi javne isprave ili u obliku isprave propisane od strane advokata.¹⁷ Zakon o trgovačkim društvima Mađarske predviđa dva oblika trgovačkih društava: trgovačka društva

¹⁴ Član 51. i 148. Zakona o društvima s ograničenom odgovornošću Austrije.

¹⁵ Frikzberg, B., „Austrijsko trgovačko pravo i uloga javnog bilježnika na tom području, EU smernice za pretvorbu društva”, *Javni bilježnik*, br. 4/1998, Zagreb, str. 4.

¹⁶ Član 5. ZJB Austrije.

¹⁷ Zakon broj V/1990, kada je postavljena osnova Zakona o trgovačkim društvima, tada su mađarski javni beležnici radili kao sudski službenici, a zakon im je u početku preneo jedino ovlašćenje neophodnog overavanja potpisa prilikom osnivanja preduzeća.

bez pravne odgovornosti – javno trgovačko društvo, komanditno društvo, i trgovačka društva s pravnom odgovornošću, u koja spadaju društva s ograničenom odgovornošću i deoničarska društva. Delatnost mađarskih javnih beležnika ogleda se u sastavljanju društvenih ugovora, njihovih promena, kao i u sastavljanju potvrda tokom delovanja društva.

2.3.1. Sastavljanje ugovora o osnivanju društva

Trgovačkim zakonom propisano je da je za osnivanje društva osnivački ugovor valjan ako je sastavljen u formi javne isprave. Međutim, u mađarskoj praksi kod osnivanja društava stranke se ipak najčešće obraćaju advokatima zato što su javni beležnici bili državni službenici. U vreme kada je donet Zakon o trgovačkim društvima javni beležnici su još uvek bili državni službenici. Javni beležnici ipak u prvom redu rade na osnivanju komanditnih društava, odnosno društava s ograničenom odgovornošću, te sastavljaju u obliku javnobeležničkog zapisa ugovor o osnivanju. U okviru poslova oko osnivanja društva jedina obavezna delatnost javnih beležnika jeste overa potpisa.

2.3.2. Sastavljanje potvrde

Zakon o javnim beležnicima Mađarske predviđa dve grupe potvrda koje mora izdati javni beležnik.¹⁸ Kod trgovačkih društava radi se o ispravama kojima se potvrđuje valjanost potpisa, odnosno zapisnicima sa sednice i zapisnicima o donesenim odlukama. Kada se radi o potvrdi potpisa, u mađarskoj pravnoj praksi isprava kojom se potvrđuje istinitost potpisa naziva se „potpis preduzeća”, ali Molnar potvrđivanje istinitosti potpisa označava pojmom „uzorak potpisa”.¹⁹ Prilikom potvrđivanja valjanosti potpisa javni beležnik proverava identitet stranke i izdaje potvrdu u obliku klauzule, koja sadrži broj spisa, ime i prezime stranke, adresu stanovanja i lične podatke stranke.²⁰ Zapisnici koje sačinjava javni beležnik prilikom sednica i zaključaka sadrže i potvrdu o izlasku jednog od članova iz društva, o prodaji, odnosno unovčenju udela u društvu na javnoj prodaji ili o prenosu udela. Zakon o trgovačkim društvima Mađarske predviđa da društvo ima obavezu da unovči društvene udele i da se unovčenje tih društvenih udela sprovodi na javnoj dražbi, ali jedino u prisustvu javnog beležnika.²¹ Javni beležnik sastavlja zapisnik o

¹⁸ Član 136. ZJB Mađarske.

¹⁹ Molnar, B., „Mađarsko trgovačko pravo i uloga javnih bilježnika po Zakonu o trgovačkim društvima”, *Javni bilježnik*, br. 4/1998, Zagreb, str. 18.

²⁰ Član 139. ZJB Mađarske.

²¹ Član 148. stav 1. ZJB Mađarske.

iznesenim činjenicama, te potvrđuje istinitost tih činjenica, odnosno izjava datih u njegovom prisustvu.²²

2.3.3. Zastupanje pred sudom

Javni beležnik zastupa stranku pred trgovačkim sudom na osnovu prava zastupanja.²³ To je veliko olakšanje za stranke koje nisu upoznate s pravnim propisima. Mađarski javni beležnici prilikom osnivanja preduzeća svojim strankama nude kompletnu uslugu. U pravnoj doktrini Mađarske postoji mišljenje da zakon o trgovačkim društvima nije usaglašen s ostavinskim postupkom.²⁴ Razlika postoji kod javnih trgovačkih društava i društava s organičenom odgovornošću u pogledu nasleđstva. Kod javnih trgovačkih društava i komanditnih društava naslednik ne nasleđuje prava ostavioaca kao člana društva, već ima pravo potraživanja prema društvu, a srazmerno ostaviočevom udelu. Međutim, smrću člana društva s ograničenom odgovornošću njegov poslovni udeo prelazi na pravnog sledbenika, osim ukoliko se članovi društva ne dogovore drugačije.²⁵ Molnar smatra da Zakon o trgovačkim društvima odstupa od opšteprihvaćene odredbe člana 598.²⁶ Mađarskog građanskog zakonika „da se po smrti nekog lica njegova ostavina u celosti prenosi na naslednike”. Može se zaključiti da je javnim beležnicima u Mađarskoj dodeljen važan zadatak u delu ostavinskog postupka, da temeljno prouče društveni ugovor, posebno onih društava u kojima je ostavilac bio član. Ali u odnosu na ostale zemlje dunavskog sliva, u oblasti trgovačkog prava uloga javnih beležnika sužena je zato što je dugo bilo prisutno državno javno beležništvo. Međutim, isključiva je nadležnost javnog beležnika u ostavinskom postupku, ali u tom smislu javni beležnici moraju biti ovlašćeni od suda.

2.4. Hrvatska

Zakonom o trgovačkim društvima Hrvatske predviđa se deoničarsko društvo i društvo s ograničenom odgovornošću.²⁷ Zakon o trgovačkim društvima razlikuje dva oblika osnivanja deoničarskog društva: simultano i sukcesivno. Osnov nastanka deoničarskog društva jesu izjave volje osnivača koje su usmerene na osnivanje društva i sticanje prava u tom društvu i preuzimanju obaveza. U tom smislu govori

²² Član 143. ZJB Mađarske.

²³ Član 175. stav 2. ZJB Mađarske.

²⁴ Molnar, B., *op. cit.*, str. 19.

²⁵ Član 139. ZTD Mađarske.

²⁶ Molnar, B., *op. cit.*, str. 19.

²⁷ Zakonom o trgovačkim društvima Hrvatske, Narodne Novine br. 111794, u daljem tekstu: ZTD.

se o ugovoru, a okončanje postupka osnivanja rezultira statusnopravnim učincima nastankom nove pravne osnove. Međutim, ukoliko društvo osniva samo jedna osoba, reč je o jednostranoj izjavi volje, a ne o ugovoru.²⁸ Osnivači deoničarskog društva izjavom usvajaju statut društva, ali izjave moraju biti date u obliku javnobeležničke isprave. Svojom overom javni beležnik potvrđuje identitet osnivača i postojanja njihove volje usmerene prema osnivanju društva.²⁹ Obligatorni javnobeležnički oblik izjave uslovljava da punomoćje, ako se izjava o usvajanju statuta daje putem punomoćnika, bude overeno kod javnog beležnika. Nedostatak forme dopušta da na osnovu takvih izjava između osoba koje su ih dale nastane preliminarni odnos obaveznog pravnog karaktera, ali isključuje mogućnost nastupanja statusnopravnih učinaka. Na osnovu izjava kojima nedostaje javnobeležnički oblik ne može se nastaviti s postupkom osnivanja društva. Pri simultanom osnivanju društva, osnivači uz izjavu o usvajanju statuta, datu pred javnim beležnikom, moraju preuzeti obavezu da sve deonice društva uplate i izričito izjave da osnivaju deoničarsko društvo.³⁰ Upisom u trgovački registar društvo postaje pravno lice, te je nužno da društvo već u tom trenutku ima sve zakonom propisane organe, nadzorni odbor, koji će potom imenovati upravu društva. Izbor nadzornog odbora u nadležnosti je glavne skupštine. Ispravom koju overava javni beležnik osnivači menjaju prvi nadzorni odbor i to najdalje na vreme do održavanja glavne skupštine društva, koja odlučuje o njihovom radu u prvoj poslovnoj godini, odnosno u delu poslovne godine za koji su bili imenovani.³¹ Tako imenovan nadzorni odbor, sa svoje strane, imenuje članove prve uprave društva. Sve navedene izjave o usvajanju statuta, o preuzimanju i obavezama uplate svih deonica, osnivanju nadzornog društva, o imenovanju prvog nadzornog odbora i prvog revizora društva, mogu biti sadržane u jednoj javnobeležničkoj ispravi. Kod sukcesivnog osnivanja deoničarskog društva osnivači društva pri usvajanju statuta preuzimaju samo deo deonica, dok se za ostale upućuju javni pozivi za upis deonica. Zakon izričito predviđa da izjava o usvajanju statuta i preuzimanju dela deonica od osnivača mora biti u obliku javnobeležničke isprave.³² Obaveznost javnobeležničke forme proizlazi iz odredbe člana 173. kojom se za izjavu o usvajanju statuta generalno propisuje oblik javnobeležničke isprave, bez obzira na to usvaja li se statut simultano ili sukcesivnog osnivanja. Kod statusnih promena pripajanja i spajanja Zakon o trgovačkim društvima Hrvatske predviđa formu javnobeležničke isprave.

²⁸ Parać, Z., „Javni bilježnik i trgovačko društvo”, *Polaganje javnobilježničkog ispita*, zbornik radova, Zagreb, 1994, str. 144.

²⁹ Član 173. ZTD Hrvatske.

³⁰ Član 177. i 178. ZTD Hrvatske.

³¹ Član 180. stav 1. ZTD Hrvatske.

³² Član 195. ZTD Hrvatske.

Pripajanjem jedno deoničarsko društvo prenosi na drugo celu svoju imovinu i pri tom prestaje da postoji bez sprovođenja likvidacionog postupka. Priprema pripajanja obuhvata sačinjavanje ugovora o pripajanju između društava koja učestvuju u pripajanju; ugovore o pripajanju sačinjavaju uprave svih društava koja sudeluju u statusnoj promeni. Ugovor se sklapa u obliku javnobeležničke isprave.³³ Sudelovanje javnog beležnika u postupku sprovođenja statusne promene pripajanja neizbežno je zbog toga što se ugovor o pripajanju mora sačiniti u obliku javnobeležničke isprave, a s druge strane, ovaj ugovor odobrava skupština društva koja učestvuje u statusnoj promeni. Odluka skupštine o tome biće valjana jedino ako su ispunjeni formalni zahtevi koji su zakonom inače propisani za glavnu skupštinu deoničarskog društva, a to je unosenje svih odluka skupštine u javnobeležnički zapisnik o njenom radu. U postupku spajanja društava uglavnom se primenjuju odredbe koje se sprovode pri pripajanju društva, a ugovor o pripajanju, odnosno prenosu imovine sačinjava se sa preuzimateljem u obliku javnobeležničke isprave. Zamena deonica s novoosnovanim društvenim preuzimateljem društva s neograničenom odgovornošću obavlja se srazmerno ukupnom nominalnom iznosu deonica pojedinih članova društva. Ukoliko se odstupi od ovog odnosa, pa neki od deoničara dobiju veće ili manje udele mimo razmene s ukupnim nominalnim iznosima, može se odrediti odluka o preoblikovanju. Za valjanost ove odluke potrebno je da se s njom saglase oni deoničari koji su pri tom oštećeni, ali tu saglasnost daju u obliku javnobeležničke isprave.³⁴ Pri preoblikovanju deoničarskog društva u javno trgovačko društvo zahtevi u pogledu forme stroži su nego kod preoblikovanja deoničarskog društva u društvo s ograničenom odgovornošću. Izjavu o tome mogu dati u obliku javnobeležničke isprave.³⁵

2.4.1. Uloga javnog beležnika u društvu s ograničenom odgovornošću

Društvo s ograničenom odgovornošću osniva se ugovorom koji potpisuju svi osnivači društva. Za njegovo sklapanje zakon propisuje oblik javnobeležničke isprave. Ako društvo osniva samo jedan osnivač, osnovni akt budućeg društva jeste izjava o osnivanju društva koju taj osnivač daje pred javnim beležnikom.³⁶ Ukoliko osnivač želi da preko punomoćnika osnuje društvo s ograničenom odgovornošću, tada se zahteva forma ugovora ili izjava o osnivanju obuhvata i punomoćje za koje je propisana javnobeležnička overa.³⁷ Društveni ugovor može se izmeniti samo

³³ Član 518. stav 1. ZTD Hrvatske.

³⁴ Član 559. stav 2. ZTD Hrvatske.

³⁵ Član 571. stav 2. ZTD Hrvatske.

³⁶ Član 387. tačka 1. i 2. ZTD Hrvatske.

³⁷ Član 387. stav 3. ZTD Hrvatske.

odlukom članova društva sastavljenom u obliku javnobeležničke isprave.³⁸ Svaka promena društvenog ugovora prijavljuje se registarskom sudu. Ako je odluka o promeni statuta oglašena ništavom, registarskom sudu se uz presudu dostavlja puni tekst društvenog ugovora kako glasi nakon presude o oglašavanju ništavosti odluke skupštine o njegovoj izmeni. Registarskom sudu dostavljaju se sve dotadašnje izmene tog ugovora, a svi navedeni prilozi dostavljaju se u obliku javnobeležničke isprave.³⁹ Prenos udela u društvu povezan je s promenom članstva i promenom odnosa i veličine uticaja na poslove društva jednog ili više članova, a nije zakonski ograničen. Za prenos udela, ali i za preuzimanje obaveze da će se udeo preneti, propisuje se javnobeležnički oblik kao pretpostavka valjanosti tih pravnih poslova. Za samu odluku o povećanju nije propisana posebna forma, ali izjava postojećih ili novih članova da će preuzeti i uplatiti ulog i time steći udeo koji se formira kao posledica odluka o povećanju kapitala mora biti data u obliku javnobeležničke isprave. Forma javnobeležničke isprave zahteva se i za odluku o prestanku društva koju donose sami članovi.⁴⁰ Ugovor o pripajanju i spajanju društva s ograničenom odgovornošću mora se sklopiti u formi javnobeležničke isprave,⁴¹ a forma je propisana i za odluku o pripajanju, tj. o odobravanju tog ugovora.⁴² Naime, spajanjem društva dolazi do osnivanja novog društva, pa se, osim odredaba kojima se uređuje postupak pripajanja, kod statusne promene primenjuju odredbe Zakona o trgovačkim društvima koje se odnose na osnivanje novog društva s ograničenom odgovornošću ili deoničarskog društva. Isto se primenjuju odredbe zakona kojima se za pojedine odluke, ugovore i radnje usled pripajanja, odnosno osnivanja novog društva propisuje i javnobeležnička forma. Preoblikovanje društva s ograničenom odgovornošću u deoničarsko društvo vrši se po pravilima koja su zakonom propisana za izmenu društvenog ugovora,⁴³ a to znači da se odluka ima doneti u formi javnobeležničke isprave. Zbog bitne promene položaja članova društva pri njegovom preoblikovanju u javno trgovačko društvo ili komanditno društvo moraju se saglasiti svi članovi društva koji su naznačeni prilikom donošenja odluke. Članovi koji nisu prisustvovali skupštini moraju se saglasiti sa davanjem izjave u obliku javnobeležničke isprave.⁴⁴ Osnivačku skupštinu sazivaju osnivači, a to su osobe koje su upisale, odnosno preuzele deonice, i na osnivačku skupštinu osnivači su dužni da pozovu javnog beležnika.⁴⁵ Javni beležnik otvara

³⁸ Član 454. stav 1. ZTD Hrvatske.

³⁹ Član 448. stav 8. ZTD Hrvatske.

⁴⁰ Član 467. ZTD Hrvatske.

⁴¹ Član 537. stav 1. ZTD Hrvatske.

⁴² Član 536. stav 3. ZTD Hrvatske.

⁴³ Član 564. stav 2. ZTD Hrvatske.

⁴⁴ Član 571. stav 2. a u vezi sa članom 577. ZTD Hrvatske.

⁴⁵ Član 205. stav 3. ZTD Hrvatske.

skupštinu, sastavlja popis prisutnih koji su se upisali, odnosno preuzeli deonice i utvrdili jesu li ispunjeni uslovi za rad skupštine. Do izbora predsednika osnivačke skupštine i brojača glasova, radom skupštine rukovodi javni beležnik. Javni beležnik preuzima vođenje zapisnika osnivačke skupštine i posle zaključenja potpisuje ga zajedno s predsednikom skupštine, brojačima glasova i licima koja se smatraju osnivačima društva. Javni beležnik sastavlja zapisnik⁴⁶ i prilaže prijavu za upis u trgovački registar.⁴⁷ Javni beležnik sačinjava zapisnik o radu glavne skupštine u koji unosi mesto i vreme održavanja skupštine, ime i prezime beležnika, način na koji vodi zapisnik, rezultat glasanja, biranje predsednika skupštine itd. U zapisnik mora da zabeleži svaku odluku glavne skupštine. Obaveznost sastavljanja javnobeležničkog zapisnika predviđena je zakonom jer bi odluka skupštine bez toga bila ništava.⁴⁸ Javnobeležnička forma zapisnika o radu glavne skupštine koja je donela odluku o preoblikovanju obuhvata obavezno i društveni ugovor kao osnovni akt društva s ograničenom odgovornošću.

2.5. Srbija

2.5.1. Uloga javnog beležnika u akcionarskom društvu

U domaćem pravu predviđeno je više pravnih formi privrednih društava, to su: ortačko, komanditno, društvo sa ograničenom odgovornošću i akcionarsko društvo. Zakon o privrednim društvima Srbije⁴⁹ nepredviđa formu javnobeležničke isprave za osnivački akt, statut, odluka skupštine, overe zapisnika, kao i za statusne promene. Zakon o privrednim društvima u opštim odredbama izričito zahteva da osnivački akt svih oblika privrednih društava mora biti donet u formi odluke i zahteva overu potpisa na osnivačkom aktu. Zakon ne zahteva javnobeležničku formu već određuje da overa potpisa mora biti u skladu sa zakonom kojim se uređuje overa potpisa. Međutim, overu potpisa zahteva i za izmene odluke osnivačkog akta i statuta, zapisnika skupštine i drugo. Zakon o javnim beležnicima pridaje značaj akcionarskom društvu predviđajući obaveznu formu javnobeležničke overe za zapisnike sa osnivačke skupštine ovog društva. Akcionarsko društvo je trgovačko društvo koga osnivaju pravna i fizička lica radi obavljanja delatnosti pod zajedničkim poslovnim imenom. Osnovni kapital društva podeljen je na akcije koje ima jedan ili više akcionara. Ono je pravni subjekt koji ima svoju imovinu i za nju odgovara u potpunosti, kao i za obaveze koje preduzima. Zakon razlikuje dve forme

⁴⁶ Član 3. stav 1. ZJB Hrvatske.

⁴⁷ Član 187. tačka 5. stav 2. ZTD Hrvatske.

⁴⁸ Član 355. tačka 3. ZTD Hrvatske.

⁴⁹ Zakon o privrednim društvima, *Službeni glasnik R. Srbije*, br. 36/2011, u daljem tekstu: ZPD Srbije.

akcionarskog društva, to su otvoreno i zatvoreno društvo. Otvoreno društvo jeste ono koje se simultano osniva sa javnim upisom akcija dok se zatvoreno društvo osniva bez javnog upisa akcija. Razlika između ova dva oblika društva se ogleda u ograničenju članstva za zatvoreno društvo, ono može imati samo sto članova dok otvoreno društvo ima neograničen broj članova. Otvoreno društvo može javnom ponudom izdavati akcije, dok zatvoreno društvo može da ih izdaje samo svojim osnivačima ili ograničenom broju lica. Otvoreno društvo podleže nadzoru Komisije za hartije od vrednosti i ima obavezu da izveštava javnost. Zatvoreno društvo nema ovu obavezu jer ne podleže nadzoru. Zatvoreno društvo može statutom predvideti ograničenje prometa svojih akcija dok otvoreno društvo to ne može. Zakonom o privrednim društvima imperativno je predviđeno sazivanje osnivačke skupštine kao i rok u kome se ona može sazvati. Prema našem zakonu predviđeno je da osnivači moraju da sazovu skupštinu u roku od šezdeset dana ako javna akcija emisija uspe, a ovaj rok se računa od dana isteka roka za upis akcija utvrđenog u javnoj ponudi i prospektu. Za punovažno odlučivanje skupštine potreban je kvorum, odnosno prisustvo akcionara koji imaju više od polovine uplaćenih akcija. U protivnom, smatraće se da osnivačka skupština nije održana i da osnivanje društva nije uspelo. Osnivačka skupština bira predsednika i dva člana koji broje glasove. Zakon obavezuje da se na skupštini vodi zapisnik. U nadležnost osnivačke skupštine spada biranje prvih organa društva (upravni i izvršni odbor), utvrđivanje da li su u skladu sa zakonom upisane i uplaćene akcije, prihvata ili odbija višak upisanih akcija, osim ako to pravo nisu za sebe zadržali osnivači u javnom pozivu, odobrava posebne ugovore koje su osnivači zaključili za račun društva do nastanka društva, odlučuje o posebnim pravima i posebnim pogodnostima koje pripadaju osnivačima, o troškovima osnivanja, donosi osnivački akt. Zakon predviđa da se odluka donosi većinom glasova. Način glasanja je predviđen tako da jedna akcija ima jedan glas, s tim da jedna akcija može pripadati većem broju lica. Ova lica su suvlasnici na akciji i smatraju se jednim akcionarom. Potpisi suvlasnika o sporazumu overavaju se i oni su dužni da odrede punomoćnika za zastupanje. Ovde se otvara mogućnost da javni beležnik overi sporazum suvlasnika o upravljanju akcijama kao i punomoćje. Zakon predviđa redovnu i vanrednu sednicu skupštine. Redovna sednica skupštine akcionara imperativno je predviđena tako da zakon određuje da se ona mora sazvati svakih šest meseci i da pozivi za skupštinu moraju biti poslani u određenom roku. O prekoračenju ovih rokova javni beležnik je dužan da vodi računa i upozori nadzorni odbor ukoliko vodi zapisnik na redovnoj skupštini akcionara, a izjavu o upozorenju prekoračenja rokova bi morao da unese u zapisnik. Na redovnoj sednici učestvuju svi direktori, članovi nadzornog odbora i revizor društva. Izvršni odbor je dužan da dostavi sve informacije i dokumente (finansijski izveštaje; predloge odluka o raspodeli dobiti; tekst predloga svake odluke čije se donošenje predlaže; tekst svakog pravnog posla koji se predlaže za odobrenje; izveštaj odbora direktora odnosno nadzornog odbora o stanju poslovanja društva). Vanredna sednica

održava se po potrebi i može biti određena statutom. Ona je određena i zakonom i to u slučaju kada bi se finansijskim izveštajem utvrdilo da društvo posluje sa gubitkom. U pozivu za vanrednu sednicu skupštine acionara mora biti naveden razlog sednice i predlog dnevnog reda. Predlog mora da sadrži i odluku o likvidaciji društva i merama koje se moraju preduzeti. Predlog za sazivanje sednice mogu da predlože akcionari koji imaju najmanje pet glasova i likvidator društva, ako je društvo u likvidaciji. Predviđeno je da izvršni odbor dostavi svu dokumentaciju informacije i tekst predloga svake odluke čije se donošenje predlaže, glasačke listiće, detaljna pitanja i dr. Ako se radi o zatvorenom akcionarskom društvu, vanredna sednica se može sazvati i bez pozivanja svih akcionara. Prilikom vođenja zapisnika javni beležnik je dužan da unese sve što se dešava tokom skupštine. To znači da on unosi identitete svih prisutnih lica, punomoćnika, priloge koji su dostavljeni, tekst odluka, način glasanja. Zakon o privrednim društvima predviđa da zapisnik moraju da potpišu predsednik, članovi komisije za glasanje i zapiničar. Zakon o privrednim društvima predviđa obavezno vođenje zapisnika na skupštini akcionara. Određen je i sadržaj zapisnika. Sastavni deo zapisnika čini spisak lica koja su učestvovala u radu sednice skupštine, kao i dokazi o propisanom sazivanju sednice. Potpisani zapisnik predsednik skupštine dostavlja svim akcionarima u roku od tri dana nakon sačinjavanja zapisnika. Predsednik je dužan da sačini zapisnik u roku od osam dana od dana održavanja skupštine i dostavi ga u roku od tri dana svim akcionarima ili da ga objavi na internet stranici društva. Zakon o privrednim društvima ne zahteva autentičnu formu za zapisnik sa skupštine akcionara „zbog principa slobode dokaznih sredstava“ i mogućnosti pobijanja odluka skupštine.⁵⁰

2.5.2. Overa zapisnika

Zakon o beležništvu uvodi javnobeležničku formu predvidevši je za overu odluka organa upravljanja pravnog lica. Zakon o beležnicima predviđa dve mogućnosti, prva je da javni beležnik samo overi odluku organa upravljanja, a da ne prisustvuje sednici. Druga je da prisustvuje sednici skupštine, ali tada mora da unese sve bitne elemente zapisnika kako to predviđa Zakon o privrednim društvima (da utvrdi identitet prisutnih članova, dan i čas sednice, kako glase odluke koje su donete, sažeti prikaz rasprave po svakoj tački dnevnog reda, način i rezultat glasanja). Ukoliko je javni beležnik samo pozvan da overi odluku organa upravljanja pravnog lica, na sednici na kojoj nije vodio zapisnik, tada će biti dužan da u ispravu unose sve elemente predviđene za sastavljanje zapisnika. On treba da konstatuje da je određenog dana pozvan od strane organa (upravnog odbora ili drugog organa) pravnog lica da prisustvuje sednici. On je dužan da overi tekst odluke i navede dan i čas sednice na

⁵⁰ Vasiljević, M., Akcionarsko društvo, *Javnobeležničko pravo*, priredio Hiber, D., Centar za publikacije Pravnog fakulteta Univerzitet u Beogradu, Beograd, str. 547.

kojoj je odluka doneta. Javni beležnik nije obavezan da utvrdi identitet lica koja su učestvovala na sednici, osim ako ona to izričito zahtevaju. Obavezno utvrđuje identitet predsednika sednice, a koji je inače dužan i da potpiše zapisnik. U slučaju da predsedavajući sednice odbije da potpiše zapisnik, javni beležnik će uneti svoju izjavu da je predsedavajućem sednice ponuđeno da potpiše zapisnik i da je on to odbio da učini. Zakon o privrednim društvima i Zakon o javnim beležnicima doneseni su istovremeno, tako da nisu usaglašeni. Zakon o privrednim društvima morati da se uskladi sa Zakonom o javnim beležnicima i pretrpi izmene i dopune. Naime, javnobeležnička overa takvih zapisnika ili odluka privrednih društava u mnogome će uticati na povećanje nivoa pravne svesti i na taj način će se izbeći brojni sporovi koji bi mogli proisteći iz nerazumevanja ili neslaganja ortaka, akcionara ili drugih lica koja su u pravnom odnosu. Međutim, smatramo da će se delokrug njegove delatnosti proširiti i na prethodno obavljanje poslova zaključivanja ugovora o osnivanju preduzeća, izrade i potvrde određenih akata i verifikacije takvih akata organu koji se bavi registracijom i da će i odredbe ovog zakon morati da se dopune. Zakon o javnim beležnicima ostavlja prostora svim oblicima privrednih društava da osnivačkim aktom predvide formu javnobeležničke isprave, a to se odnosi i na druge odluke organa upravljanja. Osim toga, iako se za osnivački akt ne zahteva obavezna forma javnobeležničke isprave, privredna društva će moći da ovaj akt sačine u javnobeležničkoj formi. Smatramo da forma javnobeležničke isprave treba da dobije veću ulogu u sferi statusnog prava, i da ovu formu treba propisati za osnivački akt i za sve kasnije izmene i dopune privrednih društava, te za overu registracionih prijave za podnošenje zahteva za registraciju, a takođe, i za izdavanje potvrde o postojanju i sedištu određenog privrednog društva, o statusnim promenama, organu upravljanja, svojinskom obliku privrednog društva, da je određeno lice ovlašćeno za zastupanje ako to iz njegovog ovlašćenja proizilazi za zastupanje, o pokretanju postupka stečaja, likvidacije i drugo. Overa ovakvih zapisnika ili odluka umnogome će uticati na povećanje nivoa pravne svesti, i na taj način će se izbeći brojni sporovi koji bi mogli proisteći iz nerazumevanja ili neslaganja ortaka, akcionara ili drugih lica koja su u pravnom odnosu. Forme isprava koje sačinjava javni beležnik kod osnivanja nekog pravnog lica sadrže kontrolu forme, bitne navode u ispravi, kontrolu pridržavanja zakonskih specifičnosti i kontrolu sadržaja, što je veoma bitno u delatnosti preventivne jurisdikcije. Javni beležnik u svojoj funkciji lica od javnog poverenja prilikom overavanja daje svojstvo autentičnosti, koja i jamči sigurnost društvenog ugovora, dajući mu dokaznu snagu i štiteći ga službenom prisilom.

3. ZAKLJUČAK

Zemlje dunavskog sliva prihvatile su latinski organizacioni oblik beležništva. U suštinskom shvatanju pojma latinskog oblika beležništva sve zemlje se slažu u pogledu određivanja prirode javnog beležnika i njegove funkcije. Beležništvo je u

latinskom modelu slobodan poziv, javna služba koju obavljaju beležnici kao njeni nezavisni nosioci, ali oni nisu državni službenici. Oni svoju službu obavljaju samostalno i nepristrasno, a stranke mogu slobodno da im se obrate, dok se tarifa beležničkih usluga službeno utvrđuje. U pojedinim zemljama, na primer, u Nemačkoj, Sloveniji, Hrvatskoj, Crnoj Gori, Bosni i Hercegovini, Mađarskoj, Ukrajini i Srbiji, teritorijalna nadležnost poklapa se s mesnom nadležnošću. U Austriji ide se u pravcu labavljenja režima teritorijalne nadležnosti, i to ukidanjem lokalne vezanosti beležnika. To znači da beležnici koji su ranije bili ograničeni na vršenje delatnosti u svom okrugu sada ne moraju da rade samo u okrugu u kome imaju kancelariju.⁵¹ Suština javnobeležničke delatnosti jeste sačinjavanje isprava, overa, potvrđivanje i čuvanje isprava. Izuzetno značajnu ulogu beležnička isprava ima u domenu trgovačkog prava. Sve statusne promene trgovačkih društava, smanjenje i uvećanje osnovnog kapitala i sve druge značajne promene obavlja javni beležnik. Beležnik na skupštini društva ne zastupa upravne organe i njene interese, već kontroliše zakonitost toka skupštine i zakonitost usvajanja odluka. Sve izmene mora prijaviti nadležnom registarskom društvu. Beležnička isprava, kao i svaka javna isprava, ima veliku dokaznu snagu, što dovodi do povećanja opšteg nivoa pravne sigurnosti i ubrzanja sudskog postupka. Osim toga, ona je značajna i na području međunarodnih privatnih odnosa. Beležničke isprave, po načelu uzajamnosti, po pravnoj snazi, priznate su i izjednačene s domaćim javnim ispravama. Srbija treba da uskladi Zakon o privrednim društvima sa Zakonom o javnim beležnicima i pretrpi izmene i dopune. Naime, javnobeležnička overa takvih zapisnika ili odluka privrednih društava u mnogome će uticati na povećanje nivoa pravne svesti i na taj način će se izbeći brojni sporovi koji bi mogli proisteći iz nerazumevanja ili neslaganja ortaka, akcionara ili drugih lica koja su u pravnom odnosu. Međutim, smatramo da će se delokrug njegove delatnosti proširiti i na prethodno obavljanje poslova zaključivanja ugovora o osnivanju preduzeća, izrade i potvrde određenih akata i verifikacije takvih akata, a kako je to predviđeno u Nemačkoj i Austriji.

⁵¹ Décret no. 71–942. od 26. novembra 1971; no. 281 od 3. decembra 1971, čl. 8 i 12, u: Knežić-Popović, D., „Javno beležništvo u evropskim zemljama”, *O javnom beležniku – notaru*, priredio Nebojša Šarkić, Glosarijum, Beograd, 2004, str. 98.

ZNAČAJ DUNAVSKE STRATEGIJE
ZA UNAPREĐENJE NAUČNOG RAZVOJA
I KULTURE

*Sanja JELISAVAC TROŠIĆ, Ph.D.*¹

THE DEVELOPMENT OF A KNOWLEDGE SOCIETY IN SERBIA AND ITS PLACE IN THE DANUBE REGION

ABSTRACT

The Danube Strategy in the Priority Area 7 - To develop the Knowledge Society (research, education and ICT), where the Serbia is a coordinator, has a great potential for strengthening cooperation between the countries of the region. Countries of the Danube Region are each very different, but these disparities could be overcome in certain areas by working together on solving a large number of challenges that are in front of everyone. Serbia has the potential to increase its competitiveness through research and development, education, increased mobility of highly educated, technological innovation, and etc. The experience of developed countries shows that a much larger proportion of investment in the development and dispersion of knowledge has a positive effect on economic growth and national income. Investing in people is very much needed in Serbia and in the whole region also, because that way we can ensure long-term prosperity and sustainable development. Since the objective of the Strategy is a better connection, coordination and cooperation among the countries of the Danube Region, as a matter of Priority Area 7 we believe that Serbia has a lot to gain with this type of cooperation. Creation and constant improvements of skilled labor may, in the long run, lead to better positioning of Serbia in the World.

Key words: knowledge society, research, development, education, ICT, Serbia, Danube.

¹ Institute of International Politics and Economics, Belgrade, Serbia. This paper was created within the project “Serbia in contemporary international relations: Strategic directions of development and firming the position of Serbia in international integrative processes – foreign affairs, international economic, legal and security aspects”, Ministry of Education and Science of the Republic of Serbia, number OI179029, for the period 2011–2015 and is implemented in Institute of International Politics and Economics.

1. THE DANUBE REGION STRATEGY

The Danube Region Strategy is the macro-regional approach promoted by the European Union. That is one of the European policies which goal is integrated and competitive Danube Region. This macro-regional strategy operates on the basis of the ‘three No’s’ rule:

1. No new EU funds;
2. No additional EU structures;
3. No new EU legislation.

The idea is to better align existing funds and policies at EU, national and regional level and to rely on existing bodies for implementation.² There are total of eleven priority areas in the Danube Region Strategy (see table 1).

Table 1. Pillars and priority areas, with leading countries (or regions)

Connecting the region	Protecting the environment	Building prosperity	Strengthening the region
PA1 - Mobility and intermodality - of inland waterways (Austria, Romania) - rail, road and air (Slovenia, Serbia)	PA4 - Water quality (Hungary, Slovakia)	PA7 - Knowledge Society (research, education, ICT) (Slovakia, Serbia)	PA10 - Institutional capacity and cooperation (Austria, Slovenia)
PA2 - Sustainable energy (Czech Republic, Hungary)	PA5 - Environmental risks (Hungary, Romania)	PA8 - Competitiveness of enterprises (Baden-Württemberg, Croatia)	PA11 - Security (Bulgaria, Bavaria)
PA3 - Culture and tourism, people to people contacts (Bulgaria, Romania)	PA6 - Biodiversity, landscapes, quality of air and soils (Bavaria, Croatia)	PA9 - People and skills (Austria, Moldova)	

Source: EUSDR, 2015.

- Serbia is selected to be Priority Area Coordinator in 2 Priority Areas:
- Priority Area 1b „To improve mobility and intermodality of inland waterways“ (with Slovenia).
- Priority Area 7 „To develop the Knowledge Society (research, education and ICT) (with Slovakia).

² Vivienne Halleux, Briefing, May 2015, European Parliamentary Research Service, PE 557.024, p. 2.

The main event of the year for the EU Strategy for the Danube Region is the Annual Forum. This event assembles its stakeholders from the whole Danube area to give strategic direction, exchange and showcase opinions and experiences, and discuss vital questions of the Strategy's prospects and challenges.³ The first Annual Forum of the EU Strategy for the Danube Region, organized in cooperation between the Government of Bavaria and the European Commission, took place from 27-28 November in Regensburg (Bavaria), Germany. The Second Annual Forum of the EU Strategy for the Danube Region (EUSDR), jointly organized between the Government of Romania and the European Commission, took place at the International Conference Centre/Palace of the Parliament in Bucharest, Romania, on 28-29 October 2013.⁴ The 3rd EUSDR Annual Forum on June, 26th-27th 2014, was organized by the European Commission together with the Republic of Austria and the City of Vienna. The 4th Annual Forum of the EU Strategy for the Danube Region, jointly organized by the European Commission, the State of Baden-Württemberg and the City of Ulm took place on 29 and 30 October 2015 at the Trade Fair Ulm. On the annual forums there were topics such as innovation, professional training and dual education, entrepreneurship and civil society as key factors for a sustainable and integrative growth in the Danube Region. The talks were about inclusive, sustainable growth as a focus and prerequisite of prosperity. "We grow together" represents the EU goals of economic, territorial and social cohesion. This is particularly relevant for the sustainable development of the Danube area. The Danube macro-region is very diverse in membership. It covers 14 countries whose development levels and status in relation to the European Union (including their access to EU funding as a result of the latter) are not the same. That fact represents a biggest challenge for the Danube strategy.

2. THE KNOWLEDGE SOCIETY

Knowledge Society is identified as society based on the creation, dissemination and utilization of information and knowledge. It is a society with an economy in which knowledge is acquired, created, disseminated and applied to enhance economic and social development.⁵ A knowledge-based society refers to the type of society that is needed to compete and succeed in the changing economic and

³ Danube Region Strategy, Internet, http://www.danube-region.eu/communication/past-events/600085-save-the-date-3rd-annual-forum-of-the-eusdr/event_details, 20/11/2015.

⁴ European Commission, 2nd Annual Forum, EU Strategy for the Danube Region, Internet, http://ec.europa.eu/regional_policy/archive/conferences/danube_forum2013/index_en.cfm, 16/11/2015.

⁵ What is the Knowledge Society?, Internet, www.gesci.org/.../2.%20Knowledge%20Society, 19/11/2015.

political dynamics of the modern world. It refers to societies that are well educated, and who therefore rely on the knowledge of their citizens to drive the innovation, entrepreneurship and dynamism of that society's economy.⁶ What does it mean for an entire society to know something? The only sensible way of defining knowledge at a social level is as the union of all the sets of individual knowledge of the members of this society. Knowledge is shared and distributed, and its transmission through learning is essential for knowledge society to make effective use of it.⁷ Every society has its own knowledge assets. It is therefore necessary to work towards connecting the forms of knowledge that societies already possess and the new forms of development, acquisition and spread of knowledge valued by the knowledge economy model.⁸ The European Innovation Progress Report classifies some countries in the Region as "innovation leaders", but others only as "catching up innovators". In terms of tertiary education quality and competitive standing within the globalized educational environment, a similar divide can be observed. Studies on researchers' mobility (students, graduates and higher education staff) show south-east European countries at a disadvantage compared to other EU countries, especially in international research mobility, as well as in the ability to attract bilateral R&D cooperation. However, even though diverse, the Region is also linked through long standing and intensive trade links and shared historical and political developments, which provide a good basis for cooperation.⁹ In order to achieve defined objectives of 11 pillars of the Danube Strategy it is necessary to carry out activities aimed at strengthening the capacity of all countries of the Danube Region to create and use knowledge. Knowledge is a key factor for progress and development. Danube Region is characterized by an uneven picture when it comes to innovation and research and development in the region because there are leaders in technological fields, but there are also lagging regions. We may conclude that knowledge sharing is crucial for balanced development. Competitiveness within the whole country depends on the ability of Universities, research Institutes and enterprises to generate new ideas, knowledge and technology and to turn them into commercial products. Targeted support for research infrastructure, stronger networks between Universities and Institutes, on one hand, and enterprises and decision makers, as well as better use of information and communication technologies is

⁶ Knowledge-based Society, Internet, http://www.oas.org/en/topics/knowledge_society.asp, 18/11/2015.

⁷ Joel Mokyr, *The Knowledge Society: Theoretical and Historical Underpinnings*, Paper presented to the Ad Hoc Expert Group on Knowledge Systems, United Nations, New York, Sept. 4-5. p. 1.

⁸ UNESCO, *Towards Knowledge Societies*, UNESCO 2005, p. 17.

⁹ European Commission, *Action Plan*, Brussels, European Union Strategy for the Danube Region, SEC(2010) 1489/3, p. 58.

essential for the promotion and development in the Danube region. Given the polarization within the Danube Region concerning innovation and ICT indicators, it is necessary to promote the diffusion mechanisms, as well as targeted support for the development of infrastructure necessary for research and development.¹⁰

Picture 1 – Territorial coverage of the Danube region strategy



Source: European Commission, 2015.

Organizations such as International Commission for the Protection of the Danube River, and The Danube Cooperation Process, are needed but insufficient because they are focused only on particular and specific areas of cooperation. Those organizations could not respond to the increasing tendency to connect people, their ideas and needs. Because of that it was necessary to create an instrument that could ensure sustainable development based on knowledge, territorial, economic and social cohesion within the European Union.¹¹ The Danube Region Strategy is a

¹⁰ Jelena Stojović i grupa autora, Vodič kroz Dunavsku strategiju, Evropski pokret u Srbiji, Beograd, 2012, p. 25.

¹¹ Ibid, p. 19.

comprehensive strategy that gives the opportunities for building stronger connections and cooperation between countries involved. All countries involved could benefit from this kind of cooperation.

3. KNOWLEDGE SOCIETY IN SERBIA

Key factor for progress and growth is a society's ability to create and exploit knowledge. A society based on knowledge needs competitive research and education infrastructure, innovation supporting and facilitating institutions, and high performing information and communication technologies. These framework conditions differ remarkably throughout the Danube Region but remain, overall, below the level of EU27.¹² In addition less developed regions downstream can benefit from the leading innovative regions that are upstream. According to OECD research, increasing investments in electronic communications by 8% - is causing an increase in GDP by 1%. In the period 2001-2009 in Serbia growth of gross value added (GVA) transport, storage and communications grew at a high annual average rate of 14.9%. This was mainly contributed by telecommunications (and postal activities), whose GVA makes up about 44% of the total GVA of the sector of transport, storage and communications. World Bank research has shown that the world's increasing broadband penetration of 10%, is causing an increase in GDP of 1.3%. The development of a national broadband communication network will provide introduction services for public administration, health, education, legislation and the business sector.¹³ The proclaimed goal of Serbia is to create a knowledge-based economy through cooperation in the Danube region. In achieving objectives of the Strategy important segment is the active role of science. The Strategy of scientific and technological development of the Republic of Serbia in the period from 2010 to 2015 is the strategic basis for development of science in our country over this five years period. But this is not enough. The lack of financial support and better allocation of financial resources are just some of the shortcomings of science sector in Serbia. The vision of the Republic of Serbia as an innovative country where scientists reach European standards, contribute to the overall level of knowledge society and advance technological development of the economy. But this is still just a vision. This document defines the national science priorities and defines measures to stimulate technology transfer, fostering innovation, linking national innovation system, with the aim of development of society and economy based on knowledge.

¹² European Commission, Action Plan, Brussels, European Union Strategy for the Danube Region, SEC(2010) 1489/3, p. 58.

¹³ Jurij Bajec, grupa autora, Postkrizni model privrednog rasta i razvoja Srbije 2011-2020, USAID, Ekonomski fakultet, Ekonomski institut, Beograd, 2010, p. 35.

New 2016-2020 Strategy of scientific and technological development “Research for innovation” is focused on encouraging excellence and relevance of scientific research in Serbia. Yet there is a strong suspicion that the right measures are designed to achieve these objectives. A plan that emphasizes innovation as the most important goal must be supported financially and well designed strategically to bring real results. Knowledge society and knowledge-based economy implies a set of skills, abilities and interest (competencies) that create innovation, solve problems, cooperate with others and act for the common good.¹⁴ For building prosperity in the Danube region and to achieve an overall growth based on knowledge, first and foremost important is to invest in people. The way to invest in people is by investing in skills, fighting poverty and modernizing labor markets, training and social protection systems. The importance of Knowledge Society priority, aimed at improving human capital, reflects in the fact that in the Danube region lives approximately one third of the EU population at risk of poverty. This endangered population is younger than the average of the EU 27, many of whom belong to marginalized groups, including 80% of Roma in Europe. Relying on the existing quality of the Danube region it is necessary to promote better access to further education and to modernize training and improve social support. Education policy, labor market, integration, research and innovation should be mutually reinforcing. Also, the problems are migration flows motivated with significant differences in income, between countries in the Danube region. The result is a brain drain in some parts and excess supply of educated labor force in other parts of the region. In order to fully exploit the potential of labor force and to fight poverty, the Danube Region’s labor market also needs to be more inclusive. In the Danube region, there is plenty of scope for joint activities between countries in the fight against social and economic exclusion of marginalized communities, which could be significantly changed by adequate implementation of activities under this priority Danube Strategy.¹⁵

In the Table 1 we compare research and development (R&D), science, technology and intellectual property through Danube Region. Regarding research and development we have separate data for researchers and technicians. Researchers in R&D are professionals engaged in the conception or creation of new knowledge, products, processes, methods, or systems and in the management of the projects concerned and the leading countries by the number of engaged researchers per million people in the Danube Region are Austria, Germany and Slovenia. The one that is closing to the leading three is Czech Republic, but the rest countries are lacking far

¹⁴ Nada Dragović, „Stvaranje ekonomije znanja kroz saradnju u regionu Podunavlja i aktivna uloga nauke u postizanju ciljeva Strategije”, sa konferencije *Dunavska strategija i ekonomija znanja*, 6. april 2001, Beograd.

¹⁵ Jelena Stojović i grupa autora, *Vodič kroz Dunavsku strategiju, Evropski pokret u Srbiji*, Beograd, 2012, p. 26.

Table 1: R&D, science, technology and intellectual property – Danube Region

Country	Research and development (R&D)		Scientific and technical journal articles 2011	Expenditures for R&D % of GDP 2005-14	High technology exports		Charges for the use of intellectual property		Patent applications filed		Trademark applications filed Total 2013
	Researchers ¹⁶ 2005-14	Technicians ¹⁷ 2005-14			\$ millions 2013	% of manufactured exports 2013	Receipts \$ millions 2014	Payments \$ millions 2014	Residents 2013	Nonresidents 2013	
Austria	4,704	2,177	5,103	2.83	18,412	13.7	1,073	1,880	2,162	244	9,153
Bulgaria	1,693	444	650	0.65	1,128	8.0	34	229	282	15	6,177
Czech Republic	3,250	1,795	4,127	1.91	20,921	14.7	482	1,202	984	97	11,237
Croatia	1,529	660	1,289	0.81	633	8.0	24*	246*	230	23	16,239
Germany	4,472	1,744	46,259	2.85	193,088	16.1	13,797	8,122	47,353	15,814	64,826
Hungary	2,523	781	2,289	1.41	14,471	16.3	2,091	1,728	642	66	5,905
Romania	945	252	1,626	0.39	2,858	5.7	139	880	993	53	11,790
Slovak Republic	2,718	330	1,099	0.83	7,574	10.3	27	526	184	26	5,032
Slovenia	4,217	2,521	1,239	2.59	1,467	6.2	71	243	470*	11*	1,700
Bosnia and Herzegovina	217	38	54	0.33	80	2.3	13	7	7	22	4,342
Montenegro	647	102	28	0.38	5	..	1	5	23	41*	3,736
Serbia	1,381	260	1,269	0.73	335	..	44*	221*	201	20	6,869
Moldova	644	64	76	0.35	14	2.4	7	22	67	29	5,506
Ukraine	1,165	217	1,727	0.76	2,189	5.9	118	552	2,856	2,556	34,082

* Most Recent Value (MRV) if data for the specified year or full period are not available; or growth rate is calculated for less than the full period. Source: World Development Indicators 2015, 5.13 World Development Indicators: Science and technology, World Bank.

¹⁶ fulltime equivalent per million people.

¹⁷ fulltime equivalent per million people.

behind. Technicians in R&D and equivalent staff are people whose main tasks require technical knowledge and experience in engineering, physical and life sciences (technicians), or social sciences and humanities (equivalent staff). They participate in R&D by performing scientific and technical tasks involving the application of concepts and operational methods, normally under the supervision of researchers. In the field of involving technicians in R&D, in terms of fulltime equivalent per million people Slovenia is taking the leading position, and is followed by Austria and Germany. In this field also we can see the difference between the members and nonmembers EU countries. Looking at scientific and technical journal articles which refer to the number of scientific and engineering articles published in the leading fields like physics, biology, and chemistry, we can conclude that Germany has left all the others countries from the Danube Region far behind. Austria and Slovenia are among the top of the rest which is leading us to a conclusion that these three countries are archiving much more than the rest of the Danube Region countries. Expenditures for research and development are current and capital expenditures (both public and private) on creative work undertaken systematically to increase knowledge, including knowledge of humanity, culture, and society, and the use of knowledge for new applications. R&D covers basic research, applied research, and experimental development. Expenditures shows how much is invested and it should be proportional to number of journal articles, high-technology exports and use of intellectual property work in the way that the more is invested in R&D the more should be innovations and export. The country that is investing the most in R&D, as a percent of GDP, is Germany with 2.85% of GDP. Followed by Austria 2.83% and Slovenia 2.59% these countries are the only one in the Danube Region that are approaching the EU goal of 3% GDP. From the rest of total 14 countries the only two that stands up are Czech Republic and Hungary, which are the only ones with expenditures for research and development above the 1% of GDP. The largest number of countries still finances less than 1 percent for R&D. High-technology exports are products with high R&D intensity, such as in aerospace, computers, pharmaceuticals, scientific instruments, and electrical machinery. The leader in high-technology export is Germany, around ten times better than the following Czech Republic. Austria and Hungary are taking third and fourth place, and the rest of the countries of the Danube region are ten times worse than Hungary. The most obvious that this indicator is showing us is the existence of a huge gap between developed and developing countries in the Danube Region. Differences between leading and the worst positioning countries in high-technology exports are showing us the direction for development. The goal for Serbia and the similar ranking countries is increase in high-technology exports. According to the percent from manufactured exports Hungary is taking the lead, closely followed by Germany, Czech Republic, Austria, and Slovak Republic. Charges for the use of intellectual property are payments and receipts between residents and nonresidents for the authorized use of proprietary rights (such as patents, trademarks, copyrights,

industrial processes and designs including trade secrets, and franchises) and for the use, through licensing agreements, of produced originals or prototypes (such as copyrights on books and manuscripts, computer software, cinematographic works, and sound recordings) and related rights (such as for live performances and television, cable, or satellite broadcast). Germany, Austria and Hungary have the largest amounts of intellectual property payments and receipts, which makes them leaders in trade of intellectual property rights. Worldwide patent applications filed through the Patent Cooperation Treaty procedure or with a national patent office for exclusive rights for an invention are showed in the next column of the table 1. Patent applications are highest in no surprise Germany, but surprise in Ukraine as second. Of course Germany as a leader is far in front of the followers from Danube Region. Trademark applications filed are applications to register a trademark with a national or regional Intellectual Property office. Germany is again leader. Once again Ukraine is second country in numbers of trademark applications, which together with second in numbers of patent applications shoves that the market of Ukraine shows great potential for the development of trade in high-tech products. Among all these indicators Serbia is among the least successful countries of the Danube Region. Serbia needs to first look up at the experience of Germany, and maybe even closer to Austria and Hungary, which have managed to achieve good results in achieving knowledge society and also sale of products that have been created as a result of R&D. Reports from the European Commission, while highlighting the strategies' impact in terms of projects, coordination and integration, promotion of multi-level governance and territorial cohesion, underline the need for stronger political backing, commitment and leadership from the participating countries and regions. Stakeholders have called for a more streamlined governance structure, criticized the limited involvement of civil society organizations, local and regional actors in planning and decision-making processes, and pointed to capacity shortcomings impeding their participation. The wide disparities between the partners have a significant impact on the operation of the strategy.¹⁸ So Germany as a leader in the Region could have the strongest impact on development of least developed countries in the Danube Region. Serbia should take more decisive steps to build stronger R&D departments and position better in the high technology export, making knowledge (IP and patents) and creating knowledge society.

5. CONCLUSION

Germany is a leader of the Danube Region, and far ahead of the rest of countries. As a rule, EU Member States shows better results in R&D, science, technology and intellectual property than countries that are not EU members. The EU Member States

¹⁸ Vivienne Halleux, Briefing, May 2015, European Parliamentary Research Service, PE 557.024, p. 1.

have developed research and development, as well as scientific work, and as a whole they achieve better results on the market (revenues from intellectual property high-technology export, etc.). Better results are achieved as a result of higher investments, but also as a result of better strategic development of the analyzed industries. Given the fact that most of the investments depend on the results, we have noticed a direct link between the facts that countries that have the most invested are achieving the best results in science and technology. Thus, for the other countries to have more success in the analyzed areas, it is necessary to increase their investment on research and development. Also, increasing spending on research and development in aggregate in the Danube Region would be good news for all countries. Since Danube Region is very diverse in membership, and has very wide disparities among countries Strategy can make a major contribution in closer cooperation. Serbia can increase competitiveness through research, education and technology. Serbia should devise targeted research aimed at economic progress, and developing basic research that can be used for better positioning of Serbia in the world. Investment in people is needed in today's world so the region can achieve sustainable progress and grow by giving priority to knowledge and inclusion.

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dr Duško DIMITRIJEVIĆ¹

ZNAČAJ DUNAVSKE STRATEGIJE ZA SRBIJU U SVETLU RAZVOJA EKONOMIJE ZNANJA

APSTRAKT

Rečni sliv Dunava predstavlja jedan od najvažnijih evropskih razvojnih potencijala. Dunav je polazište za mnoge progresivne ideje i projekte usmerene ka daljoj integraciji Evrope, ali i otvaranju Evropske unije prema njenim susedima, regionu Crnog mora, Južnog Zakavkazija i Centralne Azije. Nakon proširenja Evropske unije 2004. i 2007. godine, dunavski sliv se većinom našao unutar teritorije država članica. Iskorišćavanje njegovih kapaciteta zahtevalo je otuda hitne međunarodno usaglašene mere, zbog čega je na inicijativu Austrije, Nemačke i Rumunije, u junu 2009. godine, Evropska komisija dobila mandat za izradu tzv. *Zajedničke sveobuhvatne strategije za zemlje dunavskog sliva* (u daljem tekstu: Dunavska strategija). Nakon sprovedenog konsultativnog procesa, 8. decembra 2010. godine, Evropska komisija je usvojila Dunavsku strategiju, da bi potom, 24. juna 2011. godine, Evropski savet taj značajan dokument i potvrdio insistirajući na njegovoj neodložnoj primeni. U izradi Dunavske strategije bile su uključene i države koje nisu članice Evropske unije. Dunavskom strategijom obuhvaćeno je četrnaest država i regija članica Dunavskog procesa saradnje, i to: Nemačka (pokrajine Baden-Virtemberg i Bavarska), Austrija, Slovačka, Češka Republika, Mađarska, Slovenija, Hrvatska, Srbija, Bosna i Hercegovina, Crna Gora, Rumunija, Bugarska, Moldavija i Ukrajina (Zakarpatska, Ivano-Frankivska, Černivačka i Odeska regija). Pomenute države, potpisnice su Konvencije o zaštiti reke Dunav, odnosno članice su Međunarodne komisije za zaštitu reke Dunav (*International Commission for the Protection of the Danube River - ICPDR*). Dunavska strategija ne predviđa donošenje nove zakonodavne regulative, izgradnju novih institucija i obezbeđenje novih izvora finansiranja (tzv. princip „tri ne“). Vlada Republike Srbije je, 10. juna 2010. godine, usvojila dokument pod

¹ Institut za međunarodnu politiku i privredu, Beograd. Rad je realizovan u okviru naučnog projekta: „Srbija u savremenim međunarodnim odnosima: Strateški pravci razvoja i učvršćivanja položaja Srbije u međunarodnim integrativnim procesima – spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti” (broj 179029), koji finansira Ministarstvo prosvete i nauke Vlade Republike Srbije, za period 2011–2014. godine.

nazivom: *Pozicija Republike Srbije za učešće u izradi Sveobuhvatne strategije Evropske unije za dunavski region* (u daljem tekstu: Pozicija). U Poziciji se, *inter alia* navodi da za Srbiju ciljevi Dunavske strategije imaju veliki značaj za stvaranje ekonomije znanja, odnosno za razvoje tzv. *društva znanja*. U radu koji sledi, daje se pregled usvojenih rešenja i analiza predloga koji treba da doprinesu ostvarivanju opštih i posebnih ciljeva Dunavske strategije.

Ključne reči: Dunavska strategija, Dunavski region, Pozicija Republike Srbije, ciljevi, ekonomija znanja, društvo znanja, nauka.

UVOD

Dunavska strategija sastoji se od dva ključna dokumenta: (1) „Saopštenja Komisije Evropskom parlamentu, Evropskom savetu, Evropskom socio-ekonomskom komitetu i Regionalnom komitetu“ i, (2) „Akcionog plana“ kao integrisanog odgovora na iznete predloge iz Saopštenja.² Strategiju čine četiri stuba koji obuhvataju prioritetne oblasti delovanja, i to: 1. Povezivanje Dunavskog regiona; 2. Zaštita životne sredine Dunavskog regiona; 3. Izgradnja prosperiteta u Dunavskom regionu, i 4. Jačanje Dunavskog regiona.

Prvi stub Dunavske strategije: „Povezivanje Dunavskog regiona“, podrazumeva unapređivanje mobilnosti i kombinatornosti unutrašnjim plovim putevima i drumskim, železničkim i vazdušnim vezama uz podsticanje održive energije i promovisanje kulture i turizma, komunikacije među ljudima.

Drugi stub Dunavske strategije: „Zaštita životne sredine Dunavskog regiona“, obuhvata restauraciju i održavanje kvaliteta voda, upravljanje rizicima životne sredine i zaštitu bioloških vrsta, pejzaža i kvaliteta vazduha i zemljišta.

Treći stub Dunavske strategije: „Izgradnja prosperiteta u Dunavskom regionu“, obuhvata razvoj društva znanja kroz naučna istraživanja, obrazovanje i informacione tehnologije, podršku konkurentnosti preduzeća, uključujući i razvoj klastera i ulaganja u ljude i veštine.

Četvrti stub Dunavske strategije: „Jačanje Dunavskog regiona“, podrazumeva jačanje institucionalnih kapaciteta i saradnje i poboljšanje zajedničkog rada na promovisanju bezbednosti i borbe protiv organizovanog kriminala.

Navedeni stubovi Dunavske strategije razrađeni su kroz 11 oblasti koje mogu doprineti njenom integrisanom sprovođenju na makro-regionalnom planu u cilju ostvarivanja Strategije Evropske unije 2020.³ Te oblasti definisane su kao prioriteti i obuhvataju:

² European Commission, *European Union Strategy for Danube Region*, COM(2010) 715/4.

³ „Vodič kroz Strategiju EU 2020“, Evropski pokret u Srbiji, 2011, Internet. <http://www.emins.org/sr/publikacije/knjige/11-vodic-kroz evropu-2020.pdf>

1. Oblast 1a - *Unapređenje mobilnosti i intermodalnosti - unutrašnje plovne puteve*, koordiniranu od Austrije i Rumunije; Oblast 1b - *Unapređenje mobilnosti i intermodalnosti železničkog, drumskog i vazdušnog saobraćaja*, koordiniranu od Slovenije i Srbije;
2. Oblast 2 - *Promovisanje održive energije*, koordinirane je od Mađarske i Češke;
3. Oblast 3 - *Promocija kulture i turizma, i kontakt među ljudima*, koordinirane od Bugarske i Rumunije;
4. Oblast 4 - *Obnavljanje i održavanje kvaliteta voda*, koordinirane od Mađarske i Slovačke;
5. Oblast 5 - *Upravljanje ekološkim rizicima*, koordinirane od Mađarske i Rumunije;
6. Oblast 6 - *Očuvanje biodiverziteta, pejzaža i kvaliteta vazduha i zemljišta*, koordinirane od Bavarske (Nemačka) i Hrvatske.
7. Oblast 7 - *Razvoj društva znanja (istraživanja, obrazovanje i informaciono-komunikacionih tehnologija)* koordinirane od Slovačke i Srbije;
8. Oblast 8 - *Podrška konkurentnosti preduzeća*, koordinirane od Baden-Virtemberga (Nemačka) i Hrvatske;
9. Oblast 9 - *Ulaganje u ljude i veštine*, koordinirane od Austrije i Moldavije;
10. Oblast 10 - *Poboljšanje institucionalnih kapaciteta i saradnje*, koordinirane od Austrije i Slovenije;
11. Oblast 11 - *Zajednički rad u cilju bezbednosti i borbi protiv organizovanog kriminala*, koordinirane od Nemačke i Bugarske.

Na osnovu pomenutih prioriteta Dunavske strategije, jasno je da će koordinacija i njeno sprovođenje podrazumevati proširenu i intenzivnu saradnju među državama i institucijama Evropske unije.⁴ Dunavska strategija daje održivi okvir za politiku integracija i koherentni razvoj Dunavskog regiona. Strategija predviđa prioritete aktivnosti Evropske unije u 21. veku. Za Srbiju, Dunavska strategija ima veliki značaj jer se njenim sprovođenjem pospešuje saradnja Srbije sa svim zemljama dunavskog sliva. Potom, njenom implementacijom doprinosi se jačanju nacionalne ekonomije, ali i uključivanju sektorskih politika u razvojne planove Evropske unije i to naročito u oblastima za koje je Srbija određena za koordinatora (nauka i transport, osim vodenog transporta). Svojim učešćem u procesu izrade, ali potom i u procesu implementacije Dunavske strategije, Srbija potvrđuje strateško opredeljenje za pristupanje ovoj supranacionalnoj organizaciji.

⁴ Duško Lopandić, Jasminka Kronja, *Regionalne inicijative i multilateralna saradnja na Balkanu*, Evropski pokret u Srbiji, 2010, str. 165, etc.

REPUBLIKA SRBIJA I DUNAVSKA STRATEGIJA

Iako Srbija nije članica Evropske unije, Srbija je iskoristila šansu da učestvuje u procesu razvoja Dunavske strategije, te da ravnopravno doprinosi implementaciji njenih ciljeva. Na to ukazuju egzaktni podaci koji se odnose na pozitivne učinke koje Dunavska strategija može imati na društveni razvoj i to, ne samo pojedinih područja kroz koje Dunav protiče, već i područja kroz koje protiču pritoke Dunava a koja u našoj zemlji obuhvataju skoro polovinu državne teritorije. Nije beznačajan podatak da od ukupno 174 administrativno-teritorijalne jedinice koliko ih ima u Srbiji, njih 80 potpada pod dunavski sliv, dok 24 izlaze direktno na Dunav.

Kao što je poznato, Vlada Republike Srbije donela je 24. septembra 2009. godine, odluku o formiranju Radne grupe za saradnju sa Evropskom unijom u Podunavlju, u kojoj je bilo uključeno deset ministarstava, predstavnici Vlade Autonomne pokrajine Vojvodine i Kancelarije za evropske integracije. Nakon što je Radna grupa održala sedam radnih sastanaka, 10. juna 2010. godine, Vlada Republike Srbije usvojila je dokument pod nazivom: *Pozicija za učešće u sveobuhvatnoj Dunavskoj strategiji*.⁵ Taj dokument definisao je opšti cilj učešća Srbije u Dunavskoj strategiji koji podrazumeva korišćenje potencijala Dunava kao značajnog resursa za održivi razvoj Srbije, a takođe i posebno razrađene ciljeve koji se odnose na sledeće oblasti: 1) Razvoj transporta, energetike i informaciono-komunikacionih tehnologija duž čitavog toka Dunava; 2) Zaštitu životne sredine i održivo korišćenje prirodnog bogatstva u slivu reke Dunav; 3) Ekonomski razvoj i jačanje regionalne saradnje i partnerstva u regionu Podunavlja; 4) Uspostavljanje sistema sigurne plovidbe i afirmacija principa vladavine prava u slivu reke Dunav i, 5) Stvaranje ekonomije znanja kroz saradnju u regionu Podunavlja i aktivna uloga nauke u postizanju ciljeva Strategije.

2.1. Razvoj transporta, energetike i informaciono-komunikacionih tehnologija duž čitavog toka Dunava

Kao prioritet u oblasti transporta Dunavom utvrđeno je:

- Usvajanje adekvatnog strateškog i zakonskog okvira u oblasti vodnog transporta u skladu sa evropskim standardima i praksom;
- Postizanje neophodnih uslova za nesmetanu plovidbu, kroz uspostavljanje propisanih gabarita plovnog puta na kritičnim sektorima;
- Uklanjanje neeksplodiranih ubojnih sredstva i potopljenih objekata iz Drugog svetskog rata i NATO intervencije na čitavom toku Dunava;

⁵ Vlada Republike Srbije, „Pozicija za učešće u sveobuhvatnoj Dunavskoj strategiji”, Internet: http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=126300

- Uspostavljanje pune kontrole saobraćaja na Dunavu kroz razvoj Rečnih informacionih servisa (*River Information Services-RIS*) i Sistema za upravljanje brodskim saobraćajem (*Vessel Traffic Services-VTC*);
- Formiranje lučke uprave kao državnog regulatornog tela u oblasti lučkog poslovanja sa zadatkom izrade Strategije razvoja luka i pristaništa i podizanja efikasnosti rada luka kao potencijalnih multimodalnih čvorišta;
- Podizanje nivoa tehničke opremljenosti lučkih kapetanija i posledično kvalitetnije obavljanje inspeksijskih poslova bezbednosti plovidbe;
- Dovršetak izgradnje autoputa na Koridoru 10, kao i drugih drumskih pravaca koji obezbeđuju bolju saobraćajnu dostupnost i vezu sa terminalima;
- Rekonstrukcija, revitalizacija i modernizacija železničke mreže i terminala koji gravitiraju Dunavu;
- Formiranje agencije za promociju i razvoj vodnog saobraćaja;
- Uspostavljanje moderne infrastrukture za snabdevanje brodova pogonskim gorivom, vodom, kao i uslugom izuzimanja broskog otpada;
- Unapređenje nivoa tehničkih uslova kanalske plovidbe i razmatranje mogućnosti otvaranja kanala za slobodnu međunarodnu plovidbu;
- Razvoj intermodalnog transporta, kroz definisanje lokacija, izgradnja i stavljanje u funkciju savremenih terminala i logističkih centara, dovršetak izgradnje autoputa u Koridoru 10, kao i drugih drumskih pravaca i obilaznica koji obezbeđuju bolju saobraćajnu dostupnost i vezu sa terminalima i rekonstrukcija, revitalizacija i modernizacija železničke mreže i terminala koji gravitiraju Dunavu.

Kao prioritet u oblasti energetskog sistema utvrđena je:

- Dalja modernizacija i povećanje kapaciteta termoelektrana (TE „Nikola Tesla“ B, TE „Kolubara“, TE „Kostolac“), kao i remont hidroelektrana „Đerdap I“ i „Đerdap II“;
- Jačanje i razvoj integrisanog energetskog sistema kroz izgradnju dve hidroelektrane: reverzibilne hidroelektrane „Đerdap III“ i hidroelektrane snage između 10 i 50 MW na lokaciji Novi Sad;
- Identifikacija potencijala geografskog područja reke Dunav i njene bliže okoline za korišćenje drugih obnovljivih izvora energije osim hidroenergije;
- Rehabilitacija i širenje distributivne gasne mreže, kao i završetak izgradnje skladišta gasa „Banatski Dvor“;
- Izgradnja dela Panevropskog naftovoda (PEOP) na trasi kroz Republiku Srbiju (Bela Crkva – Pančevo – Novi Sad – granica sa Republikom Hrvatskom);
- Izgradnja sistema produktovoda (Pančevo – Novi Sad - Sombor, Pančevo – Beograd, Pančevo – Smederevo – Jagodina - Niš);
- Podsticanje energetske efikasnosti.

2.2. Zaštita životne sredine i održivo korišćenje prirodnog bogatstva u slivu reke Dunav

Kao prioritet u oblasti zaštite životne sredine i održivog korišćenja prirodnog bogatstva u slivu reke Dunav utvrđeno je:

- Usvajanje adekvatnog zakonskog i strateškog okvira u oblasti održivog korišćenja prirodnih resursa i dobara i zaštite životne sredine, potvrđivanje niza međunarodnih konvencija, kao i afirmisanje zaštite životne sredine i evropskih standarda u ovoj oblasti;⁶
- Razvijanje potencijala nacionalnih parkova i zaštićenih područja;
- Utvrđivanje i sprovođenje mera na obezbeđenju odgovarajućeg vodosnabdevanja stanovništva na području sliva reke Dunav;
- Uspostavljanje istraživačkih sistema, izrada opštih planskih dokumenata, principa korišćenja i eksploatacije komponenata biodiverziteta flore i faune;
- Razvijanje sistema prijemnih stanica za prikupljanje broskog otpada čime bi se rešili ekološki i komunalni problemi na unutrašnji vodnim putevima.

2.3. Ekonomski razvoj i jačanje regionalne saradnje i partnerstva u regionu Podunavlja

Kao prioritet u oblasti ekonomskog razvoja i jačanja regionalne saradnje i partnerstava u regionu Podunavlja utvrđeno je:

- Povezivanje sa drugim evropskim gradovima na Dunavu čiji je osnovni zadatak prepoznavanje evropskih vrednosti i zajedničkog evropskog nasleđa;
- Razmenjivanje iskustva i zajedničko istupanje na međunarodnim ekonomskim sajmovima, kao i na manifestacijama na temu razvoja Dunavskog regiona (npr.

⁶ Kroz saradnju u okviru aktivnosti Međunarodne komisije za zaštitu reke Dunav (ICPDR), Dunavske komisije i Međunarodne komisije za sliv reke Save, Srbija se saglasila u pogledu prihvatanja standarda o zaštiti životne sredine, pre svega u oblasti voda. Osnovni pravac delovanja u oblasti voda jeste integralno upravljanje vodama, kojim se ostvaruje plansko korišćenje i zaštita vodnih resursa: snabdevanje vodom stanovništva i industrije, zaštita voda od zagađivanja opasnim i štetnim materijama, navodnjavanje, hidroenergetika, i zaštita od štetnog delovanja voda, odbrana od poplava, zaštita od erozije i bujica, odvodnjavanje. U decembru 2009. godine usvojen je Plan upravljanja slivom reke Dunav sa programom mera, kojim su se države članice obavezale da u periodu do 2015. godine donete mere i realizuju. U okviru prekogranične saradnje u sektoru voda u slivu reke Save, Srbija učestvuje u radu Međunarodne komisije za sliv reke Save (Savske komisije), kao tela nadležnog za implementaciju Okvirnog sporazuma čiji je cilj stvaranje uslova za održivi razvoj regiona kroz uspostavljanje integralnog i održivog upravljanja vodama.

- „Dani Dunava”). Iniciranje sličnih događaja na potezu značajnih istorijskih lokacija (npr. Lepenski Vir, tvrđave na Dunavu, Kalemegdan);
- Uspostavljanje saradnje sa državama Evropske unije u okviru EGTC (*European Grouping for Territorial Cooperation*), te stvaranje okvira za primenjivanje ovog novog instrumenta evropske regionalne politike u interesu ostvarivanja teritorijalne kohezije i saradnje;
 - Stimulisanje investicione aktivnosti u oblasti poslovne infrastrukture;
 - Podsticanje međuopštinske i međuregionalne saradnje u pripremi i sprovođenju razvojnih ekonomskih projekata (Akcioni plan za realizaciju strategije trebalo bi da uključi postojeće projektne inicijative, a naročito u smislu pripreme i bržeg pristupanja Evropskoj uniji i korištenja Strukturnih i Kohezionog fonda);
 - Stimulisanje diverzifikacije ruralne ekonomije i unapređenje efikasnosti lokalne privrede kroz jačanje kapaciteta lokalne zajednice i razvoj turizma (seoski, agro, eko), razvoj lokalnih zanata, unapređenje poljoprivredne proizvodnje u podunavskoj regiji;
 - Povećanje podsticajnih sredstava za podršku razvoju sela u Dunavskom regionu kroz investiranje u ruralni turizam i ulaganje u seosku infrastrukturu;
 - Promovisanje razvoja malih i srednjih preduzeća, kao jedne od okosnica ekonomskog razvoja Dunavskog regiona;
 - Poboljšanje turističke ponude kroz valorizaciju turističkog potencijala podizanjem atraktivnosti područja (razvoj i korišćenje turističkih potencijala tvrđava na Dunavu, nacionalnih parkova i zaštićenih područja), osmišljavanje i realizacija tematske rute (putevi vina, put kulture rimskih imperatora, pešačke staze), osposobiti ulazak u dunavske kanale, integrisati turistički proizvod i sl;
 - Umrežavanje aktera savremene umetnosti u gradovima na Dunavu u cilju promocije zajedničkih evropskih kulturnih vrednosti – koprodukcionim projektima u oblasti muzičko-scenskog, filmskog i audio-vizuelnog kao i književnog stvaralaštva;
 - Podržavanje razvoja novih i održavanje postojećih biciklističkih ruta uz Dunav („Eurovelo” i „Eurovelo 6”);
 - Brendiranje Dunava kao atraktivne turističke destinacije za domaće i strane turiste.

2.4. Uspostavljanje sistema sigurne plovidbe i afirmaciju principa vladavine prava u slivu reke Dunav

Kao prioritet u oblasti sigurnosti plovidbe Dunavom utvrđeno je:

- Adekvatno opremanje stanica granične policije za obezbeđenje državne granice na Dunavu;

- Formiranje samostalne jedinice MUP-a (ili u okviru Uprave granične policije) čija bi nadležnost bila – sigurnost međunarodnog vodnog puta – reke Dunav;
- Neophodnost uspostavljanja jedinstvene evidencije, u okviru Rečnih informacionih servisa: o pravnim licima, plovilima i bezbednosno interesantnim licima, kao i evidencije o kretanju plovila, tereta i putnika u cilju efikasnijeg sprečavanja i suzbijanja krivičnih dela, pre svega krijumčarenja i nedozvoljene trgovine;
- Neophodnost stvaranja uslova za prevoz, pretovar, skladištenje i veštačenje oduzete robe koja je krijumčarena, kao i uslova za adekvatan smeštaj privremeno oduzetih plovila, namenjenih krijumčarenju i nedozvoljenoj trgovini;
- Pokretanje inicijative, u saradnji sa zemljama u regionu i evropskim partnerima, da Beograd bude sedište Regionalnog centra za saradnju u domenu borbe protiv kriminala duž toka reke Dunav;
- Puna primena Strategije za integrisano upravljanje granicom kroz unapređenje koordinacije službi na državnoj granici.

Kao prioritet u oblasti zaštite od poplava i sprečavanje prekograničnih tehničko-tehnoloških plovidbenih akcidenata na Dunavu utvrđeno je:

- Uređenje jedinstvenog sistema za rano upozorenje;
- Saradnja i zajedničko delovanje u zaštiti od poplava;
- Utvrđivanje standardnih operativnih procedura za zajedničko delovanje u slučaju prekograničnih tehničko-tehnoloških plovidbenih akcidenata;
- Zajednička obuka i formiranje zajedničkih operativnih timova;
- Pružanje pomoći u otklanjanju i saniranju posledica.

2.5. Stvaranje ekonomije znanja kroz saradnju u regionu Podunavlja i aktivnu ulogu nauke u postizanju ciljeva Strategije

Kao prioritet u oblasti stvaranja ekonomije znanja utvrđeno je:

- Intenziviranje istraživanja i razvoja i obogaćivanje studijskih programa;
- Intenziviranje saradnje među zemljama Dunavskog regiona;
- Stimulacija mobilnosti studenata, nastavnika i istraživača unutar Dunavskog regiona;
- Stimulacija inovacije i transfera tehnologija u svim oblastima od regionalnog prioriteta koje se tiču poboljšanja povezanosti i komunikacionih sistema, ekoloških pitanja i umanjivanja prirodnih rizika, kao i jačanje potencijala za društveno-ekonomski razvoj;

- Intenziviranje naučne saradnje u oblasti realizacije doktorskih studija i usavršavanja mladih naučnika;
- Podsticanje izrade studija fundamentalnog karaktera, za potrebe ostvarivanja ciljeva navedenih u ostalim „stubovima”.
- Sprovođenje napred navedenih ciljeva Dunavske strategije ostvaruje se preko Nacionalnih koordinatora (*National Contact Point for the Danube Strategy - NCP*), svake od 14 zemalja koje učestvuju u Dunavskoj strategiji. Za svaku od jedanaest prioriternih oblasti određeni su posebni koordinatori iz po dve zemlje Dunavskog regiona (*Priority Area Coordinators - PACs*).⁷

3. ZNAČAJ DRUŠTVA ZNANJA U REALIZACIJI CILJEVA DUNAVSKE STRATEGIJE

Treći stub Dunavske strategije: „Izgradnja prosperiteta u Dunavskom regionu”, usmeren je na razvoj društva znanja zemalja Dunavskog regiona kroz naučna istraživanja, obrazovanje i informacione tehnologije, podršku konkurentnosti preduzeća, uključujući i razvoj klastera i ulaganja u ljude i veštine. Unapređenjem regionalne saradnje harmonizacijom zakonskih propisa, razmenom iskustava i sprovođenjem zajedničkih projektnih aktivnosti usmerenih na jačanje sposobnosti svih zemalja Dunavskog regiona da stvaraju i koriste znanje, ostvaruju se ciljevi Dunavske strategije u ovoj oblasti. Strategijom naučnog i tehnološkog razvoja Republike Srbije za srednjoročni period do 2015. godine, uspostavljen je osnov za sprovođenje navedenih ciljeva Dunavske strategije. U njoj je Srbija prikazana kao inovativna zemlja u kojoj naučnici dostižu evropske standarde, doprinose ukupnom nivou znanja društva i unapređuju tehnološki razvoj privrede. Istovremeno, Strategijom se projektuju prioriteti i definišu mere za stimulisanje transfera tehnologija, podsticanje inovacija, uvezivanje nacionalnog inovacionog sistema, sve sa ciljem razvoja društva i ekonomije zasnovane na znanju. Slični ciljevi postavljeni su i u strateškim aktima drugih država u Podunavlju.⁸ Planirane ciljeve u navedenom periodu trebalo je ostvariti kroz intenziviranje regionane saradnje u

⁷ Nacionalni koordinator za Dunavsku strategiju u periodu od 2009-2012. godine, bio potpredsednik Vlade Republike Srbije za evropske integracije. Od 2012. godine, dužnost je preuzeo direktor Kancelarije za evropske integracije. Njegov zamenik je predstavnik Ministarstva spoljnih poslova Republike Srbije. Srbija koordinira u dve prioriternne oblasti na nivou čitavog Dunavskog regiona – Oblašću drumskog, železničkog i vazdušnog saobraćaja (1b) zajedno sa predstavnikom Slovenije i Oblašću društva znanja (7) sa zajedno sa predstavnikom Slovačke. Koordinator prioriternne oblasti 1b je predstavnik Ministarstva infrastructure i saobraćaja, dok je koordinator prioriternne oblasti 7 rektor Univerziteta u Novom Sadu.

⁸ *Dunavska strategija*, Edita Stojić Karanović, Dragan Petrović (ured.), Institut za međunarodnu politiku i privredu, Beograd, 2010, str. 139.

različitim naučnim oblastima. U tom pogledu, domaći univerziteti aktivno učestvuju u radu Dunavske rektorske konferencije koja je osnovana još tokom 1983. godine.⁹

Pozicija Srbije u odnosu na stvaranje društva znanja obuhvata stratejsku saradnju u Dunavskom regionu u pogledu:

1. Intenziviranja istraživanja, razvoja i obogaćivanja studijskih programa;
2. Intenziviranja naučne saradnje među zemljama u Dunavskom regionu;
3. Stimulacije mobilnosti studenata, nastavnika i istraživača unutar Dunavskog regiona, organizovanje obrazovanja i učenje tokom celog života; i
4. Stimulacije inovacija i transfera tehnologija u svim oblastima od regionalnog prioriteta koje se tiču poboljšanja povezanosti i komunikacionih sistema, ekoloških pitanja i umanjivanja prirodnih rizika, kao i pojačavanja potencijala za društveno-ekonomski razvoj.

Ostvarenje pomenutih ciljeva podrazumeva kontinuirano ostvarivanje konatkata i partnerstava u Dunavskom regionu naročito intenziviranje naučne saradnju u oblasti poslediplomskih studija i usavršavanja mladih naučnih radnika, a zatim i angažovanje u ostvarivanju stubova Dunavske strategije (između ostalog, angažovanje u uspostavljanju sistema bezbedne plovidbe i afirmacije vladavine prava duž čitavog toka Dunava, angažovanje u razvoju transporta, energetike i informaciono-komunikacionih tehnologija, angažovanje u zaštiti životne sredine i održivom korišćenju prirodnih bogatstava i u zaštiti i promociji zajedničkih evropskih vrednosti i kulturno-istorijskog nasleđa u regionu Podunavlja).

U nacrtu Strategije naučnog i tehnološkog razvoja Republike Srbije za period od 2016. do 2020. godine, predviđeno je uspostavljanje delotvornog nacionalnog istraživačkog sistema integrisanog u Evropski istraživački prostor. Istraživački sistem kroz razvoj inovacija treba da doprinese ekonomskom rastu, društvenom i kulturnom napretku, podizanju standarda građana i kvalitetu života.¹⁰ U realizaciji društva znanja, Strategija predviđa ostvarenje strateških ciljeva, i to:

⁹ Dunavska rektorska konferencija okuplja oko 50 univerziteta Dunavskog regiona. Na konferenciji u Ulmu koja je održana 1. i 2. februara 2010. godine, promovisana su dva predloga Srbije: 1. Dunavski samit mladih za vreme EXIT festivala i, 2. Konferencija o finansiranju projekata Dunavske strategije u Beogradu. Slične inicijative za nacionalne projekte (*flagship projects*), bile su predstavljene i na ostalim međunarodnim dunavskim konferencijama poput konferencija u Budimpešti, Beču, Bratislavi, Ruseu i Konstanci. Internet: http://www.media.srbija.gov.rs/medsrp/dokumenti/pozicija_srbije_u_izradi_strategije_eu_za_dunav-dopunjeno-izmenjeno_cyr.doc

¹⁰ „Nacrt Strategije naučnog i tehnološkog razvoja Republike Srbije za period od 2016. do 2020. godine – Istraživanje za inovacije” Internet: <http://www.mpn.gov.rs/wp-content/uploads/2015/08/Strategija-nauka-za-inovacije-17-NOVO.pdf>

1. Uspostavljanje novog, efikasnijeg sistema upravljanja naukom i inovacijama u Srbiji;
2. Podsticanje izvrsnost i relevantnost naučnih istraživanja u Srbiji;
3. Obezbeđenje relevantnosti nauke u Srbiji za razvoj privrede;
4. Osiguranje izvrsnosti i dostupnosti ljudskih resursa za nauku i privredu;
5. Unapređenje međunarodne saradnje u domenu nauke i inovacija;
6. Povećanje ulaganja u istraživanje i razvoj unapređenjem javnog finansiranja i, Podsticanje ulaganja poslovnog sektora u istraživanje i razvoj.

Navedeni ciljevi iz nacrtu Strategije u neposrednoj su vezi sa ciljevima sadržanim u strateškim nacionalnim i regionalnim dokumentima i strategijama, između ostalog i u Strategiji Evropske unije za Dunavski region.¹¹ U tom pogledu, u realizaciji ciljeva Dunavske strategije, Srbija mora upotrebiti sve svoje naučne kapacitete i kapacitete Podunavskih zemalja kako bi zadržala aktivnu ulogu unutar Dunavskog regiona, pogotovo u delu kordinacije sedme prioritetne oblasti Dunavske strategije (*društvo znanja*). Na tom putu, Srbija će aktivno koristiti postojeće fondove za istraživanja,¹² u cilju ostvarenja intenzivne naučne saradnje sa Objedinjenim

¹¹ Strategija je povezana još sa sledećim strateškim dokumentima: Strategijom razvoja obrazovanja u Srbiji do 2020. godine, Strategijom industrijskog razvoja Republike Srbije 2011-2020. godine, Strategijom za podršku razvoja malih i srednjih preduzeća, preduzetništva i konkurentnosti za period od 2015. do 2020. godine, Strategijom Jugoistočna Evropa 2020 (SEE 2020), Regionalnom strategijom za istraživanje, razvoj i inovacije zemalja Zapadnog Balkana (WISE), HORIZONT 2020, Evropskim istraživačkim prostorom (ERA) – Mapom puta 2015-2020.

¹² Prilikom usvajanja Dunavske strategije, pozicija Evropske komisije zasnivala je se na stavu da neće biti odobrena dodatna ili nova finansijska sredstva kojima bi se podržala njena implementacija. Otuda, svaka zemlja učesnica u Dunavskoj strategiji treba da koristi sopstvene i postojeće finansijske kapacitete, te da nađe odgovarajuće modalitete kako će podržati realizaciju ciljeva Dunavske strategije. Implementacija Strategije je zamišljena tako da države Dunavskog sliva podnose i realizuju Dunavske projekte koji doprinose ciljevima definisanim u akcionom planu, a projekti se podnose za fondove koji su već na raspolaganju svakoj od zemalja. Srbija, kao kandidat za članstvo u Evropskoj uniji, na raspolaganju ima fondove pretpriputne pomoći IPA (*Instrument for Pre-Accession Assistance*), što u praksi znači da se procedure za apliciranje Dunavskih projekata ne razlikuju od procedura za apliciranje za IPA sredstva. U tom smislu, otvorena je mogućnost da se Dunavski projekti kombinuju sa sredstvima iz nacionalnih izvora finansiranja, kredita međunarodnih finansijskih institucija i fondova Evropske unije, što nije nov modalitet finansiranja, niti ekskluzivitet Dunavske strategije. Srbija, koja kao zemlja kandidat za članstvo u EU koristi trenutno I i II komponentu instrumenta za pretpriputnu pomoć IPA (npr. za rekonstrukcije Žeželjevog mosta u Novom Sadu i Golubačke tvrđave, uvođenje rečnog informacionog sistema na Dunavum, pripreme projektno-tehničke dokumentacije za vađenje neeksplodiranih ubojitih sredstava iz Dunava, itd.). Osim toga, Srbija aktivno učestvuje u osam programa prekogranične i transnacionalne saradnje koji se

istraživačkim centrom, Dunavskom rektorskom konferencijom, uz razvijanje programa i mehanizama saradnje unutar regiona Zapadnog Balkana putem Centra za istraživanje i inovacije Zapadnog Balkana (WISE),¹³ i putem drugih postojećih i budućih inicijativa (npr. WB EDIF/ENIF).¹⁴ Konkretno, to podrazumeva

sufinansiraju sredstvima Evropske unije i koji mogu predstavljati polaznu osnovu za finansiranje projektnih predloga uskladu sa Dunavskom strategijom (prekogranični programi sa Mađarskom, Rumunijom, Bugarskom, Hrvatskom, Crnom Gorom i Bosnom i Hercegovinom, Program Jugoistočne Evrope i Jadranski Program): Videti: „IPA Programi prekogranične saradnje”, IPACBCSRB, Internet: <http://www.evropa.gov.rs/CBC/PublicSite/Default.aspx>; Andrija Pejović, Bojan Živadinović, Gordana Lazarević, Ivan Knežević, Mirjana Lazović, Ognjen Mirić, *IPA – Instrument za pretpristupnu pomoć EU 2007-2013*, Evropski pokret u Srbiji, 2011, str. 39-40. U budžetu Evropske unije koji obuhvata period od 2014-2020. godine, Srbija može da računa na nova IPA sredstva, na učešće u Programima Evropske unije, eventualno i na pristup u Okviru za povezivanje Evrope (*Connecting Europe Facility*) koji je namenjen realizaciji transnacionalnih projekata u okviru saobraćaja, energetike, životne sredine i informaciono-komunikacionih tehnologija unutar Evropske unije, sa mogućnošću da se podrže i projekti od interesa van Evropske unije. Videti: „Vodič kroz Dunavsku strategiju“, Evropski pokret u Srbiji, 2012, Internet: http://emins.org/sr/publikacije/knjige/12-dunavska_sr.pdf. U septembru 2015. godine, Evropska komisija je pokrenula prezentaciju Programa transnacionalne dunavske saradnje za period od 2014. do 2020 (*Danube Transnational Programme*), vredan 222 miliona evra. Program je usredsređen na podsticanje inovacija i preduzetništva, očuvanje životne sredine i kulturnih dobara, unapređenje povezanosti i smanjenje emisije štetnih gasova u regionu Dunava. Videti: Internet: <http://eu-projekti.rs/tag/dunavska-strategija/>

¹³ Srbija je suosnivač Centra za istraživanje i inovacije zapadnog Balkana – (WISE) sa sedištem u Splitu. Regionalna strategija za istraživanje, razvoj i inovacije zemalja Zapadnog Balkana prema nacrtu Strategije predviđa: (1) uspostavljanje fonda za istraživačku izvrsnost zaduženog za jačanje istraživačkih kapaciteta i promovisanje istraživačke izvrsnosti kroz pružanje stabilne, transparentne i na zaslugama zasnovane podrške istraživanjima; (2) promovisanje mreža izvrsnosti u cilju jačanja izvrsnosti vezane za specifične istraživačke teme; (3) uvođenje programa transfera tehnologija sa ciljem stimulisanja saradnje nauke i privrede, podsticanja istraživanja koja se mogu komercijalizovati i kreiranja nove vrednosti; (4) stvaranje programa za start-up firme u početnoj fazi razvoja korišćenjem finansijskih i drugih instrumenata u cilju podrške dugoročno održivom tržištu za finansiranje inovacija.

¹⁴ Mehanizmi finansijske pomoći za socijalni i ekonomski razvoj država Zapadnog Balkana ostvaruje se kroz tehničku pomoć i finansiranje strateških projekata u infrastrukturi, energetici i razvoju privatnog sektora. Zajedničke inicijative Evropske unije, međunarodnih finansijskih institucija, bilateralnih donatora i vlada Zapadnog Balkana ostvaruju se između ostalog kroz: Fond za inovativna preduzeća (*Enterprise Innovation Fund – ENIF*) – Fond rizičnog kapitala za finansiranje inovativnih MSP u početnoj fazi razvoja; Fond za razvoj preduzeća (*Enterprise Expansion Fund – ENEF*) – Fond razvojnog kapitala koji će se fokusirati na već uspostavljena mala i srednja preduzeća (u daljem tekstu: MSP) koja imaju visok potencijal za rast; Kreditnu liniju za garantovanje kreditiranja (*Guarantee Facility – GF*) – koja će značajno poboljšati mogućnosti za MSP za pristup finansiranju od strane banaka, kao i potencijalno smanjenje troškova zaduživanja, putem osiguranja kreditnog portfolia finansijskim posrednicima i

ustanovljavanje fondova za podršku aktivnostima predviđenim Istraživačkom strategijom za inovacije za zemlje Zapadnog Balkana, respisivanje poziva, investiranje u istraživanja, inovacije, mobilnost mladih, transfer tehnologija, i dr. Pored navedenog, u nacrtu Strategije predviđa se dalji razvoj saradnje sa međunarodnim istraživačkim institucijama u Trstu, unutar Jadransko-jonske regije, Crnomorske regije, itd.

Međutim, ključni izazovi koji stoje na putu ostvarenja strategijskih ciljeva odnose se na:

1. Sistem upravljanja naučnim i inovacionim sistemom koji nije dovoljno efikasan i gde ne postoji koordinacija između relevantnih institucija;
2. Nedovoljnu finansijsku podržanost izvrsnosti naučnih istraživanja i njihovu relevantnost za ekonomski razvoj zemlje i društvo u celini;¹⁵
3. Nepostojanje adekvatnih finansijskih instrumenta i institucionalnog okvira za povezivanje nauke i privrede;¹⁶
4. Nedostatke ljudskih resursa u naučnoistraživačkim organizacijama i u privatnom sektoru i gde ne postoje dugoročne mere za rešavanje ovog problema;
5. Nepotpunu integrisanost nauke u Srbiji u Evropski istraživački prostor iako postoje programi za podršku međunarodnoj saradnji, te nedovoljni broj naučnika koji učestvuje u međunarodnim projektima.¹⁷

Tehničku podršku (*TA Facility*) – koja ima za cilj da unapredi regulatorni okvir od značaja za inovativna MSP sa visokim potencijalom rasta, kroz podršku zemljama učesnicama ovog Programa pri sprovođenju prioritetnih reformi.

¹⁵ Prema podacima Republičkog zavoda za statistiku ukupno učešće izdvajanja za istraživanje i razvoj u bruto domaćem proizvodu Srbije je ispod 1% i još uvek je znatno ispod EU proseka koji je 2.06 % (Eurostat).

¹⁶ Učešće poslovnog sektora u finansiranju istraživanja u Srbiji iznosi svega 7,5%, a u državama OECD-a poslovni sektor finansira 60,8% svih troškova za istraživanje i razvoj. Odnos nauke i privrede u Srbiji karakteriše: 1. Nedovoljan nivo ljudskih resursa za istraživanje i inovacije u poslovnom sektoru; 2. Mali broj finansijskih instrumenata za podršku istraživanju i inovacijama u privredi; 3. Nedovoljno razvijen institucionalni i pravni okvir za podršku istraživanju i inovacijama u privredi. Videti: Internet: <http://www.mpn.gov.rs/wp-content/uploads/2015/08/Strategija-nauka-za-inovacije-17-NOVO.pdf>

¹⁷ Istraživači u Srbiji učestvuju u brojnim programima međunarodne saradnje. (npr. u Okvirnom programu 7 EK za istraživanja (OP7) u periodu 2007-2013, Horizont 2020, Eureka projektima COST akcijama, NATO programu „Nauka u službi mira i bezbednosti“, u projektima Evropske organizacije za nuklearna istraživanja (CERN) i projektima istraživačkog centra Dubna u Ruskoj Federaciji). Srbija aktivno učestvuje i u svim relevantnim regionalnim inicijativama (npr. u Evropskoj strategiji za dnevski region i Centralnoevropskoj inicijativi (CEI) u više programa poput - Know-how Exchange program, kooperativne aktivnosti, kao i u platformi CEI–PRAISE

Porede navedenih izazova koje stoje pred Srbijom u ostvarivanju sedme prioritete oblasti Dunavske strategije (*društva znanja*), ono što stoji kao evidentna prepreka jeste i činjenica da u Dunavskom regionu postoji neujednačenost u oblasti istraživanja, razvoja i inovacija, što s jedne strane vodi uzbranom razvoju pojedinih područja kroz različite forme intenziviranja naučne saradnje i napretka tehnologije, dok sa druge strane pak, dolazi do zaostajanja pojedinih regija i oblasti koje bivaju isključene iz naučne razmene znanja i iskustava. Uzimajući u obzir da Dunavski region poseduje veliki potencijal u procesu uspostavljanja jedinstvenog tržišta, posebno imajući u vidu da ga čine države i područja koja nisu formalno u sastavu Evropske unije, ostvarenje potencijala Dunavskog regiona u narednom periodu, zahtevaće veću konkurentnost svih subjekata uključenih u realizaciju Dunavske strategije, od naučno-istraživačkih organizacija i privrednih subjekata do civilnog društva. Stvaranje i unapređenje istraživačke infrastrukture, umrežavanje univerziteta, preduzeća i nosilaca javnih politika, kao i poboljšanje informacionih i komunikacionih tehnologija biće od ključnog značaja za intenziviranje razvoja u Dunavskom regionu. S obzirom da u Dunavskom regionu postoji izvesna nesimetričnost u pogledu informaciono-komunikacione, inovacione i tehnološke baze, potrebno je utvrditi mehanizme kojima bi bilo moguće ostvariti podršku za razvoj infrastrukture neophodne za naučnoistraživačku delatnost i tehnološki razvoj. U tom pogledu potrebno je rešiti problem uskih grla u saobraćaju, kao i problem uspostavljenih poslovnih barijera. Postojeće mreže međunarodne saradnje između institucija koje podržavaju inovacije i poslovanje, moraće se razvijati različitim sektorima uz korišćenje okvira koji pruža Evropska istraživačka oblast (ERA). U tom smislu veoma će biti od pomoći davanje potstrek razvoju klastera i centara za izuzetnost, kao i davanje podrške prekograničnoj i međusektorskoj saradnji između klastera. Za prosperitet u Dunavskom regionu i postizanje rasta ekonomije znanja, biće potrebno veće ulaganje u ljudske resurse u svrhu sticanja potrebnih veština, borbe protiv siromaštva, modernizacije tržišta rada, obuke u sistemu socijalne zaštite. Značaj ljudskog kapitala može biti od presudnog značaja budući da u Dunavskom

Programme to Promote Research and Innovation through Centres of Scientific Excellence and Advanced Research Groups in Member Countries). Oblasiti u kojima je Srbija do sada bila manje uspešna je učešće u najprestižnijem delu okvirnih programa Evropske unije, u finansiranju izvrsne nauke kroz projekte Evropskog istraživačkog saveta, zatim u programima mobilnosti istraživača, kao i u programima koji su zahtevali uključivanje sektora malih i srednjih preduzeća. Dodatne slabosti koje su identifikovane u prethodnom periodu su se odnosile na probleme finansiranja naših eksperata nominovanih u različite eksperstke komitete Evropske unije, nedovoljan stepen koordinacije u artikulisanju interesa naše naučne zajednice, relativno mali broj istraživača koji su uključeni u međunarodnu saradnju, nemogućnost nacionalnih kontakt osoba da budu isključivo posvećeni aktivnostima vezanim za Horizont 2020 usled neophodnosti da budu uključeni i u druge aktivnosti u ministarstvu, kao i nedostatak tela koje bi pružalo stalnu tehničku i drugu podršku našim istraživačima koji učestvuju u međunarodnim programima.

regionu živi skoro jedna trećina stanovništva Evropske unije. Problem migracija obrazovanog stanovništva u Dunavskom regionu koji dovode do manjka ili viška obrazovane radne snage u različitim delovima Dunavskog regiona predstavlja takođe veliki problem. Da bi se u potpunosti iskoristio potencijal obrazovane radne snage i da bi se Dunavski region izborio sa problemom siromaštva, njegovo tržište rada mora postati inkluzivno. U Dunavskom regionu postoji mnogo prostora za zajedničke aktivnosti između država u borbi protiv socijalne i ekonomske isključenosti marginalizovanih zajednica što će značajno biti promenjeno adekvatnim sprovođenjem aktivnosti u okviru ovog prioriteta Dunavske strategije.¹⁸

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¹⁸ „Vodič kroz Dunavsku strategiju“, Evropski pokret u Srbiji, 2012, Internet: http://emins.org/sr/publikacije/knjige/12-dunavska_sr.pdf

Zsuzsanna M. CSÁSZÁR
Tamás Á. WUSCHING¹

INTERNATIONAL STUDENTS' IMPACT ON THE ECONOMIC LIFE OF A CITY, BASED ON A CASE STUDY FROM PÉCS

ABSTRACT

The internationalization is playing an important role worldwide in the transforming higher education of the 21st century. With the spreading of the globalization and the knowledge-based economy, the international student mobility is coming to the front increasingly, as the most important indicator of the internationalization of higher education. According to the OECD, the global number of international students was 4, 5 Million in 2011, and considering the rate of growth, it can reach 5 Million by 2015. Similarly to the national trends, the number of international students of the University of Pécs is also increasing since more than a decade, the university has definitely entered the path of internationalization. The number has surpassed 200 in the year of 2000, and due to the rapid growth, a total of 2500 international students were enrolled in the University of Pécs in February 2015. They have a great impact not only on the university, but also on the economic life of Pécs. International students are functioning increasingly as an engine of urban development: they have a great impact on Pécs's economy through housing, consumption, and the use of different services. The importance of internationalization is clearly indicated by the fact that certain developments of infrastructure can be linked with international students; the bike path between the campuses in Pécs's downtown is a good example of this. Therefore it has key importance that the university and the city correspond to the needs of the arriving international students in every way. Correspondingly, our current comprehensive empirical research is based on the questionnaire survey among University of Pécs's international students. The questions were focusing on their relationship with the city of Pécs and its economic life: in which part of the city they live in, what means of transport do they use, how satisfied are they with the different characteristics of the city (public

¹ University in Pécs, Hungary.

safety, transport, prices etc.). Furthermore, how often do they visit different types of facilities, what services and facilities are the missing, and finally how much do they spend on different material and other assets in Pécs. The results we got here have shown the importance of the international students' presence concerning the economy of the city. They can even be basis for future urban development proposals, and on the other hand, it can be a good example and a good basis for comparison for other similar-sized cities in Central Europe and the Danube Region.

Key words: higher education, knowledge-based economy, international students, Central Europe, Danube Region.

1. THE CURRENT SITUATION OF HUNGARIAN HIGHER EDUCATION, INTERNATIONALISATION IN PARTICULAR

Nowadays, in the age of knowledge-based economy and globalization, higher education (HE) plays a more important role in the economy of countries and regions than anytime before, largely determining their level of development. The massification process of the sector, which was characteristic since the 1960s in the Western countries, started only in the 1990s in Hungary. Since then the number of HE participants went through a tremendous growth: by 2002 the number of students has surpassed 350 thousand, and the peak was the year of 2006, with 438 thousand enrolled students. Thereafter the number started to decrease, in 2013 there were 359 thousand students enrolled in the HE institutions of the country. This regression has affected mainly those who were not enrolled in full-time education (evening and correspondence courses, distance learning), however, in 2011 the number of full-time students has also started to decrease. Knowing the spatial structure of the country it is not surprising that Budapest has also predominance in the HE sector. However, unlike several countries in the area (for example Czech Republic, Croatia, Serbia), there is no such institution in the capital city which clearly emerges in the hierarchy: the largest university is the Eötvös Loránd University, which has merely 2000 more students than the largest provincial center, the University of Debrecen. So, Budapest emerges from the country's HE sector with the number of institutions and the total number of students. Besides the capital there are three large provincial centres: Debrecen, Szeged and Pécs. The universities of all three cities have great traditions, wide range of courses and a large headcount of students, furthermore these are the only places besides the capital where there is medical education. Regarding Hungary, the process of internationalisation comes to the foreground in connection with the medical education. In the transforming, globalizing HE of the 21st century, the process becomes more and more important, especially international student mobility, as its most significant indicator. According to OECD data, the number of international students was nearly 4,5 Million globally, and it has reached

5 Million by 2015. In Hungary, there were 24 598 international students in the 2014/2015 academic year. Similarly to the global trends their headcount is increasing, and the government's clear goal is to further increase the numbers. International students are enrolled in the largest numbers at the country's four universities which offer medical education (Semmelweis University, University of Debrecen, University of Szeged, University of Pécs). At these universities approx. 50% of the total student headcount are foreigners. Most of them are coming from Germany, and many students are coming from the neighboring countries with significant Hungarian minority (Slovakia, Romania, Serbia, Ukraine), majority of them are Hungarian nationalities. Iran, Norway, Nigeria and Israel are also enjoying a prime location at a national scale. Though the Western countries are far ahead of us in this area, in their case the increasing of inward student mobility is not necessarily a national economic interest, but in Hungary indeed it is. Due to demographic and other, mainly economic policy reasons, the number of HE applicants has decreased year after year recently, so have the incomes of the institutions and as a consequence the state which is funding them, and this is compensated somewhat by the tuition fees paid by the international students who arrive in an increasing number. In addition, the presence of international students has an increasing impact on the economic, cultural life and vitality of cities which are the seats of the universities, so in case of the large university towns, internationalisation is an interest of the city government as well (Zs. M. Császár et.al. 2013).

2. PÉCS, ONE OF HUNGARY'S LARGE KNOWLEDGE-CENTRES

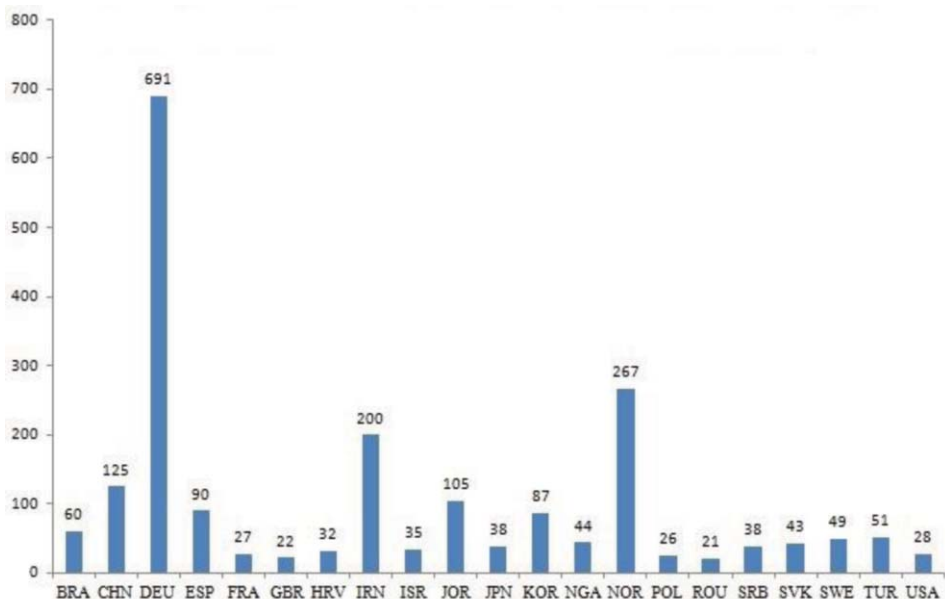
Currently the economic engine of Pécs is definitely the university, the city is one of the three large provincial HE centres of Hungary. The ca. 20 thousand students enrolled here have a great impact on the county seat with a permanent population of 144 586 inhabitants (Central Statistical Office 2011), despite to the headcount decrease which took place in the last few years. Together with the students whose home address is not Pécs (17 709 people in fall of 2014), the population of the city significantly grows between September and June, since except for those who commute from the settlements of the catchment area, this mass of students moves into Pécs at least for the weekdays during the term-time, this is well indicated by the resident population of 156 049 inhabitants (CSO 2011). The presence of the students has an important multiplier-effect on the city's economy through renting flats (or dormitory fees), procuring everyday necessities, leisure activities and the use of different services. Furthermore, the university is also the largest employer in the city, and its economic role has become even bigger with the degradation of the industrial sector (shutdown of mines, termination of Elcoteq site). The economy of the city went through a large scale structural change, after which the already great

significance of the University of Pécs has grown even more. The popular programmes of several faculties are in turn attracting other economic actors, employers to the city, the continuous expansion of the IT-profiled *IT Services Hungary's* site in Pécs since the company's settling in 2012 is a good example for this. Quality education, thereby attractiveness towards employers is extremely important, as the city's clear interest is that the freshly graduated experts from the university shall find a job fitting their abilities within the city in a greater proportion, thereby preventing the exodus of the young, well-educated workforce, and the resulting population aging and economic setback. So, the university will undoubtedly remain as the most important key actor in retaining Pécs's cultural and innovation center both within the region and nationally. In order to avoid position loss in today's competitive situation, the institution definitely has to keep up with the latest trends of the HE sector, one of which is internationalisation.

3. INTERNATIONAL STUDENTS AT THE UNIVERSITY OF PÉCS

Therefore, similarly to the national trends, the number of international students at the University of Pécs is increasing for a long time, the institution has clearly entered the path of internationalisation. The headcount has surpassed 200 in the year of 2000 (Zs. M. Császár – J. Németh 2006), and due to the rapid growth their number was 1234 in 2007, 1764 in 2011, and in February 2015 there were 2500 international students enrolled at the University of Pécs, this number surpasses 10% of the university's total student headcount. Regarding the countries of origin, similarly to the national tendency the most students are present from Germany, the Medical School of the university has German language program since 2004. The most students enrolled at the English language program, which is available since 1984, are from Norway and Iran. However the low number of Hungarian nationality students from the neighboring countries is differing from the national trend. This is mainly due to geographical reasons: Pécs is located considerably further from countries with the largest numbers of Hungarian minorities than Budapest, Szeged or Debrecen, so the universities of these cities have an advantage in case of Hungarians beyond the border. Though the Croatian border is close to the city, there are only ca. 15000 Hungarians in the country, and in case of the also near-located Serbia the attractiveness of Szeged is dominating, not speaking of the general attraction of the capital, which extends beyond all three provincial centres. However the University of Pécs has successfully acquired new markets in several distant countries: these are namely Brazil, China, Jordan and Turkey. The suddenly appeared large numbers of students from these countries are generally the results of a successful recruitment campaign or an inter-state agreement.

Figure 1: Countries sending more than 20 students to the UP, November 2014.



Source: own editing.

In case of the faculty distribution the national trend is reflected once again, as 70% of the international students were enrolled at the Medical School in November 2014, the Faculty of Humanities came second with 9%, and the remaining 21% was distributed among the remaining eight faculties of the university. In the academic year of 2014/2015 fifteen BSc courses, eight MSc courses and eight doctoral programmes were announced in English language excluding the Medical School, but the university was not yet able to attract a significant number of international students to these. The international students have a great impact on not only the university but also on the economic life of Pécs, and this affect becomes even more significant with the increasing headcount. According to a previous research (Zs. Füzesi – L. Tistyán 2013), only the students of the Medical School spend a total amount of 3,8 *between 4,1 Billion HUF (12,67 – 13,67 Million EUR)* per year in the country (most of it in Pécs) besides the tuition fee. As we know, the number of international students at the Medical School has grown since then, not speaking of the students enrolled at the other faculties, who were not involved in this sample. As part of the university population, international students are functioning increasingly as a catalyst of urban development: they have a great impact on the economy and development of Pécs through housing, consumption and use of various

services. It is important to mention here, that in terms the domestic base, the University of Pécs has lost 12 000 students since 2006 (Zs. M. Császár – Á. T. Wusching 2014), and this significant setback has left its mark on the life of the city as well, so proportionally the role of international students has appreciated even more. Furthermore, since there are many students who came from developed countries (primarily Germany, Norway), our hypothesis is that individually they have a greater contribution to the city's economy than an average domestic student, not speaking of the fact that international students stay considerably more in Pécs during the semesters than their Hungarian counterparts, who regularly travel home daily, weekly, biweekly or monthly. Importance of internationalisation is well indicated by the fact that some recent infrastructural developments in the city can be related to international students, a good example for this is the University Area Bike Path, which is commonly used by primarily German and Norwegian medical students. Therefore it is crucial, that the university and the city meet the demands of the arriving international students in every way, if the leadership sets the objective of further increasing their number.

4. RESULTS OF THE QUESTIONNAIRE SURVEY

Accordingly, our current comprehensive empirical research is based on the questionnaire surveying of the University of Pécs's international students. The survey focuses on the students' relations with the city: in which part of town do they live in; what characterizes their use of city spaces; how satisfied are they with different aspects of Pécs (public safety, traffic, prices etc.), how often do they visit various types of facilities, what services do they miss, and finally how much money do they spend in the city on various material and other assets. During the survey we managed to reach 546 students, which means a 21,84% sample in proportion of the 2500-strong headcount. In terms of the methodology, the surveying was implemented on paper surveys in a self-reporting way during lectures, under the supervision of lecturers. The sample's distribution between countries of origin and faculties is reflecting the proportions of the total population well: majority of the respondents (61%) are enrolled at the Medical School, while Germany is placed first among the sending countries with 23%. The average age of the respondents is 22,06 years, which means the majority of them are not freshmen, so presumably they were able to give relevant answers about their experiences of the university and the city. Their gender distribution is 264-251 in favor of women, while 31 people did not answer. During the evaluation beyond the analysis of the full sample we have split the multitude based on two criteria: on geographical basis we analyzed separately the answers of the European and the non-European students, as significant breaklines can be assumed between their culture and lifestyle. Uniquely we also

highlighted the German students from the Europeans, because they form a sample large enough (127 people) so it is justifiable to deal with them separately. The other criterium of the separation is the faculty distribution: we have created two groups here, the Medical School students (334 people) and the students of the other faculties combined (212 people, including the students enrolled at inter-faculty preparatory programmes). We have not split the latter group further, because none of the students of any of the faculties form a mass large enough for a separate analysis. A total of 391 students of the sample were from the 11 countries that sent the most students, so proportionally it reflects the distribution of the total population, since the vast majority of the 2500-strong headcount came from the same countries as well, Germany sent 691 on its own. If we take the geographical separation used during the analysis for a basis, we get 271 European and 241 non-European students, so besides the social, lifestyle and cultural differences this separation is also well-founded because of the similar proportion. The first question concerning the international students' relations with urban spaces was aimed at their housing. 30% of the sample live in dormitory, 7.5% have an own apartment, and 60% live in rented flats or apartments, while 2.5% have not answered the question. However, this result surely distorts projecting the entire headcount, since counting on a population of 2500, there should be 750 dormitory students, but it is sure that there are not so many in Pécs, so students living in rented apartments are more than 60% of the total headcount. However there are differences standing out impressively between European and non-European students, as well as students of the Medical School and the other faculties. Only a small proportion (below 10%) of the medical students and Europeans live in dormitory, while this ratio is considerably larger in case of non-Europeans and students enrolled at the other faculties. And in turn, less than 1% of the questioned German students live in dormitory, but more than 10% of them have an own apartment. These shifts in proportion are presumably related to the differences of the social, economic status of students arriving from different regions. Considering areas of town, international students predominantly live in the city center and downtown areas near the university campuses, only a small proportion lives in suburban or rural areas. Majority of the queried sample (54%) goes mostly on foot to the university, 18.5% use usually public transport, while 12.5% favors bike. Only a small proportion of the respondents travels by own motor vehicle or taxi to the university, while in case of 8%, the transport method to the campus varies. A marked difference emerges in the frequency of use of bike, and in parallel public transport between European (mostly German) and non-European students: 20% of the Europeans, 30% of the Germans travels mostly by bike to the university, while in case of the students from other continents, the proportion of bike users is only 3.7%. On the other hand, every third of them uses public transport, while only 6.6% of the Europeans and 0.79% of the Germans go to the university by bus. The differences may once again come from cultural, possibly economic reasons, in

addition to housing conditions: a greater proportion of non-Europeans live in dormitory, which is not always near to the university, so those who live further use public transport in greater numbers. This contrast is also present in case of faculties, the medical students use bike in a greater proportion (17.7%), while 35.4% of the students enrolled at the other faculties use public transport. Based of their own estimates, the queried international students reach the university in an average of 14.02 minutes, only the average of the Germans show difference, their estimated travel duration is two minutes shorter. Furthermore, also based on own estimates, the students live on average 1744 meters from their university campus, but since these numbers are own estimations, no far-reaching conclusions should be drawn from them, they are here only as curiosities. *The international students' image formed about the city of Pécs* is in turn an essential part of the research. The mapping of this was implemented through classification in a scale of five, split into various aspects (Table 1).

Table 1: The international students' image formed about Pécs, based on the queried sample. Source: own editing.

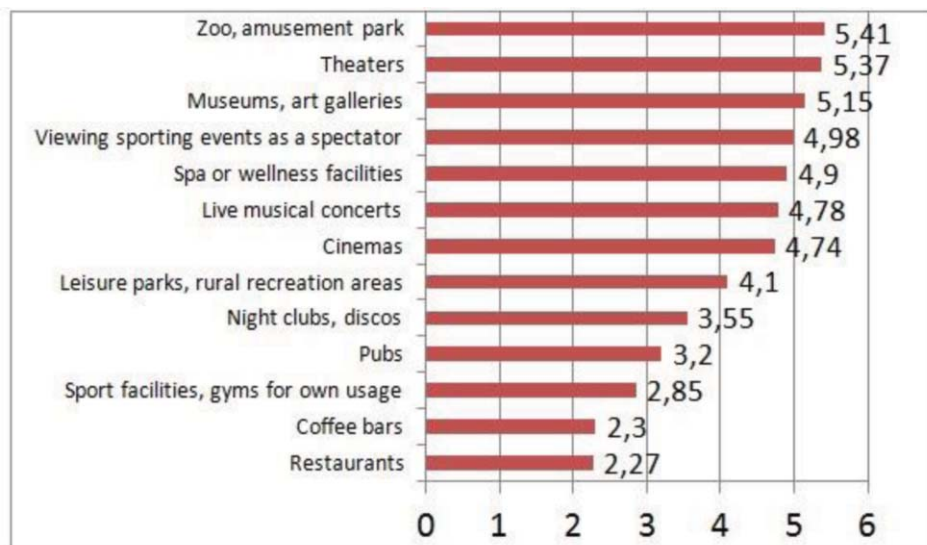
	<i>Full sample</i>	<i>Europe</i>	<i>Non-Europe</i>	<i>Germany</i>	<i>Medical School</i>	<i>Other faculties</i>
Quality of living environment	3,42	3,48	3,39	3,34	3,36	3,53
Quality of transport, transport supply	3,2	3,09	3,32	2,95	3,1	3,35
Public safety	3,52	3,31	3,75	3,12	3,32	3,85
Variety of services (for example hairdressing, cosmetics, shopping etc.)	3,14	3,2	3,08	3,27	3,07	3,25
Variety of cultural, leisure and entertaining facilities	3,16	3,26	3,06	3,37	3,08	3,29
Costs of living (food, basic necessities)	3,58	3,81	3,34	3,7	3,6	3,56
Costs of else (leisure expenses, prices of services)	3,44	3,67	3,19	3,51	3,49	3,37

Results of the full sample show no big differences between the various aspects, since every value falls between 3.14 and 3.58. In overall, living costs and public safety have received the highest average scores. The former is perhaps the most important category, since living costs of the destination country are proven to have an important role in the directions of international student mobility and the students'

choice of location (Beine, M. et.al. 2014). The average score of 3.58 may seem somewhat low in the case of Pécs, and it can be seen that students from non-European countries are pulling this value slightly down, since their wallets are relating probably differently to the local prices, than those of the majority of the Europeans. In case of leisure expenses, the difference between the two groups is equally significant, with a slightly lower overall average. The main reason of the 0.14 setback can be the following, that while the prices of food and basic everyday necessities are generally not aimed at specific target groups, several service providers and facilities specialize in contrast directly for international students, so they form their prizes compared to them, sometimes perhaps going a bit too far, and this difference is reflected by the divergence between the average scores. Examining in turn the grades given to the public safety, the difference between European and non-European students as well as between medical students and those enrolled at the other faculties is conspicuous, and in case of the Germans the value is even two tenths lower than the Europeans' average score. The deviation is 0.73 between Germans' and non-Europeans' values, which is the biggest difference within the scores given to same categories' of the whole question. It is a mystery, why the non-Europeans and the non-Medical School students feel themselves that much safer. Maybe, since they came from a different cultural and social environment, they have different concepts of public safety and its levels, but the reason can also be linked to their use of space: since many of them live in dormitories which are located next to or very close to the campus, so they generally use smaller spaces in the city, making them feel safer. If the concept of public safety also involves the safety of traffic, so the lower scores of the Europeans and within them the Germans can be explained with the fact that they use bike in a greater proportion, and they do not feel cycling safe in the city of Pécs, despite the built university town bike path. Anyhow, the evaluation of the scores given to the public safety raises another questions, on which a greater emphasis is worth to be given during a possible future research. In total, the lowest scores was given to the variety of services as well as leisure and entertaining facilities, so the city of Pécs definitely has to improve in this aspect, as long as it intends to meet the arriving international students' demands. The role of those facilities which specialize at international students can be increasing, since their number is growing year after year in parallel with the constant reduction of the domestic students' headcount. The marks of this shift in weight are now discoverable in several parts of Pécs, since various catering establishments, service providers have opened in spaces favored by international students in the last few years, while in other parts of town some places which were typically visited by domestic students have either been closed down or they operate in a smaller profile, shorter opening hours than before. The most complex question of the survey is relating partially to this, in which we were looking to find out *how often do international students visit various types of places, facilities in the city*. The respondents could pick from six

options in case of 13 types of facilities based on how often do they visit them: several times a week; once a week; two or three times a month; once a month or less often; once a year or less often; never (*Figure 2*).

Figure 2: Classification of facilities visited by international students in terms of the frequency of visits, based on the queried sample



(1 – several times a week; 2 – once a week; 3 – two or three times a month; 4 – once a month or less often; 5- once a year or less often; 6 – never). Source: own editing.

The results of the full sample were not surprising: places with the most frequent visits can be connected to the catering sector (restaurants, coffee bars, drink bars, night clubs). 56.6% of the sample visit a coffee bar at least once a week (the values came to the „several times a week” and the „once a week” options added together), furthermore 55.1% goes to a restaurant at least once a week. 36.3% of the sample goes to pub, while 29,5% visits a night club at least one time per week. We have not asked the respondents to name specific places because of the comparability with other cities, but the majority of the students surely have their own places which they regularly visit. The most popular places which cannot be connected to catering are gyms and sport facilities: 49.8% of the queried sample, i.e. practically every second student goes to train or sporting at least one time per week. The list of frequently visited places pretty much ends here, since the next type of place in the ranking is the category of „leisure parks, rural recreation areas” with 16.5%, as regards at least one visit per week by international students, and after another big gap, 6.5% of the

sample are viewing a sporting event in the city at least once per week. In case of cinemas, one third of the respondents picked the option „*once a month or less often*”, which can be considered as a normal value, since most people typically do not visit cinemas every week. However, nearly one third of the queried sample have never been in a cinema in Pécs. In case of theaters this ratio is 57%, and only 13% goes to a theater more than one time in a year. Besides the students’ interests, the low proportion can be explained with the fact that the theatre plays in Pécs are mainly in Hungarian language. The options “*museums, art galleries*”, “*spa and wellness facilities*”, “*zoo, amusement park*” and the “*live musical concerts*” have also low visiting averages, neither is really surprising.

Pécssett jelenleg nem található komoly fürdőlétesítmény, az állatkert felújítás alatt áll, élményparknak pedig egyedül a városon kívül található Mecsextrém tekinthető. Amennyiben vannak Pécssett nemzetközi zenei koncertek, vélhetően nem jut el a hírük a külföldi hallgatókhoz, a magyar előadókat pedig bizonyára nem ismerik. Currently there are no serious spa facilities in Pécs, the zoo is under renovation, and only the Mecsextrém, which is located outside the city, can be considered as an amusement park. Furthermore, if there are international musical concerts in Pécs, the international students are probably not well informed about them, and they do not know the Hungarian performers. In case of the most frequently visited facilities, it is worth to highlight some interesting results of the geographical and faculty splitting (*Table 2*).

Table 2: Results of the geographical and faculty splitting in case of the international students’ most frequently visited types of places, showing the proportions of visits at least once per week

	Full sample	Europe	Non-Europe	Germany	Med. School	Other fac.
Restaurants	55,13%	49,45%	65,56%	51,18%	49,70%	63,68%
Coffee bars	56,59%	66,05%	46,89%	70,08%	61,38%	49,06%
Drink bars (pubs)	36,26%	48,71%	24,48%	48,82%	38,92%	32,08%
Night clubs	29,85%	39,48%	21,16%	38,58%	29,34%	30,66%
Gyms and sport facilities	49,82%	61,99%	38,17%	71,65%	59,58%	34,43%

Source: own editing.

We can see that students from outside Europe go only to restaurants more often than their European counterparts, this can be due to their different eating habits, or due to some other reasons. However in terms of the other most frequently visited places the Europeans’ proportion is in all cases more dominant, and the difference

in some places are well marked: Europeans go to drink bars at least once a week in a proportion twice as great as non-Europeans', and the ratio difference is also nearly twice in case of night clubs. This is partially due to financial reasons, and partially because of the cultural, social differences: visiting bars and night clubs has a larger role among the young people in the European culture than in most African or Asian countries, especially the Muslim states. From these ratios we can also refer back to the earlier results about the evaluation of public safety: since non-Europeans go much less to bars and clubs, they move less often in the night, so presumably fewer of the typical nightlife atrocities reach them if they do not go out to the streets in the night. Returning to the visiting of facilities, the Germans' average scores do not typically differ from the Europeans' averages, only the 10% difference in the use of gyms and sporting facilities may worth mentioning. However between Europeans and non-Europeans there is also a marked deviation, so it seems that the non-Europeans' sporting habits are also differ from those of the European students. Financial reasons may also conspire here, since the use of gyms and other facilities are for a fee, which many of the students who came from economically underdeveloped countries probably cannot afford. The question "*what facilities, services do international students miss in the city of Pécs*" is connecting with the previous question about the visiting of various facilities. In terms of the queried sample, 26%, so practically every fourth student miss at least one thing from the city, which is relatively a good ratio, since this means that three quarters of the students do not miss anything at all. No significant differences are here between Europeans and non-Europeans, however it is worth mentioning that 30% of the medical students miss something, while in the case of the other faculties' students this number is only 20%, so this strengthens the hypothesis that students of the Medical School have higher demands towards the city. The students could write in themselves, what things do they miss, so obviously there were many various answers, yet most of the respondents gave more general things („more and better from something"), only few have given specific brand or product names. We have grouped the similar answers based on various types of services: meals, shopping, sporting, nightlife and English language services. The most answers are mentioning services concerning meals: the students found the variety and quality of meals low, they have demands for more restaurants. The number of answers came to the lack of sporting opportunities are ranked second place, most students are dissatisfied with the opportunity of practicing a specific type of sport. The third mostly missed type of service is shopping: a part of the international students want more shops and a wider range of products. In turn, the respondents' feeling of lack concerning nightlife could be mitigated through a wider range and better quality of clubs. In terms of English language services, most students are missing motion pictures, however more cinemas in Pécs are also projecting movies in original language. Though as we mentioned earlier, only a few respondents have picked specific brands

or products which they miss, eight students have written *Starbucks* in. It is obviously a low number regarding the sample of 546, but since other brands were only named occasionally by one or two students, so it stands out in this area. It can be assumed that a *Starbucks* unit next to the Medical School, or in the city centre near the main square would generate a significant turnover among international students, since it is a popular franchise in Western countries. Obviously, the international students' economic impact on the city can be mostly measured through *the amount of money they spend in the city*, so the last question focuses on this. We have split the question into six groups of assets:

- *housing expenses* (dormitory fee, rents, overheads);
- *basic necessities* (food, basic hygiene products etc.);
- *other buyings* (clothes, accessories, technical items, books etc.);
- *transport* (maintenance of own vehicle, fuel, taxi fees, public transport fees etc.);
- *Expenses related to studies excluding tuition fee* (lecture notes, books, exam fees etc.);
- and finally *leisure expenses* (theatre, cinema, recreation, sports, pubs, partying etc.).

Since the question focused on monthly amounts, so it is appropriate to overview the monthly averages: based on the answers, international students spend an average of 178 900 HUF (~600 EUR) per month in Pécs (*Table 3*).

Table 3: The monthly average amount of money spent by an international student in Pécs, based on the queried sample

	Average monthly amount (EUR)
Housing expenses (dorm fee / rents / overheads)	238
Basic necessities (food, hygiene items etc.)	168
Other buyings (clothing, accessories, cigarettes, technical items, novels, computer games etc.)	76
Transport (maintenance of own vehicle, fuel, taxi fees, public transport fees etc.)	35
Expenses related to studies excluding tuition fee (lecture notes, books, exam fees etc.)	42
Leisure expenses (theater, cinema, recreation, sports, pubs, partying etc.)	53
Monthly average	612

Source: own editing.

From these numbers it can be concluded, how great economic impact do international students have on the city, since this amount is considerably higher than the monthly expenses of an average Hungarian student. Most of the money are spent on housing (238 EUR) and basic necessities (168 EUR), which is not surprising, nor is the fact that students of the Medical School spend averagely much more than the students enrolled at other faculties. The average monthly amount is ~663 EUR in case of medical students, while the rest spend averagely ~475 EUR per month, so the city definitely gains more profit from students of the Medical School. With the method used in an earlier research which was focused only on the medical students (Zs. Füzesi – L. Tistyán 2013) we calculated the average amounts on the total headcount (2500 students) and on a stay for 9 and a half months. Thus it turned out that the total yearly amount of money spent by international students in Pécs is somewhere between *13.13 and 15.1 Million EUR*. This is not directly proportional with the mentioned earlier research, because though has largely increased in the time between the two surveys, this increase affected mainly the other faculties, which's students spend in proportion less than the medical students. The other faculties' students' more restrained spending can be referred back to some results discussed earlier: on the one hand many of them are living in dormitories, which are cheaper than flat renting, furthermore there are students whose dormitory fees are covered by grants, so they wrote 0 to the housing expenses. The other main reason probably lies in the visiting of facilities: *Table 2* shows the differences, although we can see that students of the other faculties go more often to restaurants and night clubs than medical students, however it is another question how much money do they spend at these places. All things considered, this amount is clearly a significant income for the service sector and flat owners of the city, it would be interesting to compare, how many domestic students would it take to get the same amount.

6. CONCLUSION

Overall speaking, the research helped us to get a complex view on the current situation of the University of Pécs's internationalisation, and the results obtained can be useful from the perspective of both the university and the city, as we assume that they intend to meet the requirements of the international students arriving in increasingly large numbers. The evaluation has confirmed that the international students' increasingly growing presence has a great impact on a city of this size: currently they make up 2% of the total population of Pécs, and the university's leadership openly seeks to further increase their headcount. The internationalisation can also give an impetus to the economy of the city, which visibly can not recover from the stagnation of the past decade. The presence of international students has a multiplier effect on the economy of Pécs primarily trough the service industry, the commercial and catering sector and

the real estate market (mainly flat renting), and this is especially important because of the reduction of the domestic students' headcount. About the international students' use of urban spaces it is important to mention that crucially the city centre (Széchenyi square, Király street), and the area near the university's western campus (University Town) are dominating in terms of both their housing and the places, facilities they visit. This trend combined with other effects entails the uneven internal development of the city, since these areas are developing spectacularly more dynamic than some other town parts: the most newly built areas are within the town parts that international students use frequently, furthermore several new, high quality service units operate here, focusing mainly on the demands of international students, some types of service providers are spatially concentrated.

Moreover, the results obtained in the research are showing a direction in terms of what further analyses are worth doing regarding the subject. Based on the current questionnaire survey, a comparative analysis can be made, expediently with a Hungarian or foreign university in a city that is similar-sized to Pécs, through surveying international students with the same questionnaire, from which interesting conclusions can be drawn considering the characteristics of each city. Besides, some interesting results can be emphasized from the survey in a smaller context, which are worth to examine deeper and more nuanced. Furthermore, if we assume that the number of international students will continue to grow in the coming years, with a similar survey we can map the changes, as well as it can turn out if the city of Pécs can move towards internationalisation more than currently, following the Western pattern. Lastly, we can get some answers regarding if the international students' presence will have a developing impact on wider urban spaces in the future, or those town parts that they currently use will continue to develop at a higher rate, generating even bigger differences in the level of development between individual areas of the city.

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Dušan DABOVIĆ LLD¹

HISTORICAL DEVELOPMENT OF DANUBE CONVENTION

ABSTRACT

This paper aims to highlight the historical development of the Danube Convention (i.e. the Convention on Cooperation for the Protection and Sustainable Use of the Danube River), which is the most important legal document of the EU Strategy for the Danube river. Namely, from the middle of the nineteenth century this convention has been preceded by the several international legal acts regulating the use of the Danube. At the same time, Serbia has developed its own legal framework on water management, considering the fact that the national legislation in this field should have been in accordance with the international agreements. Thereby, in this study, we have applied the historical method, the formal legal method, the text analysis and other appropriate methods. For the purposes of this study indicated epoch is divided into three periods: Until the First World War; between the two World wars; and after the Second World War. In each of these periods basic international legal acts on use of the Danube River are presented in the paper as well as the Serbian national legislation in the field.

Key words: Danube River, the European Union, the Danube Commission, international law, the Kingdom of Serbia, Yugoslavia.

1. INTRODUCTION

Since the Danube River for the centuries has been used as a waterway for trade, it was a source of conflict among states in this basin which were interested in trade, but also of major European trading powers i.e. European political powers. International regulating of the Danube basin began in the nineteenth century and by the time the international legal acts in this area have become more numerous and more complex. Also, this epoch has been characterized by the turbulent international

¹ The Ministry of Agriculture and Environmental Protection – Directorate for Plant Protection.

political changes, including two world wars, which led to a change of power centers as well as to the disappearance of some states and the creation of new ones. Therefore, the historical development of the Danube Convention could be analytically considered in three periods: Until the First World War; between the two World wars; and after the Second World War. Also, in these periods has been a specific development of the national legislation in the field of waters use, first while Serbia was an independent state, then in the frame of Kingdom of Serbs, Croats and Slovenes and the Kingdom of Yugoslavia, later within the few political forms of Federal Yugoslavia, and finally as an re-independent state.

2. PERIOD BEFORE THE FIRST WORLD WAR

The period before the Great war was characterized by the Paris Peace Treaty of 1856² which ended the Crimean war of Russia against the coalition of the Ottoman Empire, Great Britain and France and Sardinia, and which lay the legal basis for international regulation on use of the Danube river. Also, another legal stepping stone in this period was the Public Act on the European Danube Commission of 1865,³ which brought more details on organization and operations of this international body. At the time, Serbia was not an independent state, and could not sign the Treaty, nor the Public Act, but it later concluded a convention with Austria-Hungary on navigation on the rivers, as well as a convention with an international body on steamboat navigation on the Danube. Also, Serbia enacted the first Law on Waters only the few years after its proclamation of the independence and another law on the same subject at the beginning of the twentieth century.

2.1. Paris Peace Treaty and Public Act on European Danube Commission

Article XV of the Paris Treaty established the principle of free navigation on the rivers that flow through several European countries. In addition, in order to improve navigation of the Danube delta the European Commission was established, composed of representatives of the parties, which supposed to enable navigation through the Danube Delta, and about a hundred kilometers upstream. Also, a Commission has been established for the rivers of Danube basin, consisting of representatives of the countries through which the rivers flow, e.g. Austro-Hungary, Bavaria, Virtemberg and Turkey. This committee was charged with preparation of

² "Paris Treaty 1856", Интернет, https://archive.org/stream/greateuropeantre00oakeiala/great_europeantre00oakeiala_djvu.txt, 30.10.2015;

³ Commissions of the Danube River, Интернет, https://en.wikipedia.org/wiki/Commissions_of_the_Danube_River, 30.10.2015.

the technical requirements for navigation, political and legal framework, as well as control of implementation of the act. The deadline for exercising of these objectives for both committees was two years; however, the Commission for the river was not fully organized. The agreement which was concluded in 1865, between Austria, Britain, France, Italy, Prussia, Russia and Turkey, internationalized the European Commission. Also, the treaty brought two annexes on the rules of navigation and the fees charged vessels approaching the Danube Delta, while the provisions of this act directly applied in the countries through which the Danube flowed. In addition, the funds were established for its financing, and the time frame of the Commission was extended for the next five years. Although in this period Serbia was not a party to these conventions and did not participate directly in the Commissions, it signed two bilateral agreements on regulation of Danube basin - with Austria-Hungary,⁴ and with the First privileged society for steamboat navigation on the Danube.⁵ In 1882 Serbia concluded with Austria-Hungary the Convention on navigation to facilitate navigation on rivers which belonged to their territories. Namely, each party has enabled the other side to carry goods and passengers in rivers ways and to use appropriate facilities and capacities on the banks, in accordance with national legislation and the international rule on the most favorable nation (MFN). In addition, the parties have agreed to reduce fees charged for transportation on the rivers on a level determined for domestic vessels, while the passenger, postal and governmental ships are exempted from any fees. In addition, it was agreed to simplify the customs procedure for rivers in all cases where it was possible. The Serbian side has obliged itself to harmonize its policies that applied to the docks, navigation and river police, as well as rules for disinfection of ships and other measures to be taken in this area against the spread of "human and animal infectious diseases in order to comply with the rules and measures of the same nature that apply on the Austrian bank". It was agreed that in cases of crime prevention local authorities could intervene without the prior consent of the ships, while in other cases, local authorities might intervene on ships of the other party only with prior consultation with the consular officials of the country. The Government of the Kingdom of Serbia in 1885 concluded the Convention with the First Privileged Society for Steamboat Navigation on the Danube (hereinafter: the Company), in order to transfer mail and other postal materials, transport military personnel and postal employees by postal and passenger steamships of the Company, as well as for use of Serbian institutions by the Company. It was agreed that the postal material could be transported in two ways: by mail transport, or by transportation of postal

⁴ „Конвенција о пловидби закључена између Србије и Аустро-Угарске“, *Српске новине*, бр. 174/1882.

⁵ „Конвенција Владе Краљевине Србије и Првог повлашћеног друштва за паробродну пловидбу Дунавом“, *Српске новине*, бр. 105/1885.

officials. Military personnel and postal employees were transported by ships of the Company on preferential terms, where they had to be in uniform and without weapons, or weapons would be taught at the entrance to the ship and received during the descent of the ship. On the other hand, the Serbian government has pledged to allow the Company to use a telegraph services by connecting certain stations of the Company with its telegraph network.⁶

The Law on Waters and their use⁷ of 1879 Serbia brought soon after its proclamation of independence, which shows the importance that was given to the river routes. The law declared navigable waters as the public good, determined the types of waters on which property may be established, the conditions for the use of waters to the public good, as well as limitations on the use of waters which are privately owned. In addition, the law ordered authorities to control the application of this law, as well as the procedure for resolving disputes and penalties for its violation. In 1904 the Law on Regulation and the Use of Water, established a special department within the Ministry of Economy, which dealt with issues on water use, as well as appropriate advisory body.⁸ In addition, among the most important issues were: the regulation and maintenance of liquid water, preventing floods, draining wetlands, irrigation, landscaping river for navigation, construction of navigable channels, the establishment of cooperatives to carry out these tasks and general water use. Also, in order to cover general expenses, as well as to finance and support the company in this area the Water Fund has been established, which has been financed from the state budget, as well as from revenues from fees for water use.

3. PERIOD BETWEEN THE WORLD WARS

After the Great War, political map of Europe was drastically changed and there was a need for another legal platform for managing the Danube basin. Therefore, only some of the Allies states, including Serbia (in the common state with the Croats and the Slovenians), concluded the new convention on regulation of the Danube river (known as the Definitive Danube Statute) which re-established the Danube Commissions, and determined charges for the riparian states concerning navigation on the Danube and other navigable rivers from the basin. Also, in this period Serbia enacted a rulebook on the river police, which prepared the Danube Commission.

⁶ *Ibidem*, чл. 2,3.

⁷ „Закон о водама и њиховој употреби“, *Српске новине*, бр. 4/1879.

⁸ „Закон о водама и њиховој употреби“, *Српске новине*, бр. 152/1904.

3.1. Definitive Danube Statute

The Contracting Parties (Belgium, Great Britain, Greece, Italy, Romania, the Serb-Croat-Slovene State and Czechoslovakia), concluded the Convention Instituting Statute of Danube, signed at Paris, in 1921.⁹ The Convention stipulates that navigation on the Danube is unrestricted and open to all flags over the whole navigable course of the river, between Ulm and the Black Sea, and over all the internationalized river system. Two separate Commissions were re-established, the European Commission of the Danube, which was charged for maritime Danube, and the International Commission of the Danube which was charged for navigable fluvial Danube and according waterways. The European Commission of the Danube was composed of representatives of France, Great Britain, Italy and Romania, but there was stated that any European State which in future would be able to prove its possession of sufficient maritime commercial and European interests at the mouths of the Danube could be accorded to the representation on the Commission. The International Commission was composed of two representatives of the German riparian states, one representative of other riparian states, and one representative of each of the non-riparian states which were represented on the European Commission of the Danube. The authority of this Commission extended over the Danube between Ulm and Braila, as well as over the according river system. The International Commission was responsible for no obstacle was placed on the unrestricted navigation of the river, as well as for drawing up the general programme of important works of improvement which should be carried out in the interests of the navigability of the international river system. The riparian states had right to carry out within the limits of their own frontiers any works which might be necessitated by unforeseen and urgent circumstances, but in this case they had to apprise the Commission without delay. The execution of the necessary works and the appointment of the expenditures were determined by agreement between the states. According to the Convention, the riparian states were obliged to supply the International Commission with a summery description of all works to be carried out on the portion of the waterway situated within their own frontiers which they consider necessary for their economic development. The costs of these works were borne by the riparian states concerned. If a state were able to prove that the expenditure exceeds what was required in the interest of its own traffic, it may request the Commission to distribute the expenditure between it and the riparian states and could cover its expenditure by the imposition of dues, if it undertook according works.¹⁰ The Convention

⁹“The Convention Instituting Statute of Danube“, Интернет, <http://www.forost.ungarisches-institut.de/pdf/19210723-1.pdf>, 30.10.2015.

¹⁰ *Ibidem*, Article 8-16.

stipulated that the International Commission and the European Commission of the Danube would have taken all measures necessary to ensure a uniform system of administration for the Danube. For this purpose, the two Commissions regularly exchanged all information which interested both. Also, the signatory states could establish uniform civil, commercial, sanitary and veterinary regulations relative to the exercise of navigation and to shipping contracts.¹¹

3.2. Rulebook on the police for navigation on the Danube and the Danube network

The Rulebook on the Police, which is Valid for Navigation on the Danube from Ulm to Braila as on Internationalized Danube River Network (hereinafter: the Rulebook) which was adopted on the basis of the the Peace Treaty of Versailles and the Danube Statute.¹² The Rulebook was prepared by the Danube Commission and published in The Kingdom of Serbs, Croats and Slovenes, concerning the fact that the Kingdom SCS was the signatory of the Convention Instituting Statute of Danube. The Rulebook should have maintained safety and order on the part of the Danube between Ulm and Braila, as well as on the waterways which consists drainage network proclaimed as the international. The exercise of navigation was governed by the provisions of this rulebook, without insulting regulations issued by riverine states, which were special regulations on the operations of the police for the ports, banks and rivers. In the framework of the General Provisions the Rulebook provides that the captains of ships and other vessels, as well as rafters, must obey the orders of the relevant authorities of the riparian States. Special sections cited provisions relating to: all kinds of vessels; rafts; ships loaded with dangerous objects; navigation on various strokes of the river network. Also, the Appendix was enacted, with regulations for the river navigation, and the special provisions concerning the navigation on certain sections of the river network: Upper Basin, Central Basin Sector "Iron Gates" and the Danube rafts, as well as Lower Danube. Within the Section referring to the provisions that apply to all types of ships are governed issues such as: Distinctive and other signs; widgets for maneuver; signs for signaling; other rules for navigation on the river; the rules that apply in cases of mutual meeting of ships; the rules that apply during the night and during the mist; the rules that apply to anchored ships or boats anchored along the river banks; the rules that apply in cases where the ships can not maneuver in case of breakage, as well as in cases of stranding or shipwreck; privacy buildings on the water and the works that are in the course of the river.

¹¹ *Ibidem*, Article 39, 40.

¹² „Правилник о полицији који важи за пловидбу Дунавом од Улма до Браиле као и на интернационализованој дунавској мрежи“, *Српске новине*, бр. 175/1927.

4. PERIOD AFTER THE WORLD WAR II

After the World War II, Europe was politically parted on the Western and the Eastern blocks, which reflected the regulation of the Danube basin, concerning the fact that the bigger part of the flown river belonged to the states of the Eastern block, including new Yugoslavia. These states together with USSR concluded new convention on navigation on the Danube River, to which from the Western block states acceded only Austria. The latest convention of 1994 (the Danube Convention) is based on the cooperation of the riparian states and protection and sustainable use of the Danube. In this period Serbia brought several laws and by-laws, in accordance with the adequate international legislation.

4.1. *Convention Regarding the Regime of Navigation on the Danube*

The Danube River Conference of 1948 was held in Belgrade, Yugoslavia, to develop a new international regime of navigation on the Danube. The Contracting Parties¹³ concluded the Convention¹⁴ which cancelled the Convention signed in the Paris 1921 and its commissions and declared that navigation on the Danube should be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping. Also, it was stated that the regime established by this Convention would apply to the navigable part of the Danube River between Ulm and the Black Sea through the Sulina arm, and that the Danubian States were obliged to maintain their sections of the Danube in a navigable condition. If a Danubian State would be unable to undertake works within its own territorial jurisdiction which are necessary for the maintenance of normal navigation it would be bound to allow the Danube Commission to carry them out under its conditions, which may not entrust the execution of such works to another. Thereby, the Danubian States agreed to afford the Commission all necessary assistance.¹⁵ The functions of the Commission are: To supervise the implementation of the provisions of the Convention; to prepare a general plan of the principal works called for in the interests of navigation on the basis of proposals and-projects presented by the Danubian States and the Special

¹³ Soviet Socialist Republics, the People's Republic of Bulgaria, the Hungarian Republic, the People's Republic of Romania, the Ukrainian Soviet Socialist Republic, the Republic of Czechoslovakia and the Federal People's Republic of Yugoslavia (Austria accessed to the convention the next year).

¹⁴ „Конвенција о режиму пловидбе Дунавом“, *Службени лист ФНРЈ*, бр. 8/49, *Службени лист СРЈ*, *Међународни уговори*, бр. 6/98; Видети: Stephen Gorove, *Law and Politics of the Danube*, Martinus Nijhoff, Hague, 1964.

¹⁵ *Ibidem*, чл. 1-4.

River Administrations and likewise to draw up a general budget in connexion with such works; to execute the works in the certain cases; to consult with, and make recommendations to the Danubian States in respect of the execution of the works; to consult with, and make recommendations to the Special River Administrations, and to exchange information with them; to unify the regulations governing river inspection; etc. In order to carry out the tasks referred to in the foregoing article, the Commission has its own secretariat and the necessary office services, the staff of which should be recruited from nationals of the Danubian States. Also, the Commission has its budget which is approved by a majority vote of all its members. The Convention determines that Commission's decisions have to be taken by a majority of the members present, unless otherwise specifically is provided in the Convention. It states that the seat of the Commission is at Galatz, and that the official languages of the Commission are Russian and French.¹⁶ The Convention established a Special River Administration in the lower Danube for the execution of hydraulic engineering works and the regulation of navigation, which should be consisted of the representatives of the People's Republic of Romania and the Union of Soviet Socialist Republics. Also, there was established a Special River Administration of the Iron Gates in the Iron Gates section for the execution of hydraulic engineering works and the regulation of navigation in the said area which was consisted of the representatives of the People's Republic of Romania and the Yugoslavia (now Serbia). Both of Administrations should act on the basis of an agreement between the Governments of the countries members of the each of the Administration.¹⁷

4.2. Convention on Cooperation for the Protection and Sustainable Use of the Danube River

In 1994 in Sofia the Contracting Parties¹⁸ concluded the Convention on Cooperation for the Protection and Sustainable Use of the Danube River¹⁹ (hereinafter: the Convention) as a result of their strong intention to intensify water management cooperation in the field of water protection and water use in the Danube basin. The Convention sets the following objectives and principles of the

¹⁶ *Ibidem*, чл. 5-15.

¹⁷ *Ibidem*, чл. 20-21.

¹⁸ Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Hungary, Moldova, Montenegro, Romania, Slovakia, Slovenia, Serbia, Ukraine and the European Union.

¹⁹ „Закон о потврђивању додатног протокола од 26. марта 1998. уз Конвенцију о режиму пловидбе Дунавом од 18. августа 1948, са Протоколом о потписивању Додатног протокола од 26. марта 1998. године уз Конвенцију о режиму пловидбе Дунавом од 18. августа 1948. године”, *Сл. лист СРЈ - Међународни уговори бр. 6/98*.

cooperation: achieving the goals of a sustainable and equitable water management; focusing on fundamental water management issues and taking all appropriate legal, administrative and technical measures, to maintain and improve the current environmental and water quality conditions of the Danube River and of the waters in its catchment area; strengthening, harmonizing and coordinating measures at the domestic and international level throughout the Danube Basin; the “Polluter pays” principle and the Precautionary principle constitute a basis for all measures; orientation on a stable, environmentally sound development; etc. Beside the General provisions, the Convention regulates issues on the multilateral cooperation, the International Commission and the procedural and final clauses. Thereby, the most important forms of cooperation under this Convention are: consultations and joint activities in the framework of the International Commission, exchange of information on bi- and multilateral agreements and exchange of legal documents and of other publications; information to the public; research and development; communication, warning systems and emergency plans; mutual assistance.²⁰

In relation to multilateral cooperation, the Contracting Parties intend to prevent, control and reduce transboundary impact by the relevant legal, administrative and technical measures which the Contracting Parties have had to develop, adopt and implement, in order to ensure efficient water quality protection and sustainable water use. Beside prevention of the transboundary impact these measures have to fulfill certain ecological conditions in the fields of emission limitation, emission inventories and monitoring programmes. Namely, the Contracting Parties would set emission limits applicable to individual industrial sectors or industries in terms of pollution loads, and concentrations and based in the best possible way on low- and non-waste technologies at source. Where hazardous substances are discharged, the emission limits would be based on the best available techniques for the abatement at source and/or for waste water purification. For municipal waste water, emission limits would be based on the application of at least biological or an equivalent level of treatment. Also, the Contracting Parties would undertake periodically inventories of the relevant point and nonpoint sources of pollution within the catchment area of Danube River including the prevention and abatement measures already taken for the respective discharges as well as on the actual efficiency of these measures. Thereby, the Contracting Parties are obliged to report to the International Commission on basic issues required for the Commission to comply with its tasks.²¹ The Convention establishes International Commission which elaborates proposals and recommendations addressed to the Contracting Parties. The structure and the procedures of the International Commission as well as its competences are stipulated

²⁰ *Ibidem*, Article 2-4.

²¹ *Ibidem*, Article 5-10.

in detail in Annex IV, but the International Commission is competent to deal with all other affairs the Commission is entrusted by mandate from the Contracting Parties. Also, the International Commission decides on the cooperation with international and national Organizations or other bodies, which are engaged or interested in the protection and water management of the Danube River and of waters within its catchment area or in general questions of water protection and water management.²²

4.3. Serbian and federal legislation on water since WWII

Serbian legislation on water in the period after the WWII characterizes transformation of the state regulation from the socialist republic in a federation to the democratic independent state. This transformation affected legal forms and procedures, as well as the material law (provisions on water). Current law on water,²³ of 2010, regulates issues on the legal status of water, integrated water management, management of water facilities and water land, resources and funding of water activities, supervision over the implementation of this law, and other issues of importance to water management.²⁴ According to the law, the water management is based on: the principle of sustainable development; the principle of integrity; the principle of integrity of the water system; the principle of providing protection from the damaging effects of water; the principle of “user pays”; the principle of “polluter pays”; the principle of public participation; respect for the principle of best available techniques.²⁵ Planning documents for water management are: Water management strategy in the Republic of Serbia; Water management plan; the annual program of water management; plans regulating protection from adverse effects of water. Thereby, the Water Management Strategy in the Republic of Serbia (hereinafter: Strategy) is a planning document that sets long-term directions of water management and it contains in particular: assessment of the current situation of the water management; the objectives and guidelines for the water management; measures for achieving the stated objectives of the water management; projection of development of the water management. A water management plan for a river basin district is adopted in accordance with the Strategy for the Danube Basin, as well as a water management plan for the part of the basin of the Aegean Sea, the Act relating to the Pcinja and the Dragovistica.²⁶ In order to achieve the objectives defined by

²² *Ibidem*, Article 18.

²³ „Закон о водама“, *Службени гласник RS*, бр. 30/10, 39/12.

²⁴ *Ibidem*, чл. 1.

²⁵ *Ibidem*, чл. 25.

²⁶ *Ibidem*, чл. 29, 30 и 33.

the Strategy, the water management plan for the river basin districts and water management plan for the Danube River Basin, the Serbian Government on the Ministry's proposal, adopted a program of measures. The program of measures includes measures relating to: Regulation of watercourses and protection from harmful effects of water; planning and water use; water protection. Thereby, the Measures relating to the regulation of watercourses and protection from harmful effects of the water are measures relating to: Regulation of the watercourses and flood protection; protection from erosion and torrents; protection of the inland waters; necessary construction of the water facilities. For the realization of the Strategy there could be brought, in addition to water management plan for specific water management issues, a Special water management plan. Also, an Annual program of water management is a planning document which defines water structures, type and scope of works or activities that are funded in the period for which the annual program is brought.²⁷

5. CONCLUDING REMARKS

With this article we have presented the historical development of the Danube Convention, which since the middle of the nineteenth century can be divided into three periods: before the First World War, between the two World wars, and after the Second World War. We focused the most important international legal acts in each period, relating to the legal regulation of the use of the Danube and the Danube basin. Also, we found the most important legal acts of Serbia in this field, including the first Serbian law on waters from the nineteenth century. It was noted that Serbia in the first period did not participate in the Danube Commission or the Convention, because it was not an independent state, while since the First World War, Serbia has been the signatory to all international instruments and member of the Danube Commission.

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²⁷ *Ibidem*, чл. 2.

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Žarko RADIĆ, Ph.D.¹

THE CHARTER OF STEFAN NEMANJIĆ ON FRIENDSHIP AND TRADE WITH DUBROVNIK AS A CULTURAL AND HISTORICAL HERITAGE OF THE DANUBE REGION AND THE EUROPEAN UNION

ABSTRACT

In the Middle Ages, eight hundred years before the implementation of the EU Strategy for the Danube Region, the Serbian ruler Stefan Nemanjić issued the Charter on Friendship and Trade with Dubrovnik. Then he married Ana Dandolo and both were crowned. On the occasion of this important anniversary, the author analyzes the Charter, by applying the historical-juridical, comparative, dogmatic, politological and sociological approaches. In the end, the author concludes that Charter of Stefan Nemanjić on Friendship and Trade with Dubrovnik is a cultural and historical heritage not only of the Republic of Serbia and the Republic of Croatia, but also of the Danube Region and the European Union as a whole. On the occasion of the eight hundredth anniversary of the proclamation of that Charter and in accordance with the Third and Fourth Pillars of the EU Strategy for the Danube Region, the author supports the establishment of new forms of multilateral cooperation between the countries of the region, in matters of international criminal law, as well in the development of social sciences and humanities under the auspices of the Danube Rectors' Conference, whose member is the University of Dubrovnik.

Key words: Dubrovnik, Charter, Stefan Nemanjić, Ana Dandolo, Danube Region, European Union, extradition.

1. INTRODUCTION

Although it does not lie on the beautiful blue Danube, but on the coast of the beautiful blue Adriatic sea and although the tales from its wood and the woods

¹ Faculty of Law, University of Kragujevac.

nearby are historically more important than the „Tales from the Vienna Woods“, Dubrovnik as the city of the Republic of Croatia, which is one of the countries of the Danube river and the member of the European Union, by its beauty and undisputed cultural and historical heritage has enriched the Danube region and the European Union. On the occasion of the eight centuries of the coronation of Stefan Nemanjić and Ana Dandolo, and the issuance of the Charter of Stefan Nemanjić on the Friendship and Trade with Dubrovnik (hereinafter in this text: Charter), the goal of this paper is to analyze the Charter and evaluate it as a cultural and historical heritage not only of the Republic of Serbia and the Republic of Croatia, but also of the Danube region and the European Union. To achieve this goal the following approaches will be applied: the historical-juridical, comparative, dogmatic, politological and sociological. In accordance with the result of the research and the European Union Strategy for the Danube Region, in the conclusion of the paper we will propose the appropriate forms of multilateral cooperation between the countries of the region. Although we started the research with a hypothesis that the Charter is cultural (and historical) heritage of Europe, in formulation of the topic we have opted for the phrase „cultural and historical heritage of the Danube region and the European Union“ for several reasons: 1) the Charter is physically located on the territory of the Danube region and the European Union (its Cyrillic original /transcript on parchment/ is kept in Croatia, a original /transcript on parchment/ in Latin in Austria, in Vienna),² 2) even though the Charter was issued eight centuries before the implementation of the EU Strategy for the Danube Region, it would be desirable that the end result of this research initiates the appropriate actions, in line with that strategy, 3) according to a special hypothesis, the values contained in the Charter indicate that Serbia throughout the history has been developing the values that also governed in other developed European countries, 4) this research should lay emphasis on common values, history and culture of the Republic of Serbia and the countries of the Danube region and the European Union, as elements of preservation and strengthening of European integration. In this state of affairs, cultural heritage must be seen in line with a variety of legal sources and documents, whether they are created under the auspices of the Council of Europe or the European Union.³ In this paper, we will first look at the historical facts related to the Charter, then at the Charter and its historical and cultural value.

² *Zbornik srednjovekovnih ćirilčkih povelja i pisama Srbije, Bosne i Dubrovnika, knj. 1. (Collection of medieval Cyrillic charters and letters from Serbia, Bosnia and Dubrovnik, book 1.)*, prepared by: Vladimir Mošin, Sima Ćirković, Dušan Sindik, Istorijski institut, Beograd, 2011, pp. 85-87.

³ „European Cultural Convention“, Paris, 19.12.1954, Council of Europe - European Treaty Series - No. 18, pp. 1-5. Internet: http://www.kultura.gov.rs/docs/stranice/82128418889499_865927/1.%20Evropska%20kulturalna%20konvencija,%20Pariz,%201954..pdf, 30.10.2015; „Council of

2. HISTORICAL FACTS REGARDING THE CHARTER

According to some historians, Serbia was physically created by Stefan Nemanja (by uniting Serbian provinces), while the youngest Nemanja's son Rastko, who took his monastic vows in youth and received a monastic name Sava (later he was included in the order of Serbian saints) received credits for its spiritual creation, both in cultural and religious sense.⁴ However, the fact that Stefan Nemanjić, Nemanja's middle son, was proclaimed king was particularly important for autonomy and independence of the Serbian state at the time. After marrying Venetian woman Anna Dandolo, granddaughter of famous Venetian doge Enrico Dandolo, and after waiving the schism in Christianity, under the influence of his wife, they were crowned by royal crown sent from Rome by Pope Honorius III, which by all accounts happened in September 1217.⁵ The coronation was performed in the church of Saint Peter and Paul in Ras.⁶ According to one opinion, Stefan Nemanjić was probably crowned with the papal crown first by the Pope's legate and according to the Catholic rite and when Archbishop Sava returned to Serbia in 1220, he could crown Stefan again according to the Orthodox rite.⁷ This second coronation could happen in the Zica Monastery.⁸ At the time Dubrovnik recognized the rule of the

Europe Framework Convention on the Value of Cultural Heritage for Society“, Faro, 27.10.2005, CETS No. 199, Internet: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680083746>, 30.10.2015; „COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - Towards an integrated approach to cultural heritage for Europe“, EUROPEAN COMMISSION Brussels, 22.7.2014 COM(2014) 477 final, Internet: http://ec.europa.eu/culture/library/publications/2014-heritage-communication_en.pdf, 30.10.2015; „DECISION No 1194/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 November 2011 establishing a European Union action for the European Heritage Label“, 22.11.2011, *Official Journal of the European Union*, pp. L 303/1 - L 303/9, Internet: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D1194&from=EN>, 30.10.2015; „RESOLUTION OF THE COUNCIL of 16 November 2007 on a European Agenda for Culture“, (2007/C 287/01) 29.11.2007, *Official Journal of the European Union*, pp. C 287/1 - C 287/4, Internet: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:287:0001:0004:EN:PDF>, 30.10.2015.

- etc.

⁴ Jeremija Mitrović, *Istorija Srba (History of the Serbs)*, Curo, Beograd, 1994, pp. 60-70.

⁵ Ivana Komatina, „Ana Dandolo – prva srpska kraljica?“ („Anna Dandolo – the first Serbian Queen?“), *Zbornik Matice srpske za istoriju*, br. 89/2014, pp. 7-9, p. 19.

⁶ *Ibid.*, str. 17.

⁷ See: Aleksandar Andrić, *Istorija Srba: srednji vek (History of the Serbs: Middle Ages)*, Utopija, Beograd, 2014, pp. 119-120.

⁸ See: Jeremija Mitrović, *op. cit.*, p. 68.

Republic of Venice, which meant it, was under supervision of representative of Venetian doge.⁹ Shortly before coronation of Stefan Nemanjić and Anna Dandolo Rector of Dubrovnik was Jean Dandolo, member of Anna's family.¹⁰ According to some historians, he not only participated in arranging the marriage between Stefan Nemanjić and Anna Dandolo,¹¹ but during his rule Stefan Nemanjić issued the Charter. Some historical facts might lead to conclusion that it had been issued between 1215 and 1217, before coronation of Stefan Nemanjić. When determining that period, one should start from the year when Jean Dandolo was first mentioned as the Rector of Dubrovnik (1214, 1215) and the year when, apparently, Stefan Nemanjić was crowned with the royal crown (1217), having in mind that in the charter he was mentioned as the Grand prince (župan).¹² Otherwise, according to one view from the historical science: „With Serbia under the Nemanjic dynasty Dubrovnik had a lively trade but there were frequent wars. We know for certain that Nemanja in the twelfth century and Stefan Uros I in the thirteenth century intended to conquer Dubrovnik, but they were not successful. In these two cases, as well as in conflicts with almost all other rulers, a source of conflict was border dispute in Astoreja for which the inhabitants of Dubrovnik claimed that was their patrimony. It was recognized by Nemanja as entirely theirs, but when his son Stefan came to the throne in 1196 conflict arose again.“¹³ According to the view of the same author, „In 1215 Dubrovnik was at war with the Serbian Great Prince Stefan, later King Stefan the First-Crowned. Islands of Mljet, Lastovo and Korcula were then under the rule of Zahumlje, land under the supreme Serbian authority. Ivan Dandolo tried to acquire Mljet and Korcula for Dubrovnik, but failed, having suffered damage for which the people of Dubrovnik were obliged to compensate. That same year, Dubrovnik concluded peace with the Great Serbian Prince. A contracting document that he issued to Dubrovnik has been preserved.“¹⁴ About some conquests of Stefan Nemanja, father of Stefan Nemanjic, another author writes: „Nemanja has ravaged Branicevo, area around Nis and came to the present-day city of Sofia. But Nemanja mainly focused his efforts to Zeta and Primorje; he won quickly and easily Skadar

⁹ *Ibid.*, p. 125.

¹⁰ Ivana Komatina, *op cit.*, p. 15.

¹¹ This mediation is also indicated by Jireček, K. and Radonić, J. See: Ivana Komatina, *op cit.*, p. 16.

¹² See and cf.: *Zbornik srednjovekovnih ćirilčkih povelja i pisama Srbije, Bosne i Dubrovnika, knj. 1*, (*Collection of medieval Cyrillic charters and letters from Serbia, Bosnia and Dubrovnik, book 1.*), prepared by: Vladimir Mošin, Sima Ćirković, Dušan Sindik, *op.cit.*, p. 86; Ivana Komatina, *op cit.*, p. 16.

¹³ Vinko Foretić, *Povijest Dubrovnika do 1808, Prvi dio, Od osnivanja do 1526*, (*History of Dubrovnik until the year 1808, First part, From the founding until the year 1526.*), Nakladni zavod Matice Hrvatske, Zagreb, pp. 82-83.

¹⁴ *Ibid.*, p. 83.

(1183) Danj, Svac, Drivost, Bar, Ulcinj and Kotor. Only Dubrovnik, despite all his efforts, he could not win. Nemanja gave Zeta to his eldest son Vukan to administrate. Since then, Zeta in the Middle Ages was often an area that was run by the Crown Prince. ¹⁵ This author also writes about several wars with Dubrovnik led by King Uros, the youngest son of Stefan Nemanjic which came to the throne by the rebellion in 1243 which overthrew King Vladislav. ¹⁶ King Vladislav, however, came to the throne by revolution in 1233 that overthrew Radoslav, the eldest son of Stefan Nemanjic. ¹⁷ Stefan Nemanjic died on 24/09/1227 and first he was buried in Studenica, and then his remains were taken to Zica and thanks to his son King Uros transferred to Sopocani. ¹⁸ Shortly before his death he became a monk, receiving the name of Simon, and he has been listed in the order of Serbian saints. ¹⁹ Ana Dandolo outlived her husband for almost four decades, and this can be clearly concluded from the famous fresco *Death of Queen Ana Dandolo*, which was painted on the north wall of the narthex of the church of St. Trinity in Sopocani Monastery. ²⁰ Given that Ras was the capital of the Nemanjic dynasty, and that Stefan and Ana were crowned in the said church in Ras, Ras and Sopocani made the life of Stefan Nemanjic and Ana Dandolo almost a „legend“, making it almost transcendental. Old Ras and Sopocani were inscribed in 1979 in the World Heritage List, established by UNESCO. ²¹ The city of Dubrovnik also has its own „legend“ and the Charter is at least a thin thread that connects these two „legends“.

3. THE CHARTER AND ITS HISTORICAL AND CULTURAL VALUE

Charter is written in Serbian-Slavic language, in Cyrillic alphabet, on parchment, and original is still kept in the State Archives in Dubrovnik. ²² It has typical medieval structure, contains introduction, legal content and eschatocol (with no date). Its text

¹⁵ Miodrag Purković, *Istorija Srba: Politička i kulturna istorija Srednjega veka (do pada Zete 1499)* (*History of the Serbs: Political and cultural history of the Middle Ages (until the fall of Zetas 1499)*), Evro, Beograd, 1997, p. 32.

¹⁶ *Ibid.*, pp. 49-50.

¹⁷ *Ibid.*, p. 47.

¹⁸ Ivana Komatina, *op. cit.*, p. 18.

¹⁹ Jeremija Mitrović, *op. cit.*, p. 68.

²⁰ Ivana Komatina, *op. cit.*, pp. 17-18.

²¹ World Heritage List, Internet: <http://whc.unesco.org/en/list/95>, 29.10.2015.

²² *Zbornik srednjovekovnih ćirilčkih povelja i pisama Srbije, Bosne i Dubrovnika, knj. 1, (Collection of medieval Cyrillic charters and letters from Serbia, Bosnia and Dubrovnik, book 1.)*, prepared by: Vladimir Mošin, Sima Ćirković, Dušan Sindik, *op. cit.*, pp. 85-87; Ljiljana Juhas-Georgievska, „Predgovor (Foreword)“, in: Stefan Prvovenčani, *Sabrani spisi (Collected Writings)*, prepared by: Ljiljana Juhas-Georgievska, Prosveta – Srpska književna zadruga, Beograd, 1988, p. 43.

goes as follows: *In the name of the Father and Son and the Holy Spirit, I, the Grand prince Stefan, with my children, swear to you, the Rector of Dubrovnik, Jean Dandolo and to all the boroughs of the city of Dubrovnik, on God and the Holy Mother of God, on the honourable and life-preserving cross of the Lord and on the holy Gospels and on the twelve Holy Apostles and on all forty martyrs and 318 holy fathers. I swear to you, without any deception, that I am your friend, as are my children, as long as you are honest. Even if one of your enemies should defect to my country, I shall deliver him to you if he means you any harm from my country. And that your people may go through my country without any fear, that no violence should befall them that they may sell and buy freely, and give me what is in line with the trade laws of my country. And that a Serb shall not prosecute a Vlach outside the court, but if there is an injustice between the City and my country, the judges shall meet in a legal venue and take their decision and there shall be no violent repossession of property. Should I transgress in this, may the Lord and the Holy Mother of God be my judges.*²³

Therefore, the legal content is short and includes three subjects: first, Stefan Nemanjić undertakes to deliver („to extradite“) any enemy of Dubrovnik if he/she passes to the territory of Serbian state; second, he guarantees to the people of Dubrovnik that they can, under certain conditions, freely trade on the territory of his state, without limitations and safely; third, he ensures implementation of legality principle for settlement of disputes with people from Dubrovnik on the territory of Serbian state.²⁴ In addition to liberal views on trade presented in the Charter, which essentially have not been changed until today, the Charter is an extremely valuable cultural, historical and legal document because of the three additional facts: 1. Besides being a ruler, warrior, and very skilful diplomat, Stefan Nemanjić was one of the most important authors of Serbian medieval literature, and all his works (5), including the Charter, have certain artistic details, which expresses Stefan's rich emotionality and lucidity, education and prudence;²⁵ 2. The Charter is the first *documentum publicum* in which word „Dubrovnik“ appears (however, the word „Dubrovnikians“ first appears in the Charter of Ban Kulin to Dubrovnik, August 29, 1189);²⁶ 3. In Europe, especially in continental parts, the Charter was among the first written traces of creation of extradition rights.

²³ Stefan Prvovenčani, *Sabrani spisi (Collected Writings)*, prepared by: Ljiljana Juhas-Georgievska, Prosveta – Srpska književna zadruga, Beograd, 1988, p. 105.

²⁴ Ljiljana Juhas-Georgievska, „Predgovor (Foreword)“, u: Stefan Prvovenčani, *op.cit.*, p. 43.

²⁵ Ljiljana Juhas-Georgievska, „Predgovor (Foreword)“, u: Stefan Prvovenčani, *op.cit.*, pp. 9-11.

²⁶ First mention of the word „Dubrovnikians“ see and cf.: Josip Lučić, *Povijest Dubrovnika II - od VII stoljeća do godine 1205. (History of Dubrovnik II - from the VII century until the year 1205)*, Jugoslavenska akademija znanosti i umjetnosti u Dubrovniku, Historijski institut, Zagreb, 1973, p. 117; Žarko Muljačić, „O imenu grada Dubrovnika (About the name of the city Dubrovnik)“, *Zadarska revija* XI, 2, 1962, p. 153.

3.1. About the origin of the city of Dubrovnik and its name

Origin of the word *Dubrovnik* is inextricably linked with the issue of the foundation of the city of Dubrovnik, and special attention should be given to this symbiosis, at least briefly. According to Constantine VII, Roman immigrants from the city of Epidaurus, escaping from Slavs and Avars, established their settlement on a rock in the sea, probably at the beginning of the seventh century, and named it *Ragusium*.²⁷ But on the opposite side of the Roman settlement on the coast, the Slavs established their own settlement of Dubrovnik in the forest (*dubrava*).²⁸ When the strait was filled and transformed later into a street (*Stradun*), these two settlements were merged creating in such a way the medieval town with two names: the Latin name is *Ragusium* and the Slavic name *Dubrovnik*.²⁹ Nevertheless, it can be considered very probable that even before the fall of Epidaurus there was a settlement in the area of Dubrovnik, and that even then a church could be built even one of a larger scale.³⁰ If such church has been built as a cathedral between 7th and 8th century, then it was certainly built by inhabitants of Epidaurus when they laid the foundations of the urban development of the new city of Dubrovnik.³¹ But it should be borne in mind that some recent archaeological researches have opened the possibility of partial correction and different interpretations of origin of Dubrovnik.³² Thereby it is pointed out to the Justinian era and the penetration of Byzantium along the eastern coast in the 6th century, when the cult of Mary was spreading and the consecration of sacral buildings to her name.³³ In this regard it is emphasized that Epidaurus was not destroyed just because it was ruined, and Dubrovnik emerged due to the fact that the residents of the demolished Epidaurus fled to that place.³⁴ As indicated it is highly unlikely that Epidaurians who escaped could find the strength and resources to establish a city *ex nihilo* and even build such monumental cathedral in a time of great danger, epidemics and other calamities.³⁵ Finally, another point of historical science

²⁷ Aleksandar Andrić, *op. cit.*, p. 169.

²⁸ *Ibid.*, p. 169.

²⁹ *Ibid.*, p. 169.

³⁰ Vinko Foretić, „Pisana povijesna vrela o najranijim stoljećima Dubrovnika (*Le fonti scritte sui più antichi secoli di Ragusa*)“, in: *Arheološka istraživanja u Dubrovniku i dubrovačkom području* (Dubrovnik, 1-4.10.1984.), Hrvatsko arheološko društvo, Zagreb, 1988, p. 11.

³¹ *Ibid.*, p. 12.

³² Željko Rapanić, „Marginalia o ‚postanku‘ Dubrovnika (Marginalia about the ‚Origin‘ of Dubrovnik)“, in: *Arheološka istraživanja u Dubrovniku i dubrovačkom području* (Dubrovnik, 1-4.10.1984.), Hrvatsko arheološko društvo, Zagreb, 1988, pp. 39-50.

³³ *Ibid.*, p. 48.

³⁴ *Ibid.*, p. 47.

³⁵ *Ibid.*, p. 47.

should be kept in mind „the surviving population of Epidaurus took refugee first at the nearby slopes of Spilan (Illyrian Burnum) and Gradac and in 690 A.D. they moved to the present location of Dubrovnik, where was a former Illyrian settlement called *Ragusium*, *Lausion* etc. (from *Lau*, *Laus*, *labes* - rock, cliff), from which derives the later Latin name *Ragusa*.“³⁶ As far as the oldest name of the city, according to the one diametrical view, the name was not identical with the name of the islet, but it was linked with the function that the settlement had in the fortification defence system of Epidaurus, and very probably the city was first called *Castellu(m) de Epidauro novo*.³⁷ Later, having in mind the Slavic language awareness and the fact that the earliest fortifications of the city were made of wood, from *Castellu (de) Dabranov* and by the sound changes adapted to the Slavic adjective, it was named Dubrovnik.³⁸ The author of this view considers unproven the post-romantic hypothesis according to which on the slopes of the hill Srdj, opposite of the Roman city of *Ragusium* that stood on the cliff islet, there was a Slavic settlement called Dubrovnik (or similar).³⁹ He does not challenge the Slavic-Romanic symbiosis in Dubrovnik, but stresses that slavization was gradually performed through the frontal penetration from all sides, because there was no mass influx of Slavic blood, formed by the merger of the „Slavic burgus Dubrava“. ⁴⁰ Regarding the question of the first document containing the word *Dubrovnik*, the answer to it should not cause serious disputes. But first of all a general division of documents into *Documentum privatum* and *Documentum publicum* should be taken into account, along with the fact that the search for a private document in which the word *Dubrovnik* is mentioned for the first time is a pretty futile work, because there is no reliable answer that has characteristics of scientific knowledge. In this regard, it is more appropriate to talk about the oldest known private documents containing this word. Historical science highlights as the first such document the Chronicle of the Priest of Duklja. Specifically, this chronicle in Latin mentions the word *Dubrovnich*, according to the priest of Duklja the Slavs came down to the city from the forest, and Dubrovnik was called after those trees in its suburbs.⁴¹ However, a greater importance should not be given to this document as the first private document which mentions the word *Dubrovnik*. In fact, it was written in Latin and

³⁶ Šime Batović, „Osvrt na područje Dubrovnika u prapovijesti (*Rückblick auf das gebiet von Dubrovnik in der Urgeschichte*)“, in: *Arheološka istraživanja u Dubrovniku i dubrovačkom području* (Dubrovnik, 1-4.10.1984.), Hrvatsko arheološko društvo, Zagreb, 1988, p. 52.

³⁷ Žarko Muljačić, *op. cit.*, pp. 151-152.

³⁸ *Ibid*, p. 153.

³⁹ *Ibid*, pp. 147-149.

⁴⁰ *Ibid*, p. 154.

⁴¹ Nikola Banašević, *Letopis popa Dukljanina i narodna predanja (Chronicle of the Priest of Duklja and folk traditions)*, Srpska književna zadruga, Beograd, 1971, pp. 99-100.

the century in which this piece was written is also questionable. According to one standpoint, it is possible that it was written in the 12th century, in the period between 1150 and 1180.⁴² Finally, it should be noted that its author is unknown, and that „belongs to the rare medieval documents which is the subject of disputes among South Slavic sciences over decades, prejudicing or advocating its authenticity, exalting or minimizing its importance, considering it exclusively historical or just a literary writing.“⁴³ Another noteworthy private document is a chronicle written by the chronicler from Dubrovnik Milecije (Miletius) in the annals of Nicholas Ranjine. Milecije, which probably lived in the time of Tsar Dusan, describes the emergence of Dubrovnik *in verse*, where the name of the city is not linked to the forest from which the Slavs came, but to the trees that were in the place of the present town.⁴⁴ Finally, it is worth repeating: the Charter is the first public document in which the word *Dubrovnik* was mentioned. Furthermore, it is a document of a legal nature that fully corresponds to the Middle Ages, and which was significant for mutual relations between Raska i.e. Serbia and Dubrovnik. In a variety of public documents created before and centuries after the Charter the Latin/Roman name of the town was mentioned. This is the case, for example, with the Treaty of Peace between Ancona and Dubrovnik dated 08/25/1199, the Treaty of Friendship dated 05/02/1201 between Bari and Dubrovnik (History of Dubrovnik from the seventh century until 1205).⁴⁵ The same can be said for the famous *Liber statutorum civitatis Ragusii compositus anno 1272*.⁴⁶ As for the Charter of Kulin Ban to Dubrovnik dated 08/29/1189, linguistic interpretation and analysis leads to the correct conclusion that it is not about the first mention of *Dubrovnik*: „In the Charter of Kulin Ban only ethnic exists.“⁴⁷ It should be also noted that after the Charter, many Slavic rulers issued charters which also contained *Dubrovnik*, this evidently Slavic word or corresponding derivative of this word, and this is also evident in the opposite direction (when a charter is issued by a Dubrovnik's Rector to a Slavic ruler). For example, these are: the Charter of King Stefan Radoslav to the Municipality of Dubrovnik (04/02/1234) by which he confirmed in exile in Dubrovnik the old rights and customs between Serbia and

⁴² *Ibid*, p. 268.

⁴³ *Monumenta Montenegrina, Knjiga 10, Kraljevstvo Slovena / Dukljanski prezviter, (Monumenta Montenegrina, Book 10, Kingdom of Slavs / Presbyter of Duklja)*, preparation and foreword: Vojislav D. Nikčević, Istorijski institut Crne Gore, Podgorica, 2003, p. 53.

⁴⁴ See: Nikola Banašević, *op. cit.*, pp. 101-103.

⁴⁵ See these contracts, in: Josip Lučić, *op. cit.*, pp. 138-139.

⁴⁶ See: *Liber statutorum civitatis Ragusii compositus anno 1272. (Statut grada Dubrovnika, sastavljen 1272. godine)*, the preparation and translation into Croatian language: A. Šoljić, Z. Šundrica, I. Veselić; Introductory study: Nella Lonza, Državni arhiv u Dubrovniku, Dubrovnik, 2002, pp. 82-255.

⁴⁷ Ž. Muljačić, *op. cit.*, p. 153.

Dubrovnik; the Charter of Prince Andrija of Hum to the Rector of Dubrovnik and Municipality of Dubrovnik (closer to 1235); the Charter of Dubrovnik's Rector Jean Dandolo to King Stefan Vladislav (Sept. 1234 - April 1235); The Charter of King Stefan Vladislav to the Dubrovnik's Rector and the Municipality of Dubrovnik (Sept. 1234 - April 1235), in which he guarantees that the residents of Dubrovnik will be treated with „justice in its entirety“ as they were treated by his father and grandfather; the Charter of Bosnian Ban Mateja Ninoslav to the Dubrovnik's Rector and the Municipality of Dubrovnik (1232-1235); etc.⁴⁸ The old city under the name of Dubrovnik (Old City of Dubrovnik) was inscribed in the World Heritage List in 1979, established by UNESCO.⁴⁹

3.2. *The Charter as a written proof of the birth of the right of extradition*

The right of extradition probably began to develop at the time of feudalism and its development has progressed in several phases.⁵⁰ The above provision of the Charter, by which Stefan Nemanjić agreed to extradite enemies of Dubrovnik if they flee to the territory of the Serbian state, is one of the first written traces about the birth of the right of extradition in Europe, continental in particular. In fact, as one of the first known extradition treaties, the literature mentions the one between England and Scotland from 1174, which established a reciprocal obligation of delivering persons guilty of betrayal, caught after fleeing to one of these two countries.⁵¹ Therefore, it is the extradition of political culprits which marks the first stage in the development of extradition and bearing in mind that this is a treaty from the time of developed feudalism, it should be considered that „the feudal fragmentation as a feature belonging to the most feudal states on the continent in the period from X to XIII century did not exist in England.“⁵² Namely, in that phase of development of extradition the examples of treaties on mutual obligation of expulsion of perpetrators of general crime can be found (in the second half of the 13th century between Italian cities, i.e. Treaty between the French king Charles V and the Count of Savoy, dated 4 March 1376, which

⁴⁸ See: *Zbornik srednjovekovnih ćirilćkih povelja i pisama Srbije, Bosne i Dubrovnika, knj. 1, (Collection of medieval Cyrillic charters and letters from Serbia, Bosnia and Dubrovnik, book 1.)*, prepared by: Vladimir Mošin, Sima Ćirković, Dušan Sindik, *op cit.*, pp. 129-142.

⁴⁹ World Heritage List, Internet: <http://whc.unesco.org/en/list/95>, 29.10.2015.

⁵⁰ For more, see: Źarko Radić, „Ekstradicija politićkih krivaca – od Antike do Evropske unije (Extradition of political offenders – from Antiquity to the European Union)“, *Evropsko zakonodavstvo*, vol. 12, br. 45-46/2013, pp. 42-46.

⁵¹ See: Fiore Pasquale, Antoine Charles, *Traitć de droit pćnal international*, A. Durand et Pedone-Lauriel, Paris, 1879, p. 291.

⁵² Albert Vajs, Ljubica Kandić, *Opšta istorija drŹave i prava: feudalni period (General history of state and law: the feudal period)*, Savremena administracija, Beograd, 1996, p. 50.

concerned the extradition of persons accused of offenses of general crime).⁵³ However, other treaties concluded between rulers concerning the reciprocal extradition of criminals have private interests as motives and almost all were related to persons accused of political crimes, which have been requested and extradited as personal enemies of the sovereign (such as: Treaty made between France and England in 1303 stipulating that neither of the two rulers shall give protection to the enemies of the other; the one between England and Denmark, dated 23 February 1661, pursuant to which Denmark is committed to extradite to the English king those involved in the murder of his father etc.).⁵⁴ We believe that the Charter precisely belongs to this group of treaties. Namely, the fact that Stefan Nemanjic pledges to the Dubrovnik Rector and the entire municipality of the city of Dubrovnik that he will, among other things, extradite their enemy if such person escapes to his country, and if such will work to their detriment from his land, leads to a fairly reliable conclusion that it is not about extradition of perpetrators of acts of general crime, but political crimes. Of course, in that charter, as in most medieval extradition treaties of that time, there is no mention of the *term extradition* or *the verb extradite*, as that term appeared much later. The term extradition was mentioned for the first time in France in the decree dated 19 February 1791.⁵⁵ In the Latin documents that preceded it, the word *remittere* was used, and in the treaties concluded by France until 1828, instead of the term *extradition* the words *remettre*, *restituer*, *livrer* were used.⁵⁶ The Charter is not the only written record of that time testifying about the birth of the right of extradition in relations between medieval Serbia and Dubrovnik. „In Article 2 of the Privilege given by the Great Prince Stefan to the municipality of Dubrovnik in 1205, it is ordered that, if something in the parish goes to the detriment, the parish must deliver the culprit, and if the parish fails to do so than has to pay.”⁵⁷ It is interesting to note that this privilege provides for the possibility of delivering the country's own subject, that today very few counties accept.⁵⁸ „The order of King Milutin from 1308, which also regulates the relations of Serbia with the Republic of Dubrovnik, Article 10 stresses that the lord who fails to deliver his subject who committed blood act shall pay a penalty for the failure to do so.”⁵⁹ Therefore, development of principle of (non)extradition of nationals can be

⁵³ Fiore Pasquale, Antoine Charles, *op. cit.*, pp. 291-293.

⁵⁴ *Ibid.*, p. 294.

⁵⁵ *Ibid.*, p. 300.

⁵⁶ *Ibid.*, str. 300.

⁵⁷ See: Vladimir Mičković, *Izdavanje krivaca (ekstradicija) kao akt međunarodne pravne pomoći (Delivery of culprits /extradition/ as an act of international judicial assistance)*, doctoral thesis, Beograd, 1965, pp. 29-30.

⁵⁸ Vladimir Mičković, *op. cit.*, pp. 29-30.

⁵⁹ See: Vladimir Mičković, *op. cit.*, p. 30.

traced in the Serbian law from the Middle Ages to the European Union and the Charter and the aforementioned Privilege of Stefan Nemanjic and the order of King Milutin provide evidence: 1. on the birth of the right of extradition in relations between Serbia and Dubrovnik even before in relations among many other European countries, 2. on the trust and cooperation, or at least the need for trust and cooperation between Serbia and Dubrovnik in the Middle Ages.⁶⁰ Unfortunately, eight centuries after issuance of the Charter most bilateral extradition agreements between former SFRY states contain provisions which cannot be viewed as an expression of confidence in foreign criminal justice systems which is at the level appropriate to the standards of the European Union (in terms of permissibility of extradition of own citizens for crimes against humanity and other values protected by international law).⁶¹ Although such legal situation is logical consequence of wars on the territory of former SFRY, which have also affected Dubrovnik, it must be overcome for reasons of regional security.

4. CONCLUSION

It is unlikely that Stefan Nemanjic issued the Charter in 1214. If there was any (war) conflict between Serbia under his rulership and Dubrovnik, in 1215, it is illogical that the Charter establishing the peace was issued a year earlier. There are no known sources indicating that Stefan Nemanjic had intention to conquer Dubrovnik. Moreover, not much is known about the scale of the conflict with Dubrovnik in 1215. The spirit of the Charter is more like a „prenuptial agreement“ with Ana Dandolo, under the „protection“ of her cousin, the Dubrovnik’s Rector Jean Dandolo, than the agreement establishing peace after the conflict. But either way, it is more likely that the Charter was issued in 1216 or 1217. Regardless of the motives and reasons for issuing the Charter, we think that the Charter is the cultural and historical heritage not only of the Republic of Serbia and the Republic of Croatia, but also of the Danube region and the European Union, for the following reasons: 1) the Charter is a valuable document that testifies about the Serbian literature in the

⁶⁰ For more on the development of principle of (non)extradition of nationals from the Brabant bull to the European Union, see: Žarko Radić, „Citizenship as an impediment for extradition in the light of the Old and the New World Order and European Union Law“, in: Duško Dimitrijević (ed.), *The Old and the New World Order – between European integration and the historical burdens: Prospects and challenges for Europe of 21st century*, Institute of International Politics and Economics, Belgrade, 2014, pp. 677-689.

⁶¹ For more, see: Žarko Radić, „Pravo o ekstradiciji Republike Srbije u kontekstu evropskih integracija i regionalne saradnje (Extradition law of the Republic of Serbia in the context of European integration and regional cooperation)“, in: Dragan Đukanović, Aleksandar Jazić i Miloš Jončić (eds.), *Srbija, region i Evropska unija (Serbia, the region and the European Union)*, Institute of International Politics and Economics, Belgrade, 2015, pp. 317-324.

Middle Ages, 2) it is the first public document containing the word *Dubrovnik*, as the name of the city that was inscribed in the World Heritage List in 1979, established by UNESCO, 3) along with other charters of the Slavic rulers to Dubrovnik in the 13th century, it is a proof that *Dubrovnik* is a word of Slavic origin, 4) by guaranteeing freedom of trade, introducing the principle of legality (at least for precisely defined issues) and regulation of relations between Serbia and Dubrovnik in a way that indicates the birth of the right of extradition at the time when it was not present perhaps anywhere else in continental Europe, the values contained in the Charter indicate that Serbia throughout the history has been developing values that also governed in other developed European countries, and that in some matters might be even in the forefront, 5) the Charter, along with other charters of the Slavic rulers to Dubrovnik in the Middle Ages, is undeniably pointing to the common values, history and culture of the countries of the Danube region and the Danube basin, which today lie in the territory of former Yugoslavia, 6) two originals (transcripts on parchment) of the Charter are physically located on the territory of the two countries of the Danube region which are members of the European Union (the Republic of Croatia and the Republic of Austria). Given the increasingly prominent facts, on the occasion of eight hundredth anniversary of issuance of the Charter and in accordance with the Third and Fourth Pillars of the EU Strategy for the Danube Region, we support the establishment of new forms of multilateral cooperation between the countries of the region, in matters of international criminal law, as well in the development of social sciences and humanities under the auspices of the Danube Rectors' Conference, whose member is the University of Dubrovnik. In this regard, we hope that at least one international scientific conference about this and possibly other Dubrovnik charters will be organized in Dubrovnik or in Belgrade. It would be very useful to establish, on the margins of the conference, a new paradigm in relations between the representatives of the countries that emerged on the territory of the former Yugoslavia and conclude a multilateral convention on extradition. Also, we believe it would be more than welcome if the conference assumes the traditional character and takes place periodically, every year or every two years, under the permanent name: Charters of Dubrovnik. Of course, its topics would not be always historical, but their goal should be constant: fostering common values, history and culture and the development of social sciences and humanities. Conclusions of those conferences would be communicated in the form of charters.

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CIP - Каталогизација у публикацији -
Народна библиотека Србије, Београд

339.92(4-672EU:4-924.5)(082)

332.14(4-924.5)(082)

338.1(4-924.5)(082)

DUNAVSKA strategija Evropske unije u 21. veku / priređivači Duško Dimitrijević, Milovan Radaković. - Beograd : Institut za međunarodnu politiku i privredu, 2016 (Beograd : Institut za međunarodnu politiku i privredu). - 346 str. : graf. prikazi, tabele ; 24 cm

"Institut za međunarodnu politiku i privredu i Međunarodni naučni forum: 'Dunav - reka saradnje' organizovali su od 27-28. septembra 2015. godine, međunarodnu naučnu konferenciju: 'Dunavska strategija Evropske unije u 21. veku'. Međunarodna konferencija je deo rezultata rada na projektu Ministarstva prosvete nauke i tehnološkog razvoja: Srbija u savremenim međunarodnim odnosima: Stareški pravci razvoja i učvršćivanja položaja Srbije u međunarodnim integrativnim procesima - spoljnopolitički, međunarodni ekonomski, pravni i bezbednosni aspekti (br. 179029). - Tiraž 100. - Napomene i bibliografske reference uz tekst. - Bibliografija uz svaki rad. - Apstrakti; abstracts.

ISBN 978-86-7067-223-9

1. Димитријевић, Душко [уредник]

а) Међународна сарадња - Европска унија - Подунавске државе - Зборници б) Привредни развој - Подунавске државе - Зборници с) Подунавске државе - Регионална политика - Зборници

COBISS.SR-ID 221427212