



Evropska unija u Crnoj Gori

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EUROPEAID/140039/IH/SER/ME

TECHNICAL ASSISTANCE FOR CAPACITY SUPPORT TO THE TRANSPORT SECTOR AND EU AQUIS ALIGNMENT IN MONTENEGRO



IN CONSORTIUM WITH

GOPAInfra



AVENSA

PA

TDS

SPDs

STRATEGIC VISION

STRUCTURAL

MANAGEMENT SYSTEMS TOLL

TRANS

TECHNICAL ASSISTANCE FOR
CAPACITY SUPPORT TO THE
TRANSPORT SECTOR
AND EU AQUIS ALIGNMENT
IN MONTENEGRO

Presentation of the Inception Report for PSC

Technical Assistance for Capacity Support to the Transport Sector and EU
Acquis Alignment in
Montenegro

Project PWA/MNE/IPA II/CAP7/SER/01-8132/1

Anna Krukowska, Team Leader

BRUSSELS
7th of December, 2022



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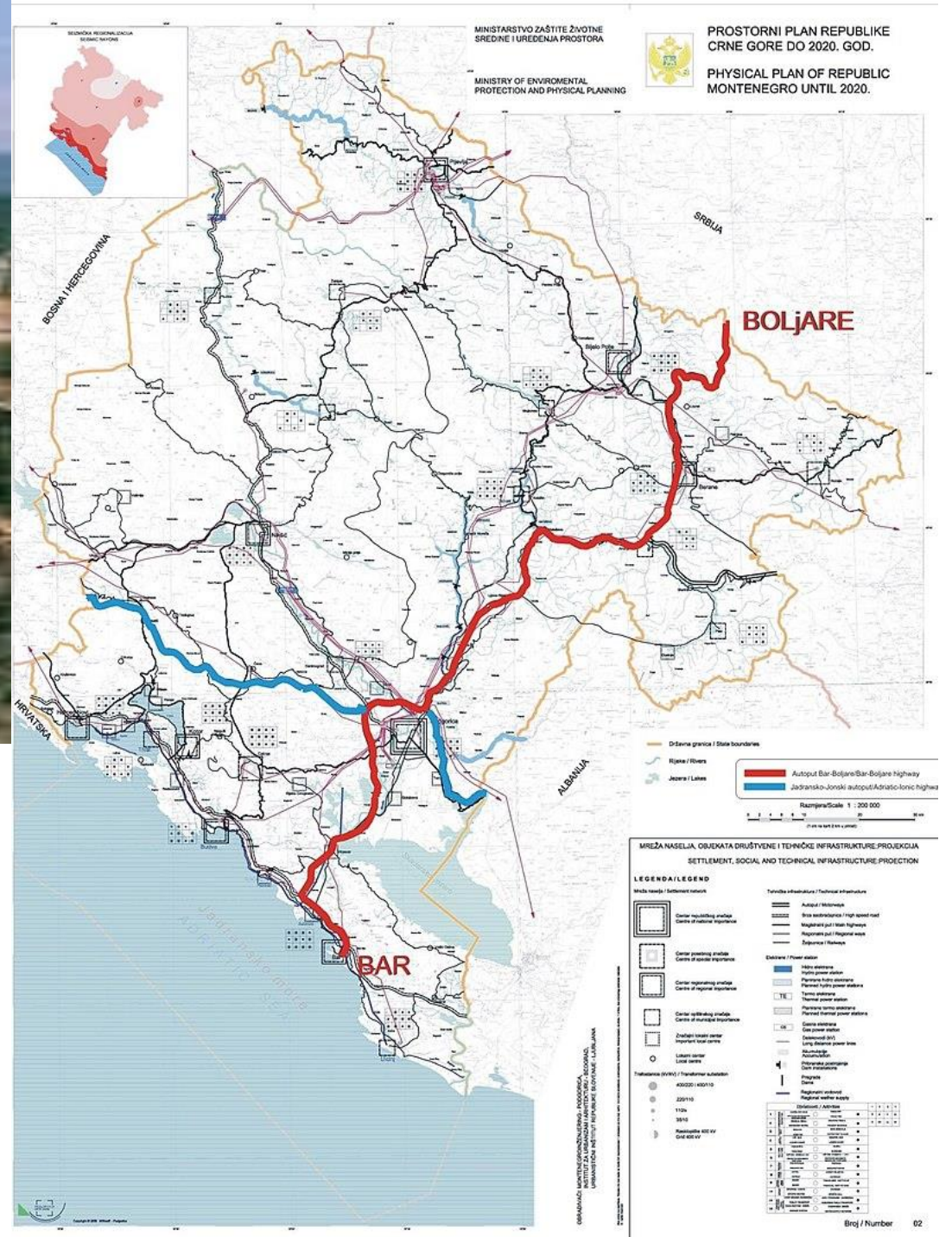


Railway station Podgorica



Bar-Boljare motorway

The Montenegrin part of motorway is known as the Bar-Boljare motorway. It will be 164 km long, and the most expensive one, with an estimated cost of around 2 billion euros. The mountains are a part of a challenge, with 50 tunnels and 95 bridges and viaducts along the section.



PURPOSE OF THIS TA PROJECT

- Supporting the **drafting** of National Legislation and Strategies aligned with the EU *Acquis* for Transport and
- Supporting the increase of the planning and management **capacities** of the institutions involved with the implementation of transport policies and projects.



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THE INCEPTION REPORT

- **Executive Summary**
- **Analysis of the project**
- **Project Planning**
- **Project Organisation and Management**
- **Annexes**
 - **A1 List of persons encountered**
 - **A2 Overall project planning**
 - **A3 Legislation preliminary gap assessment**
 - **A4 Capacity Building Plan**
 - **A5 SA Preliminary gap assessment**
 - **A6 Draft Visibility plan**
 - **A7 Incidental expenditures**



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Component 0: Preliminary achieved activities or under elaboration

- Activity 0.1. Office for backstopping staff and NKEs operational, offices for KEs provided by beneficiaries
- Activity 0.2. Kick off meeting conducted, Project Steering Committee established
- Activity 0.3. Draft Visibility plan approved by beneficiaries, to be submitted to EUD
- Activity 0.4. Final version of the Inception Report submitted for approval
- Activity 0.5. Knowledge Management Hub under elaboration
- Activity 0.6. Training Needs Analysis performed



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RESULT 1: National legislation aligned with EU *Acquis* **Legislation Gap Assessment**

- Deep and comprehensive analysis of transposition status of main EU legal acts (Regulations, Directives, Decisions)
- Based on EURLEX, TCT Annexes, old PPCGs, PPCG 2018/20 and PPCG 2020/22
- Four sub-sectors concerned (Railway, Road, Maritime and Inland Waterways)
- Using CELEX numbers



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RESULT 1: National legislation aligned with EU Acquis Legislation Gap Assessment

- 290 EU legal acts were identified, listed and checked
 - 72 in Railway sector
 - 118 in Road sector
 - 100 in Maritime/Inland Waterways



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RESULT 1: National legislation aligned with EU Acquis Legislation Gap Assessment

- As a result, we know now:
 - In which Montenegrin act (law, rulebook...) each directive / regulation is transposed / implemented
 - The level of transposition (Not relevant, partially transposed, fully transposed)
- Some recommendations on transposition process are proposed in the IR



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RESULT 1: National legislation aligned with EU Acquis

SHORT TERM NEEDS IN TRANSPOSITION PROCESS IDENTIFIED AND PRIORITISED – examples of accomplished assignments

GAPS	RESOURCES
Rail: TAC methodology + MAIC (Regulation 909/2015, Directive 2012/34)	2 DST NKEs Finance and Economics
Road: ITS (Directive 2010/40) Road Safety Infrastructure Management (Directive 2008/96)	2 DST NKEs ITS Road Safety Infrastructure Management
Inland Waterways (Directives 2017/2397 and 2016/1629)	1 DST NKE Inland Waterways



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RESULT 2: CAPACITY BUILDING through Sector Approach

Gap analysis:

The vast majority of problems encountered during the project implementation process are due to the failures and poor quality of outputs of the previous phases of project lifecycle: Project preparation (project design and studies) and Procurement + contracting.

Solution:

Technical capacity building backbone → **Project Cycle Management**



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RESULT 2: CAPACITY BUILDING through Sector Approach

- Training Development Approach - **An integrated approach**
- **Five components:** Training; Coaching; On-the-job support; On-demand support; Study visits.
- **The training modules approach** = Theoretical background + Best practice case studies + Brainstorming + Trainee involvement (including feedback).
- The training modules **implementation through specialized courses** (the identified needs + needs identified during the project).
- At least 29 specialized training modules (17 of which related to PCM) over the 4-year contract period.



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RESULT 2: CAPACITY BUILDING through Sector Approach

- Courses/trainings **improvements/adjustments** - feedback from participants.
- Repeated every year due to the **high staff turnover** in the transport sector institutions.
- **The process of progressive knowledge acquisition:** New trainees → Beginning level → the Advanced level.
- **Repeating the same training** – work overload of the employees.



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RESULT 2: CAPACITY BUILDING through Sector Approach

Different levels of participants' initial and targeted final levels of knowledge:

- **Beginners' Level training**
- **Advanced Level training**



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RESULT 2: CAPACITY BUILDING through Sector Approach

- 95% of experts remain working in the public administration system regardless of the change of government and the changes in institutional setup.
- Staff training is possible as a parallel activity with respect to institutional setup and not causally related.

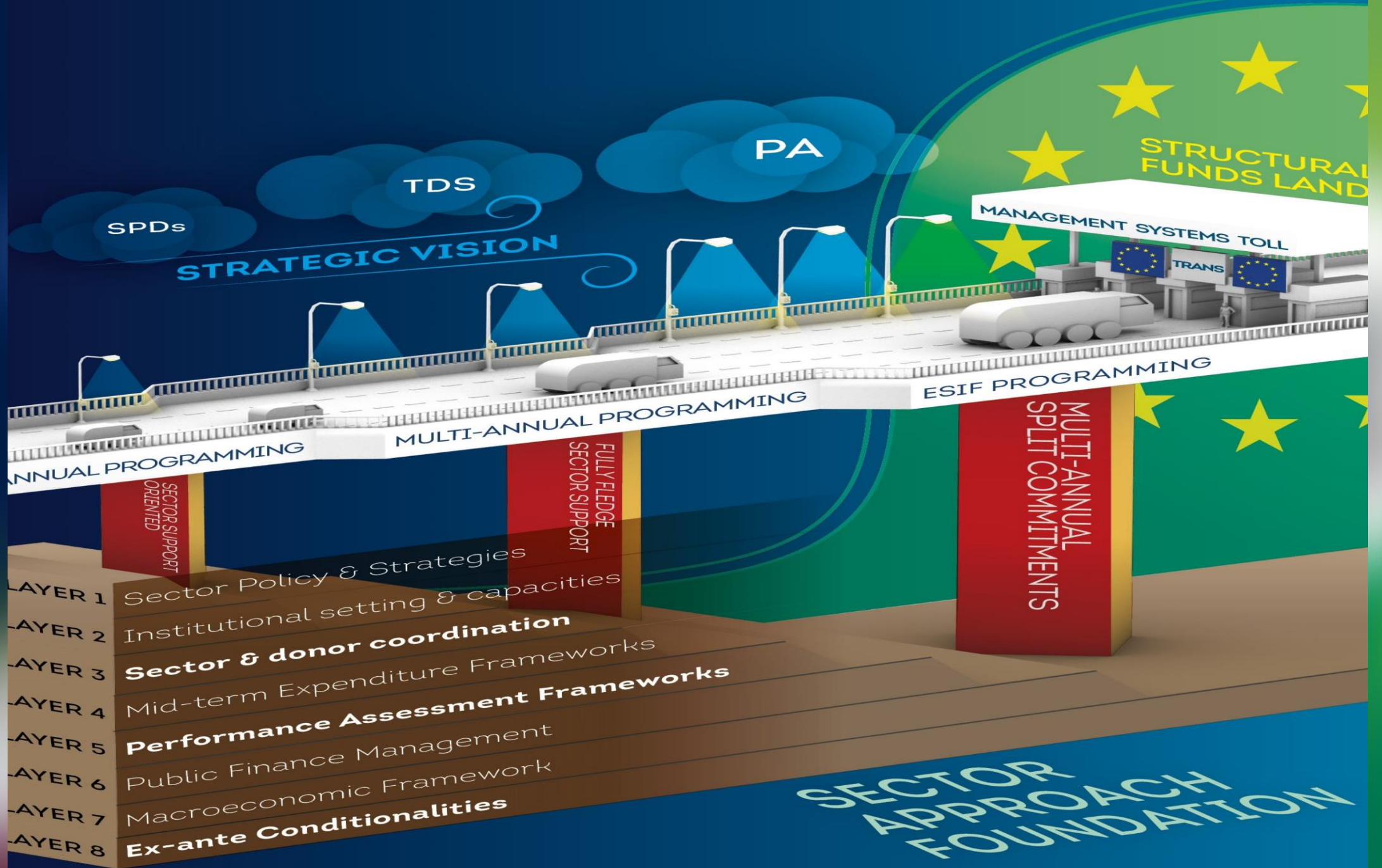


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RESULT 2: CAPACITY BUILDING through Sector Approach

Criteria 1: Horizontal support in Strategic Planning

- Improve consistency TDS 2019-2035 and the different Sub-Sector Strategies, including performance indicators (i.e. Railway Development Strategy)
- Need for a Comprehensive Road Strategy, including the TEN-T network
- Support on expanding on road safety issues (blackspots, vulnerable users,...)
- New Strategy for Maritime Economy 2018-2035 / no Strategy for Inland Waterways
- Lack of Strategic Planning for Airports but privatization of the 2 main airports
- No specific strategy for Multi-modality, ITS, renewable energy via e-mobility



Sector AP
Expertise



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Road safety
Expertise



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RESULT 2: CAPACITY BUILDING through Sector Approach

Criteria 2: Institutional settings, leadership and capacity assessment

- Re-organize governance responsibilities in transport sector by aggregating, in some cases, Sub-sector (mode) responsibilities, according to TDS strategy and Road Map for Sector Approach.
- Elaborate a HR development strategy for Transport in accordance with HRMA/PAR
- Introduction of TQM in transportation systems and services. Service delivery culture.
- Elaborate Procedures Manuals and Guidelines for Transport Bodies.
- Introduce e-governance in Transport (i.e issuing licenses/registering purpose/users information)
- Reinforce MoCI structure intermodality/ITS/electro-mobility, intercity public transport



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Institutional & Bodies
Framework Expertise



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HR Expertise

DA & Process
Expertise



RESULT 2: CAPACITY BUILDING through Sector Approach

Criteria 3: Sector and Donors coordination

- Improve internal coordination mechanisms at MoCI & Sub-Sector bodies (i.e. Railways, Maritime, etc). To be reflected in the internal procedures manual
- Improve external coordination mechanisms with other donors (i.e. IFIs). An analysis must be carried out for establishing where PIUs must be located
- No designated body for overall transport coordination at MoCI level. DICEUF must be reinforced, not only for IPA-related interventions



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Data management
Expertise



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Communication
& Dissemination
Expertise



RESULT 2: CAPACITY BUILDING through Sector Approach

Criteria 4: Mid-Term budgetary perspective for sector policy implementation

- Necessary to introduce in Montenegro the concept of Multiannual Budgeting.
- IPA assistance to be programmed on a multiannual base, trying to emulate ESIF Programming (learning by doing exercise)
- Transport Strategies should include financial commitment, as per multiannual approach
- New sources of financing, based on PPP & Innovative Finance to be explored, especially for Roads and Railways, following recent experience in Maritime or Air Transport



PFM Expertise



Innovative
Finance
Expertise



SBS
Expertise



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RESULT 2: CAPACITY BUILDING through Sector Approach

Criteria 5: Sector monitoring systems based on Performance

- Introduce real Performance Assessment Framework for M&E at MoCI & Sub-Sector levels
- Reinforce M&E at DICEUF, not only for IPA interventions but the overall Transport Policy
- MoCI must develop a monitoring and data collection system in the transport sector (MIS)
- Improve the specific Subsector monitoring capacities (i.e. road safety surveillance by Law)
- Define a set of “Transport Core Indicators”, emulating the future monitoring system for ESIF
- Consistency between targets of indicators correlated with budgetary commitments
- Set up procedures and standard methodology for ex-ante, mid term and ex post evaluations



PAF Expertise



Evaluation
Expertise



MIS
Expertise



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PROJECT ORGANISATION AND MANAGEMENT

Resource Centre

1. Core Resource Centre – the team of Key Experts
2. Non-Key Experts
 - Dedicated Short-Term Resources (DST NKEs)
 - On Demand Short-Term Resources (OD NKEs)

Backstopping team

- The Project Director
- The Local Staff
- Consortium technical support team
- Administrative support team
- The Finance support team
- Resource Centre Manager

Quality Control

- Quality Controller Supervisor



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Resource centre – NKEs

Dedicated Short-Term Resources (DST NKEs)	On Demand Short-Term Resources (OD NKEs)
Foreseen in the Annual Working Plan	Not foreseen in the Annual Working Plan
Based on a thorough assessment of the needs of the beneficiaries of the project	Based on the specific urgent needs of the beneficiaries, not identified within the planning process
Approximately 80-85% of the total number of NKEs for the entire duration of the project	Between 15-20% of the NKE days have been allocated as a pool to deal with such requests.
<p>Follows the agreed line of approval mentioned in the ToRs:</p> <ul style="list-style-type: none"> • The Project Steering Committee agrees on actions and/or activities; • The Project Manager states his approval on the activities mobilising contract resources and prepares the approval of the Contracting Authority; • The Contracting Authority states its approval on the DST NKEs to be mobilised under the contract and requests endorsement for funding by the EU; • The EU confirms endorsement for funding. 	<p>Follows a simplified procedure, based on the urgent need of the mobilization of this type of specific expertise:</p> <ul style="list-style-type: none"> • The Contracting Authority states its approval on the OD NKEs to be mobilised under the contract and requests endorsement for funding by the EU; • The EU confirms endorsement for funding.



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Annual Action Plan NKEs - example

COMPONENT 1			
NKE2	Senior	LEGRAI	Railways: amending existing legislation and new legislation preparation
NKE3	Senior	LEGRO	Road infrastructure: amending existing legislation and new legislation preparation
NKE4	Senior	LEGMAR/W	Inland waterways: amending existing legislation and new legislation preparation
COMPONENT 2 SA CAPACITY BUILDING ACTIVITIES			
NKE5	Senior	SAR	Sector Approach Assessment and road map design
NKE6	Junior	SAP	Strategy Action Plan Expert
NKE8	Senior	RSS	Road Safety strategy
NKE14	Senior	HRM	Human resource management
NKE17	Junior	MIS	Information technology, MIS
NKE18	Junior	COM	Communication, public relation and visibility
NKE22	Junior	MON	Sector monitoring systems based on Performance
COMPONENT 2 SUBCOMPONENT TRAINING AND COACHING			
NKE25	Junior	TDRO	Road design and technical documentation
NKE26	Junior	TDRA	Railway design and technical documentation
NKE27	Senior	ENV	Environmental and social impact assessment and environmental economics
NKE28	Junior	PRAG	IPA public procurement, PRAG regulations, Irregularities
NKE29	Senior	MASO	Maritime: Advanced Search and Rescue Operations and Maritime Safety Information(Beginners and Advance)
NKE31	Senior	PPP	Concessions and other forms of PPP: Airports, Maritime, Roads: 2 trainings
NKE32	Senior	FIDIC	Green, red and yellow FIDIC and contracting
NKE33	Senior	EUF	Management EU funds in view of accession
NKE34	Senior	RSP	Road Safety projects
NKE36	Junior	PCM	Advanced Project Cycle Management
NKE37	Junior	IFIS	WBIF and IFIs contract procedures
NKE38	Senior	RAM	Infrastructure railway Asset Management
NKE39	Senior	GRANT	Grant application and new Investments



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CONCLUSIONS

- **Results (components 1 and 2) planned in the Inception period are achieved**
- **Training Needs Analysis performed**
- **SA and Legislation gap assessments performed**
- **Overall planning of the project elaborated**
- **Capacity Building plan elaborated and under implementation**
- **Detailed Activity plan elaborated and under implementation**
- **Draft Visibility Plan elaborated**
- **Knowledge Management Hub under elaboration**
- **Resource Center into force (KEs, Dedicated ST NKEs, On Demand ST NKEs)**
- **Contingency plan elaborated and regularly updated during Covid-19 crisis**



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Preliminary Legislation Gap Assessment

- **Purpose: To set up the baseline for the activities to follow**
- Assessment of stages of implementation of EU *acquis* related to transport legislation, including rail, into national legislation of Montenegro in the light of provisions and requirements determined within the framework of **Chapter 14** (Transport policy) and **Chapter 21** (Trans-European Networks policy)



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Methodology



1

Series of meetings with the representatives of MoCI



2

Document and online-based research



3

Available draft documents, tables of concordance, mission reports from experts



4

EU accession program of Montenegro



5

EC country report on Montenegro 2022



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Gap Assessment tables

- 1. List of relevant EU *Acquis* (Directives, Regulations, Decisions and Recommendations) have been listed, together with their respective CELEX number for easy reference and search in the EURLEX platform**

- Document(s) which transposed/will transpose the EU *Acquis*
- Status of the transposition process: *fully* or *partially*
- Stage of the legislative process
- Date of the said status



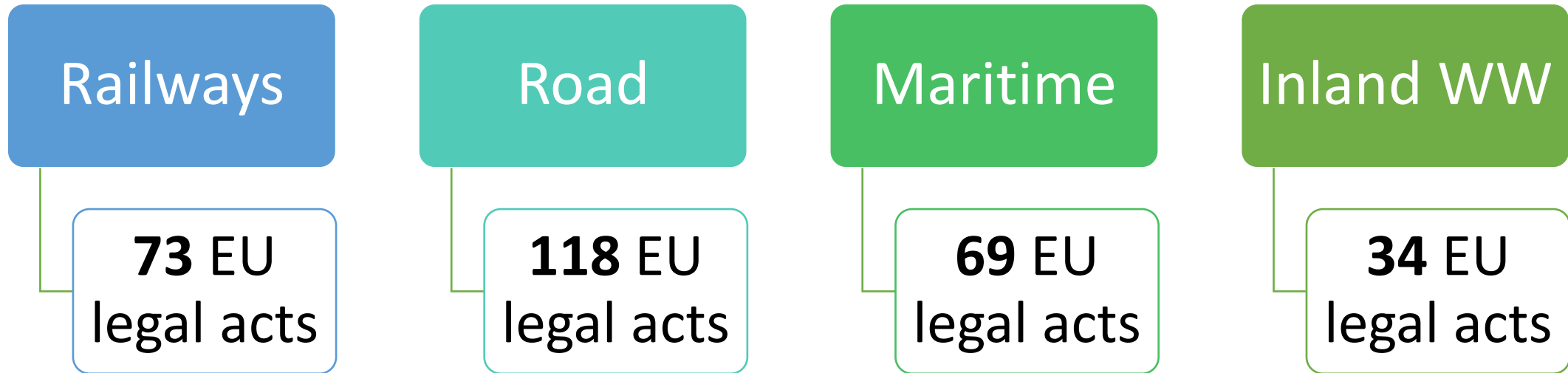
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Transport sectors covered



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Gap Assessment tables

1. TCT legislative table (Annex I of the Transport Community Treaty)

- Status of the transposition process: *fully, partially, not transposed*
- Explanation of the progress
- Planned deadlines
- Stage of the legislative process
- Responsible person within MoCI



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RESULT 1: Alignment of Montenegrin legislation with EU Acquis – JNKE 16 Legislative Tables

RAIL SECTOR					
DIRECTIVE (D)/REGULATION (R) Decision (Dec) Recommendation (Rec)	CELEX	TRANSPOSED/ IMPLEMENTED THROUGH	FULLY/ PARTIALLY	DATE	
Dec 2007/756	32007D0756	Old Railway safety and interoperability law + Rulebooks	F	2014	
R 2019/779	32019R0779	Not yet, planned for 2022, after transposition of the EU Directive 2016/798	F	2022	
R 2018/764	32018R0764	Not yet, planned for 2021		2021	
R 2018/763	32018R0763	New Railway safety and interoperability law + Rulebooks	F	2019	
R 2019/250	32019R0250	New Railway safety and interoperability law + Rulebooks	F	2019	
Rec 2019/780	32019H0780	New Railway safety and interoperability law + Rulebooks	F	2019	
R 402/2013	32013R0402	New Railway safety and interoperability law + Rulebooks	F	2019	
R 2018/545	32018R0545	Not yet (will be implemented later on under TCT)		2022	
Dec 2018/1614	32018D1614	Not yet, planned for 2022		2022	
R 1192/69	31969R1192	Old Railway Law	F	2013	
R 2016/2337	32016R2337	No longer in force		N/A	
D 2016/2370	32016L2370	Not yet, planned for 2021		2021	



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RESULT 1: Alignment of Montenegrin legislation with EU Acquis – JNKE 16 Legislative Tables – in line with TCT

Legislative tables 07 06 2022 - Excel										
E89										
Inspection.										
ROAD ACQUIS										
2. Professional road transport activities										
ACTION PLAN REQUIREMENTS										
RELEVANT EU ACQUIS FROM ANNEX I										
Current situation (drop down menu)										
Comments										
Status/stage of										
Planned to be transposed in the period 2021 – 2026										
TABLE OF CONCORDANCE										
Choose an option from the drop down menu										
Deadline										
EU ACQUIS										
ANNEX I.3										
MONTENEGRO										
If transposition is in progress - short explanation of the status										
If partially transposed, explain the status - what is not transposed and why										
FULLY ALIGNED										
Partially aligned										
Not aligned										
Not applicable										
Rules applicable to rail transport										
Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).										
Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector. (See however Article 4 of Regulation (EU) 2020/1055 on the date of entry into force or application).										
Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain rules relating to international road transport.										
Rail Interoperability										
Modernisation of RNI										
Road										
Road transport activities										
Maritime										
Inlan ...										



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Current state of play

- **Railways transport** - part of the EU legislation fully transposed, adopted and implemented (about 50%); major laws drafted: Railway Law and Railway Safety and Interoperability Law – awaiting adoption
- **Road Transport** - Montenegro adopted about 70% of EU directives and regulations, although some of them are partially aligned, and is expected to introduce further legislation to fully satisfy the Transport Community Treaty requirements
- **Maritime transport** - Montenegro transposed/implemented about 50% of EU directives and regulations, although many of them are still only partially aligned



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Current state of play

The Montenegrin document:

- *Report on the Implementation of the Action Plan for Addressing Key Recommendations from the Report of the European Commission on Montenegro 2021, December 10, 2021 - March 10, 2022,*
- developed by the Government of Montenegro, the President's Office and the Office for European Integration and published in Podgorica on 10 March 2022.



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An isometric illustration of a futuristic urban environment. In the foreground, a wide pedestrian walkway with a blue and white striped crosswalk leads towards a modern, white, multi-level building. Several small, white, capsule-shaped autonomous vehicles are parked or moving along the walkway. To the right, a raised pedestrian bridge with a white railing spans over a road. Below the bridge, a group of people is gathered near a cluster of parked bicycles. The road features a dedicated lane for autonomous vehicles, marked with blue and white lines, where several of the same capsule-shaped vehicles are traveling. A green and yellow striped median separates the road from a green space with a few trees. The overall scene is bright and clean, representing a vision of future urban mobility.

Future ?





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Thank you for your attention !

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Q & A



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