



# EUBAL

## ZBORNİK REZIMEA BOOK OF ABSTRACTS

Banja Luka, 30. septembar 2015.  
Banja Luka, 30 September 2015

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DRUGA MEĐUNARODNA NAUČNA KONFERENCIJA  
“EVROPSKA UNIJA – IZAZOVI PROŠIRENJA I ZAPADNI  
BALKAN” EUBAL II

SECOND INTERNATIONAL SCIENTIFIC CONFERENCE  
“EUROPEAN UNION – CHALLENGES OF ENLARGEMENT  
AND WESTERN BALKANS” EUBAL II

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Zbornik rezimea pripremljen u skladu sa Pravilnikom o mjerilima za ostvarivanje i finansiranje programa održavanja naučnih skupova, Ministarstva nauke i tehnologije Republike Srpske, Službeni glasnik Republike Srpske br. 102/14

*Book of Abstracts was prepared in accordance with the Rules on Standards for Holding and Financing of Programme of Scientific Events, issued by the Ministry of Science and Technology of the Republika Srpska, Official Gazette of the Republika Srpska No. 102/14*

Elektronska verzija Zbornika rezimea dostupna na  
<http://www.blc.edu.ba/eu-konferencije/>

*Electronic version of the Book of Abstracts available at*  
<http://www.blc.edu.ba/eu-konferencije/>

30. septembra 2015./ 30 September 2015

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**D**ruga međunarodna naučna konferencija EUBAL II, ima za cilj da okupi naučnu i stručnu javnost u pogledu aktuelnih procesa približavanja Bosne i Hercegovine Evropskoj uniji, ali i iskustva zemalja u regionu koje su ili mlade članice EU ili su, kao zemlje kandidati, u procesu pridruživanja. S obzirom da pridruživanje obuhvata veoma značajne procese usaglašavanja zakonodavstva i prakse shodno kopenhagenskim principima u širokom krugu oblasti počev od političkih, ekonomskih i pravnih, ali i mnogih drugih, okvirne teme obuhvataju sljedeće oblasti:

- Primjena Sporazuma o stabilizaciji i pridruživanju
- Predpristupni fondovi
- Harmonizacija zakonodavstva
- Regionalni razvoj
- Obrazovanje o Evropskoj uniji
- Značaj informacionih tehnologija (ICT) u procesu evropskih integracija
- Uloga medija u procesu evropskih integracija
- Ekologija i očuvanje prirodnih resursa, borba protiv prirodnih katastrofa

**T**he Second International Scientific Conference EUBAL II aims to gather academics and professionals regarding the actual processes of association of Bosnia and Herzegovina to the European union, but also the experiences of the countries in the region that are either young member states of the EU or as a candidate states they are in the process of accession. Having in mind that association and accession involve very significant processes of consolidation of legislation and practices in line with Copenhagen criteria in the variety of fields starting from political, economic and legal, but also many others, the framework topics are focused on the following issues:

- Implementation of the Stabilization and Association Agreements
- Pre-accession instruments
- Harmonization of legislation
- Regional development
- European union education

- Importance of information technologies (ICT) in the process of European integration
- Media role in the process of European integration
- Environment and natural resources protection, fighting natural disasters

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# INSTITUCIJE I INSTRUMENTI EU KAO ODGOVOR NA TEKUĆU KRIZU BLISKOG ISTOKA I SJEVERNE AFRIKE

*Anis Bajrektarević<sup>1</sup>*

## Rezime

Stari kontinent nastojao je usporiti i odgoditi svoj duboki gospodarski i demografski sunovrat stalnim pritiskom/ometanjem na svojim periferijama, posebno se grubo i dugotrajno mješajući u unutrašnje stvari Balkana, Crnog Mora/Kavkaza te MENA (Bliski Istok – Sjeverna Afrika). Šta je sada epilog toga? Ozbiljna demokratska recesija. Već nerazumno dugi period, Evropa je na Bliskom istoku i u sjevernoj Africi promovirala sve i svašta, osim stabilnosti i prosperiteta koji je donosio europski postratni socio-ekonomski model. Nije stoga čudno da je Europa danas, umjesto naprednim susjedima, okružena pojasom političko-vojne nestabilnosti, te socijalno-gospodarskim očajem – od Ukrajine, Balkana do Bliskog Istoka i Sjeverne Afrike, otkuda nadiru bezbrojne izbjeglice. Oblik islama kojeg je Evropa podupirala na Bliskom istoku jučer, jeste oblik islama (ili bolje rečeno, fašizma), koju smo dobili danas i u kršćanskoj Europi, i u kršćanskim sredinama u Iraku, Siriji, i Lebanonu.

Tako, kroz svoje reakcije na Balkanu, Bliskom istoku, sjevernoj Africi i na ukrajinsku krizu, EU je stalno gubila širi uvid, jasno usaglašenu politiku cijelovitog uključivanja svih u njenom strateškom okruženju. EU je sve to promašila – iako ima institucije, povjesno sjećanje na II S.R., interes i kredibilitet da izbjegne greške – jer je te greške napravila ranije u vlastitoj kući.

Jedini direktni način uključivanja Kontinenta bio je u rasponu između selektivne diplomatske delegitimizacije, satanizacije u medijima, te maskiranih napada pod lažnom zastavom ili posrednih intervencija, sve do kaznenih vojnih operacija koje su provodile ‘ad hoc koalicije voljnih’ u

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kojima je dominirala Atlansko-Centralna Europa (npr. Balkan, Irak, Libija, Sirija, Ukrajina). Ovo je prirodno dovelo do masivnog priliva izbjeglica, na šta evropljani obično reaguju kriminalizacijom migracija i kažnjavanjem imigrantskog načina života. Konfrontaciona nostalgija opet je prevladala nad onim što je od vitalne važnosti za našu budućnost: dijalogom (instrumenti) i konsenzusom (institucije). A posljedice su veoma upečatljive.

**Ključne riječi:** *kriza Bliskog istoka i Sjeverne Afrike, diplomatska delegitimizacija, priliv izbjeglica, migracije.*

JEL klasifikacija: J15, K37

## THE EU INSTITUTIONS AND INSTRUMENTS IN RESPONSE TO THE ONGOING MENA CRISIS

*Anis Bajrektarević<sup>2</sup>*

### Abstract

The Old continent tried to amortize its deepening economic and demographic contraction by a constant interference on its peripheries, especially meddling on the Balkans, Black Sea/Caucasus and MENA (Middle East–North Africa). What is now an epilogue? A severe democratic recession. For unreasonably long, Europe promoted in the Middle East and Africa everything but the stability and prosperity of its own post-WWII socio-economic model. No wonder that today, instead of blossoming neighborhood, the EU is encircled by the ring of politico-military instability and socio-economic despair – from Ukraine, Balkans to MENA, and countless refugees pouring from there. The very type of Islam Europe supported in the Middle East yesterday, is the version of Islam (or better to say, fascism), we are getting today in the Christian Europe as well as in the Christian neighborhoods of Iraq, Syria and Lebanon.

Thus, in response to the Balkans, MENA and Ukraine crises, the EU repeatedly failed to keep up a broad, single-voiced consolidated agenda and all-participatory basis with its strategic neighborhood. The EU missed it all

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– although having institutions, WWII-memory, interest and credibility to prevent mistakes– as it did wrong before at home.

The only direct involvement of the continent was ranging between a selective diplomatic de-legitimization, satanization in media, false-flag or proxy assaults, and punitive military engagements via the Atlantic-Central Europe-led coalition of the willing on the Balkans, in Afghanistan, Iraq, Libya, Syria, Mali, Ukraine. This naturally results in a massive influx of refugees, a consequence to which Europeans usually respond by criminalizing migrations and penalising the immigrants' way of life. Confrontational nostalgia prevailed again over both that is essential for any viable future: dialog (instruments) and consensus (institutions). And the consequences are rather striking.

**Key words:** *MENA crisis, diplomatic delegitimization, influx of refugees, migrations.*

JEL classification: J15, K37

## THE ROLE OF THE BALKAN THINK TANKS AND OPEN SOURCES INFORMATION: EXCHANGE OF IDEAS ON BUILDING UP SECURITY COOPERATION

*John M. Nomikos<sup>3</sup>*

### **Abstract**

During the 1990s the immigration problem in the Balkan and Mediterranean states began having explosive dimensions due to not only political and economic developments in southeastern Europe, but also to continuing conflicts in the Middle East and North Africa (Arab Spring, Syria and Libya Conflict, ISIS and Terrorist Networks). Nowadays, the increase of illegal migration/human- trafficking, extremism and refugees movement to the EU Member-States has created an environment that is uncontrollable to manage it without a European Common Migration and Political Asylum Policy and it has become a national serious security threat for Greece and Italy.

This paper centers on establishing Open Sources Information Unit in Balkan Think Tanks in order to exchange ideas, information, organizing joint seminars/workshops on Skype (as the one organized by the Banja Luka College in B&H) in order to build up security cooperation among the Balkan States. Building up a Network of Balkan Young Scholars who emphasizes their work on security issues must be a priority in the Balkan Think Tanks.

**Key words:** *Think-Tanks, Security, Open Sources Information, Building Trust and Confidence.*

JEL classification: K37

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## EU MIGRANT CRISIS: SYRIAN AND IRAQI REFUGEES INTO THE EU VIA THE BALKAN-ROUTE

*Johann Weick*<sup>4</sup>

### Abstract

Within the twenty-eight member state European Union (EU), the policies of enlargement and neighborhood are intertwined. A good example is found in Turkey. The secular, democratic yet predominantly by Muslims inhabited country between the east and the west, remains despite its formally acknowledged candidate status already a decade ago, today still in limbo about accession to the EU. Various reasons can and have been enumerated as to why the EU-Turkey enlargement debate is following a cumbersome track. It is due to an atrocious war in Syria and the extreme brutal force of a once by a surge in US combat forces nearly defeated formerly al-Qaeda affiliated insurgent group in Iraq that security issues have become imminent for both Turkey and a Turkey neighboring EU.

With the geo-strategic and geo-political importance of Turkey growing, and with a massive flow of refugees, asylum seekers and displaced persons determinedly trying to make their way illegally into the EU, it has become imperative to assess whether the EU could have anticipated and more accurately responded to a migration emergency largely rooted in Arab countries affected by a more than four-year ongoing life-taking conflict with multiple internal actors and external proxies, or both, and the rise and expansion of a ruthless Islamist/Jihadist army.

Although it is true that many have and still travel from all places to North African countries with a seaboard to the Mediterranean Sea in the hope to enter the EU from there via Italy, the paper predominantly focuses on Syrian

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and Iraqi refugees moving via EU membership candidate Turkey to EU member state Greece in order to try to reach preferred EU member states from there via the Balkan-route.

**Key words:** *illegal immigration, Syria, Iraq, ISIS, EU.*

JEL classification: K37



## HARMONIZACIJA PRAVA TRGOVAČKIH DRUŠTAVA SA PRAVOM EVROPSKE UNIJE

*Dimitar Gelev*<sup>5</sup>

### Rezime

Harmonizacija domaćeg prava trgovačkih društava sapravidlima Evropske Unije opterećeno je brojnim problemima pre svega zbog različite strukture domaćih kompanija nastale nakon procesa privatizacije i nivoa ekonomskog bogatstva svake pojedine zemlje. I pored toga što jedan deo pravila evropskih direktiva može veoma lako da se implementira u domaći poredak, mnogo više problema se javlja u sferi trgovačkih društava sa čijim se akcijama trguje na berzi i u razumevanju određenih pravnih pojmova.

U ovom radu analizira se nekoliko takvih pojmova, a naročito primena teorije ultra vires u svakodnevnom poslovanju trgovačkih društava, kao i postojanje velikog jaza između evropskih pravila kojima se reguliše berzansko trgovanje akcijama trgovačkih društava i objektivne realnosti.

Prvi deo se uglavnom odnosi na manju ili veću lakoću u registraciji trgovačkih društava i razne posledice koje kasnije proizilaze iz toga, dok drugi deo analizira neprimerenost berzanskog trgovanja akcijama trgovačkih društava koje u osnovi nemaju nekog naročito velikog broj akcionera i uglavnom predstavljaju porodične firme ili su u posedu malog broja ljudi.

**Ključne reči:** *pravo, harmonizacija, Evropska Unija, trgovačko pravo, finansijsko pravo, trgovačka društva.*

JEL klasifikacija: K20

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# HARMONIZATION OF COMPANY LAW WITH THE EU LAW

*Dimitar Gelev*<sup>6</sup>

## **Abstract**

Harmonization of domestic company law with EU regulations is burdened with a number of problems primarily due to a different structure of domestic companies resulting from the privatization process and the level of economic wealth of each individual state. Despite the fact that part of the European regulations may be easily transposed into the national systems, many problems occur in regard to companies whose shares are traded in on the stock exchange and in regard to the understanding of certain legal notions.

This paper analyses several such notions and specifically the application of the ultra vires theory in everyday business transactions of trading companies, as well as the huge gap between the European rules regulating trading in companies' shares on the stock exchange and the actual reality.

The first part mainly deals with bigger or lesser ease in registering companies and various related consequences, while the second part analyzes the inappropriateness of trading in shares of companies which do not have a large number shareholders and are mainly family firms or are owned by a small number of individuals.

**Key words:** *law, harmonization, European Union, commercial law, financial law, commercial companies.*

JEL classification: K20

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## DIGITAL AGENDA FOR EUROPE: STRATEGIES, LEGISLATION AND PRIORITIES IN THE FIELD OF CYBER SECURITY, PRIVACY AND PROTECTION OF PERSONAL DATA – CASE OF CROATIA

*Marija Boban<sup>7</sup>*

### **Abstract**

“The interests of the individual and the community can be in conflict, can be compatible and can be a compromise.” With these words prof. Živko Anzulović, PhD back in late 1973 opened the subject of the impact that information technologies had on individual rights and freedom of citizens. Nowadays, the surroundings of digital economy and new technologies have changed the „agenda” of the perspectives but privacy of citizens, user rights and data protection in whole have never been more vulnerable. In this contribution to the round table the emphasis is placed on the area of defense against harmful and criminal acts and behavior where the community wants to protect their own interests, which imposes restrictions on individual liberties. Especially in cases where the private interests and the interests of the community are contradictory or in conflict raises the question to what extent can the public interest cover individual? In which sphere? And with what means? As a logical approach to data protection and the protection of “interests of an individual” opens the area of information security, privacy and legal protection. Especially the role of national regulatory authority in the implementation of the Digital Agenda for Europe.

As the first step there is a great need of defining the necessary settings of information security with defining privacy or infringe of the rights of persons (individuals) and personality (individuality) which sets the basis for the protection of personal data and set up an adequate framework for information security (on the example e of the Republic of Croatia). The starting point of any discussion firstly presents the definition of the concept of information, personal data, privacy and information security as well as the

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right to privacy, the information society and digital economy- speaking in legal and societal terms based on the complexity of the social changes that have affected digital economy.

The next proposed step is setting the information security management system (ISMS) based on (actual) regulatory national standards upon the Digital Agenda for Europe. Combined with the definition of the legislative and regulatory framework of information security, privacy and protection of personal data this model seems to be the most appropriate solution in order to protect user's privacy especially in the cloud computing challenges and end-user protection and privacy. Also, in addition to the protection of data in this paper a special part present the debate on the right to access data and the right to correction of information as an important part of data protection and at the same time as the way of protecting the rights of citizens in the information society according to the actualities in European Union legislation.

**Key words:** *Digital Agenda, European Union, strategies, legislation, cyber security, privacy personal data, Croatia.*

JEL classification: Y80

## SPRJEČAVANJE SUKOPA INTERESA JAVNIH FUNKCIONERA CRNE GORE -GLAVNA PREPORUKA EK ZA ULAZAK U EU-

*Slobodan Leković<sup>8</sup>*

### Rezime

Sprječavanje sukoba interesa, kao preventivni mehanizam, sastavni je dio procesa demokratije, modernizacije države i javne uprave u cilju zaštite prava i sloboda građana, samim tim što je korupcija društveno zlo koje zahtijeva sistemski napor i visok stepen mobilizacije svih društvenih snaga pri njegovom suzbijanju. Glavni akteri sprovođenja antikorupcijskih aktivnosti su državne institucije koje preduzimaju mjere i nose odgovornost, među kojima je i Komisija za sprječavanje sukoba interesa Crne Gore. Komisija je u proteklom periodu uspješno sprovodila antikorupcijske aktivnosti u oblasti prevencije sukoba interesa, koje se reflektuju kroz napredak u shvatanju javnog funkcionera o značaju „sukoba interesa“, većoj informisanosti i posvećenosti poštovanja Zakona, kao i u broju donesenih odluka i izrečenih kaznenih sankcija po zahtjevima Komisije. Sprječavanje potencijalnog sukoba interesa je početna karika u borbi protiv korupcije, koja se reflektuje ne samo u zakonskim i sistemskim izmjenama, već i u konkretnim slučajevima. Preventivne radnje koje preduzima Komisija za sprječavanje sukoba interesa u cilju sprječavanja potencijalnog sukoba interesa, sastavni su dio procesa demokratije, modernizacije države i javne uprave u cilju zaštite prava i slobode građana i sve više predstavljaju mjere koje moraju otkloniti i najmanju sumnju u pravedno i zakonito vršenje vlasti, a ujedno i vršenje institucionalne kontrole javnih funkcionera prilikom obavljanja javnih funkcija. Komisija implementira Zakon o sprječavanju sukoba interesa već 11 godina, sa ciljem posvećenosti poštovanju odredbi Zakona, koji je uredio uslove i način vršenja javne kontrole djelovanja javnih funkcionera, s intencijom da se spriječi sukob privatnog i javnog interesa. Sprovođenje antikorupcijskih aktivnosti od strane ove državne institucije u oblasti prevencije sukoba

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8 Dr Slobodan Leković, predsjednik Komisije za sprječavanje sukoba interesa Crne Gore.

interesa, reflektuje se kroz napredak i mobilizaciju svih društvenih snaga u procese preventivne borbe protiv korupcije, kao i visokom stepenu odgovornosti javnih funkcionera prema poštovanju zakonskih odredbi koje se odnose na „sukob interesa“.<sup>9</sup>

**Ključne riječi:** *sukob interesa, antikorupcijske aktivnosti, javna uprava, javni funkcioneri.*

JEL klasifikacija: Y80

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9 Ova nezavisna institucija je u prvih osam mjeseci 2015. godine donijela 761 odluka za državne i lokalne funkcionere od kojih 61,2% kše Zakon po različitim osnovama; podnijela 635 zahtjeva sudovima za prekršaje (presuđeno do danas 320); upućena 22 javna funkcionera za razješenje sa javne funkcije; umreženim sistemom kontrolisala imovinu 1856 funkcionera i utvrdila da 15,9% nije prijavilo u cjelosti imovinu i prihode, itd.

# PREVENTION OF CONFLICT OF INTERESTS OF PUBLIC OFFICIALS OF MONTENEGRO-KEY OBSTACLE OF THE EC FOR JOINING THE EU-

*Slobodan Leković<sup>10</sup>*

## **Abstract**

Prevention of conflict of interests, as a preventive mechanism, is a part of the process of democratization, modernization of state and public administration with the aim of the protection of rights and freedoms of citizens, having in mind that the corruption is a social evil, that asks for a systematic approach and a high degree of mobilization of all social powers in order to be prevented. The main peers in implementation of anticorruption activities are state institutions which undertake measures and carry responsibility, including the Commission for the prevention of conflict of interests of Montenegro. The Commission has implemented anticorruption activities in the area of prevention of conflict of interests, which are seen as the progress in apprehension of a public official about the importance of 'conflict of interests', better informing system and dedication to the rule of law, and also in increase of issued decisions and criminal sanctions upon the requests of the Commission. Prevention of a potential conflict of interest is a first step in combating corruption that is reflected not only by law and system changes, but also in concrete cases. The prevention acts done by the Commission for the prevention of conflict of interests with the aim of preventing the potential conflict of interests, are a part of the democratization, modernization of state and public administration, in the aim of protecting rights and freedoms of the citizens, and are the measures which have to rule out even the smallest doubt in rightful and legal execution of power, and at the same time in the implementation of the institutional control of public officials when performing public functions. Commission has been implementing the Law on prevention of conflict of interests for 11 years, with the aim of dedication to respect of the Law provisions which enacted the conditions and the modality of public control of public officials, with the intention that the conflict between private and public interest is prevented. The implementation of anticorruption activities by this state institution in the area of prevention of conflict of interests is reflected through the progress and mobilization of all social powers in the processes of preventive fight

10 Slobodan Leković, PhD, president of the Commission for the prevention of conflict of interests of Montenegro.

against the corruption, as well as in the high degree of responsibilities of public officials towards the respect of legal provisions that relate to the conflict of interests.<sup>11</sup>

**Key words:** *conflict of interests, anticorruption activities, public administration, public officials.*

JEL classification: Y80

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11 This independent institution has in the first eight months in 2015 issued 761 decisions with regard to state and local officials, out of which 61,2% violated the Law in various ways, submitted 635 requests to the courts (in 320 cases court decision was issued), 22 public officials were ordered to be released, by its network it controlled the property of 1856 officials and established that 15,9% has not duly registered their property nor income, etc.



## MOGUĆNOSTI I OGRANIČENJA ZA USPOSTAVLJANJE SAVETA ZAPOSLENIH U SRBIJI<sup>12</sup>

*Darko Marinković<sup>13</sup>, Vladimir Marinković<sup>14</sup>*

### Rezime

Predmet ovog rada su saveti zaposlenih. Preciznije rečeno, predmet istraživanja biće usmeren na sagledavanje mogućnosti i ograničenja za afirmisanje značaja, kreiranje pravnih osnova i uspostavljanje koncepta i prakse saveta zaposlenih u Srbiji. Pri tome se polazi od nespornih dostignuća društvene teorije, prema kojima saveti zaposlenih predstavljaju civilizacijsku tekovinu dvadesetog i početka dvadeset prvog veka. Saveti zaposlenih predstavljaju neophodnu komponentu celovitog koncepta i prakse industrijske demokratije, instrument bez koga bi snaga i efikasnost industrijske demokratije bila mnogo manja. Teorijski koncept i praksa saveta zaposlenih razvijaju se više od jednog veka. Uspostavljanje i permanentno jačanje uloge i funkcija saveta zaposlenih svakako su doprineli stvaranju relativne ravnoteže društvene moći sveta rada i sveta kapitala, na kome se danas temelji industrijski i socijalni mir, socijalna i politička stabilnost pojedinih zemalja. To potvrđuje i činjenica da saveti zaposlenih imaju značajnu ulogu u industrijskim odnosima i socijalnoj demokratiji u ekonomski i tehnološki najrazvijenijim zemljama Evrope.

Isto tako, društvena praksa u ekonomski i tehnološki razvijenim zemljama, sa visoko razvijenom industrijskom demokratijom i praksom socijalnog partnerstva potvrđuje da se društvena moć sindikata i društvena moć saveta zaposlenih nalaze u direktnoj srazmeri. Drugim rečima, u onim preduzećima u kojima su jaki i uticajni sindikati, jaki su i uticajni i saveti zaposlenih. Istovremeno, u onim preduzećima u kojima su sindikati slabi, podeljeni, neefikasni, slabi su ili uopšte ne funkcionišu i saveti zaposlenih.

12 Ovaj rad se realizuje u okviru Naučno istraživačkog projekta : „Unapređivanje javnih politika u Srbiji u funkciji poboljšanja socijalne sigurnosti građana i održivog privrednog rasta, koji se vodi pod brojem III 47004.

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Iz toga proističe da saveti zaposlenih predstavljaju pokazatelj društvene moći sindikata u preduzećima, kao i snažan instrument delovanja u borbi za radna i sindikalna prava kako članova sindikata, tako i svih zaposlenih.

Naime, kroz rad saveta zaposlenih ostvaruje se čitav niz radnih prava zaposlenih, koja pripadaju grupi osnovnih ljudskih prava (pravo na informisanje, konsultovanje, saodlučivanje), čije ostvarivanje je uslov slobode i dostojanstva ljudskog rada, dobrih međuljudskih odnosa u preduzeću, i motivacije zaposlenih da ostvaruju bolje radne rezultate.

Konačno, treba imati u vidu da je pravo zaposlenih na osnivanje saveta zaposlenih, odnosno ostvarivanje prava koja se ostvaruju kroz delovanje ove institucije definisano odgovarajućim međunarodnim političko-pravnim dokumentima, koje je ratifikovala i Republika Srbija. To je od posebne važnosti, kada se ima u vidu da se stopa sindikalne organizovanosti u Evropi kreće u proseku oko 20%, a da je ovde reč o pravima svih zaposlenih, a ne samo članova sindikata.

Stanje u Srbiji na ovom planu je daleko od zadovoljavajućeg. Može se slobodno reći da su saveti zaposlenih, (odnosno radnički saveti, koji su umali ključnu ulogu u prethodnom sistemu socijalističkog samoupravljanja) u velikoj meri bili žrtva ideološke isključivosti, jer je u društvenoj teoriji i praksi odbijan svaki trezveni razgovor na ovu temu, a radnički saveti isključivo označavani kao negativno nasledje socijalizma i samoupravljanja, jugonostalgije i tsl.

**Ključne reči:** *socijalna demokratija, prava zaposlenih, radno pravo, sindikati, saveti zaposlenih, radnička participacija.*

JEL klasifikacija: J51, J58

# POSSIBILITIES AND CONSTRAINTS AS TO THE ESTABLISHMENT OF COUNCILS OF EMPLOYEES IN SERBIA<sup>15</sup>

*Darko Marinković<sup>16</sup>, Vladimir Marinković<sup>17</sup>*

## Abstract

The subject of this research are Councils of employees. Precisely, the subject of research will focus on identifying opportunities and constraints for the affirmation of importance, creating a legal basis for the establishment of the concept and practice of Councils of employees in Serbia. It is started from the uncontested achievements of social theory, according to which Council of employees is representing civilizational heritage of the twentieth and early twenty-first century. Council of employees is a necessary component of a comprehensive concept and practice of industrial democracy, without this instrument the power and efficiency of industrial democracy are much smaller.

The theoretical concept and the praxis of the Councils of employees are being developed for more than a century. Establishment and permanent strengthening of the role and function of the Councils of employees have certainly influenced the creation of a relative balance of social power of the labor and capital world, which is the grounds for industrial and social peace today, the social and political stability of some countries. That is also confirmed by a fact that councils of employees have an important role in industrial relations and in social democracy in economically and technologically most developed countries of Europe.

Also, a social praxis in economically and technologically developed countries, with highly developed industrial democracy and praxis of social partnership confirms that social power of trade unions and social power of Councils of employees are directly proportional. In other words, in such companies where trade unions are strong and influential, strong and influ-

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15 This paper is being realised within the Scientific research project: "Improvement of public policies in Serbia in function of improvement of social security of citizens and sustainable economic growth, registered under No. III 47004."

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ential are also the Councils of employees. At the same time, in such companies where the trade unions are weak, divided, not efficient, councils of employees are the same. Therefore, it appears that Councils of employees are the indicator of a social power of trade unions in companies, and also they are the strong instrument of fight for labor and trade union rights of trade union members, and also of all employees.

Therefore, through the activities of Councils of employees, the labor rights of employees are exercised, which belong to basic human rights (right to be informed, consulted, right to co-decision), whose exercises of a prerequisite of a freedom and dignity of a human kind, good relations in a company, and motivation of employees to achieve better results of work.

Finally, one should have in mind that the right of employees to establish the Councils of employees, or to exercise the rights through the activities of this institution is defined by respective international political-legal acts, which were ratified also by Republic of Serbia. That is especially important having in mind that the rate of trade union organisations in Europe is averagely 20%, and we are speaking of rights of all employees and not only of trade union members.

The situation in this area in Serbia is far from satisfactory. It can be said that the Council of employees (or workers' councils, which have had a key role in the previous system of socialist self-management) has been a victim of ideological exclusivism, because in social theory and practice every sober conversation on this subject was rejected, and workers' councils were exclusively described as the negative legacy of socialism and self-management, Yugo-nostalgia, and etc.

**Key words:** *Social democracy, workers rights, labour law, trade unions, workers council, workers participation.*

JEL classification: J51, J58

## IZAZOVI HARMONIZACIJE PRAVA

*Željko Mirjanić<sup>18</sup>*

### Rezime

Predmet pravne analize su razvoj i harmonizacija zakonodavstva, pravila za donošenje i pisanje zakona, važnost međunarodnih dokumenata o ljudskim pravima čija je primjena obavezna prema Dejtonskom sporazumu. Poslije ratifikacije Sporazuma o stabilizaciji i pridruživanju razvoj zakonodavstva je uslovljen procesom harmonizacije prava sa pravom Evropske unije. Aneks četiri ovog sporazuma predviđa primjenu demokratskih principa u procesu donošenja zakona u zakonodavnim instucijama u Bosni i Hercegovini. Pravno regulisanje zakonodavnog procesa predstavlja samo početnu fazu u uspostavljanju demokratskih odnosa. Primjena demokratskih principa ne može se dovesti do kraja, već se ona potvrđuje prilikom donošenja i primjene pravnih propisa. Kod nas, kao i u drugim zemljama u regiji dosljedna primjena važećih zakona predstavlja veći problem nego donošenje novih zakona usklađenih sa evropskim i međunarodnim izvorima prava. U procesu harmonizacije prava donošenje i primjena zakona predstavljaju međusobno uslovljene procese.

**Ključne riječi:** *razvoj zakonodavstva, harmonizacija prava, dokumenti o ljudskim pravima relevantni za razvoj zakonodavstva, sporazum o specijalnim paralelnim odnosima.*

JEL klasifikacija: K33, K40

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# CHALLENGES OF LAW HARMONIZATION

Željko Mirjanić<sup>19</sup>

## Abstract

The subject of this legal analysis is development and harmonization of legislature, rules that relate to enactment and writing of laws, the importance of international human rights documents the implementation of which is obligatory according to Dayton agreement. After the ratification of the Stabilization and Association Agreement the development of legislature is dependent upon the process of harmonization of law with the European Union law. Annex 4 of this agreement provides for the implementation of democratic principles in the process of law enactment in legislative institutions in Bosnia and Herzegovina. Legal rules that govern the legislative process are just a starting point in establishment of democratic relations. The implementation of democratic principles cannot be finalized, but it is acknowledged in the course of enactment and implementation of legal provisions. In our society, as well as in other countries in the region the exact application of legal provisions in force is a greater problem than issuing new laws in accordance with European and international sources of law. In the process of harmonization of law, the enactment and implementation of laws are interrelated processes.

**Key words:** *development of legislature, law harmonization, human rights documents relevant for development of legislature, agreement on special parallel relations.*

JEL classification: K33, K40

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## AKTUELNI IZAZOVI PREGOVARAČKOG POGLAVLJA 31 - SPOLJNA I BEZBEDNOSNA POLITIKA

*Hatidža Beriša, Igor Barišić<sup>20</sup>, Mila Jegeš<sup>21</sup>*

### Rezime

Usaglašavanje spoljne i bezbednosne politike Republike Srbije sa Zajedničkom spoljnom i bezbednosnom politikom Evropske unije otvara set međusobno povezanih i kompleksnih pitanja na koja nije moguće dati jednostavan odgovor. U ovom radu analiziraćemo glavne izazove iz ove oblasti koji predstoje Republici Srbiji u procesu pristupanja Evropskoj uniji. Razmimoilaženja u pogledu krize u Ukrajini i odnosa sa Ruskom Federacijom, nerešeno pitanje energetske bezbednosti Republike Srbije, različiti pogledi oko rešavanja statusa Kosova i Metohije u svetlu ponovnog nametanja Albanskog nacionalnog pitanja u regionu, aktivniji doprinos vojno neutralne Srbije u izgradnji Evropske bezbednosti su glavni izazovi u kojima će se suočiti Republika Srbija u procesu pristupanja Evropskoj uniji.

**Ključne reči:** *Evropska Unija, Republika Srbija, pristupni pregovori, Ruska Federacija, Kosovo i Metohija, vojna neutralnost.*

JEL klasifikacija: Y80

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# CONTEMPORARY CHALLENGES OF NEGOTIATION

## CHAPTER 31 – FOREIGN AND SECURITY POLICY

*Hatidža Beriša, Igor Barišić<sup>22</sup>, Mila Jeges<sup>23</sup>*

### Abstract

Harmonization of foreign and security policy of the Republic of Serbia with the Common Foreign and Security Policy of the European Union opens a set of interrelated and complex questions that is not possible to give a simple answer. In this article we will analyze the main challenges in this field that are ahead the Republic of Serbia in the EU accession process. Discrepancies regarding the crisis in Ukraine and relations with the Russian Federation, the unresolved issue of energy security of the Republic of Serbia, different views about solving the status of Kosovo and Metohija in the light of the re-imposition of the Albanian national question in the region, active contribution of military neutral Serbia in building European security are the main challenges which will face the Republic of Serbia in the EU accession process.

**Key words:** *the European Union, the Republic of Serbia, the accession negotiations, the Russian Federation, Kosovo and Metohija, military neutrality.*

JEL classification: Y80

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# NOVI IZAZOVI U UPRAVLJANJU VANREDNIM SITUACIJAMA U ZEMLJAMA ZAPADNOG BALKANA U BORBI PROTIV PRIRODNIH KATASTROFA U SADAŠNJOJ I NASTUPAJUĆOJ DEKADI XXI VEKA

*Duško Tomić<sup>24</sup>, Predrag Lečić*

## Rezime

Krize se javljaju u više vidova i oblika. Sukobi, nesreće uzrokovane ljudskim faktorom i, prirodne nepogode neprestano narušavaju mir i društveno uređenje. Novi vek doneo je porast međunarodnog terorizma, ali takođe i užasavajuću svest o novim oblicima nepredviđenih okolnosti koje prete iza horizonta: prekidima u informacionim i komunikacionim sistemima, prirodnim pretnjama, bionuklearnom terorizmu. Istovremeno, stare nepogode (poplave, zemljotresi, cunami) i dalje razotkrivaju ranjivost modernog društva.

Delovanjem kompleksnih ili pojedinačnih derivata u društvu, dolazi se do promena u državnim institucijama koje pokušavaju da budu adaptivne na svaku vrstu promena, jer teže da se izbegnu sve pretnje što iziskuje specifičan osećaj odgovornosti. U institucijama na državnom nivou ili nivou poslovno specijalizovanih organizacija, promene i rizici nisu stvar pojedinaca, već kompleksnih timova, čiji je zadatak da se one (rizici i promene) svedu na najmanju moguću meru, ali i da se izgradi u perspektivi što adaptivniji sistem koji će lako da odgovori budućim rizicima. Takav sistem je moguće izgraditi ukoliko su krizni programi (programi za delovanje u vanrednim situacijama) inventivni i spremni kako bi pežorativno rekli, da se uhvate u koštac sa promenama i rizicima. Stoga se pred krizne programe nameću kao obaveza sledeće aktivnosti koje doprinose njegovoj adaptivnosti: definisanje ciljeva, prikupljanje informacija, poboljšavanje komunikacije, kvalitetna istraživanja i razvoj, povećanje ekspertskih znanja, insistiranje na primeni proverenih pristupa, umesto inventivnih, korišćenje proverene metodologije. U takvom

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kontekstu je razvoj adaptivnog sistema monitoringa i ravnane i obrade informacija koji bi mogao adekvatno da predupredi rizike i štete koji nastaju kao posledica prirodnih katastrofa u zemljama Zapadnog Balkana.

**Ključne reči:** *kriza, upravljanje vanrednim situacijama, poplave, bujice, odgovor državnog sistema.*

JEL klasifikacija: Y80

# NEW CHALLENGES IN THE CRISIS MANAGEMENT IN THE COUNTRIES OF WESTERN BALKANS IN THE FIGHT AGAINST NATURAL DISASTERS IN THE CURRENT AND FORTHCOMING DECADE OF XXI CENTURY

*Duško Tomić<sup>25</sup>, Predrag Lečić*

## **Abstract**

Crises occur in several forms and shapes. Conflicts, accidents caused by human activities and natural disasters constantly disturb the peace and social order. The new century brought the growth of international terrorism, but also terrifying awareness of new forms of unforeseen circumstances arising beyond the horizon: interruptions in information and communications systems, natural threats, bionuclear terrorism. At the same time, the old disasters (floods, earthquakes, tsunamis) and further expose the vulnerability of modern society.

Activities of the complex or individual products in society, lead to changes in the state institutions that are trying to be adaptive to every kind of change, and they tend to avoid any threat which requires specific sense of responsibility. The institutions at the state level or the level of specialized business organization, changes and risks are not a matter of individuals, but of complex teams whose task is to make risks and changes reduced to a minimum, but also to build a perspective that more adaptive system which can respond to future risks. Such system can be built if the crisis programs (programs for action in emergency situations) is inventive and ready to, pejoratively said, cope with the changes and risks. Therefore, before the crisis programs impose such obligations following activities that contribute to its adaptability: defining objectives, gathering information, improving communication, quality of research and development, increasing the expert knowledge, insisting on the implementation of proven approaches, rather than inventive, using proven methodologies. In such a context, the development of monitoring and more adaptive process of exchange information that could adequately prevent risks and damages incurred as a result of natural disasters in the countries of the Western Balkans.

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**Key words:***crisis, emergency management, flood, the response of the state system*

JEL classification: Y80

## DEFINISANJE NAČINA UPRAVLJANJA KRIZNIM SITUACIJAMA NA PUTU KULTURE TRANSROMANIKE KROZ SRBIJU

*Zoran Katanić<sup>26</sup>, Dragan Novović<sup>27</sup>*

### Rezime

Rad obuhvata preporuke koje imaju plan upravljanja krizom, uspostavljenje kriznog menadžmenta u delu regiona koji obuhvata Put kulture Transromanika koji je posebno osetljiv na politički motivisano nasilje, upravljanje strategijama za zaštitu i obnovu imidža sigurnosti, da uveri potencijalne posetioce na bezbednost oblasti i da ponovo uspostavi funkcionalnost i atraktivnost i da pomogne turizmu u njegovom ekonomskom oporavku.

**Ključne reči:** *krizni menadžment, krizne situacije, terorizam, versko-etnički sukobi.*

JEL klasifikacija: H12

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# DEFINITION OF CRISIS MANAGEMENT ALONG THE CULTURAL ROUTE TRANSROMANICA THROUGH SERBIA

*Zoran Katanić<sup>28</sup>, Dragan Novović<sup>29</sup>*

## Abstract

The study comprises the recommendations referring to the plan for crisis management; implementation of crisis management in the part of the region covering the cultural route "Transromanica" which is especially sensitive to politically motivated violence; management of strategies for protection and recovery of security image, aimed at ensuring the potential visitors into security and to restore functionality and activities, as well as to contribute to tourism and its economic recovery.

**Key words:** *crisis management, crisis situations, terrorism, religious-ethnic conflicts.*

JEL classification: H12

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## HARMONIZACIJA ZAKONODAVSTVA KAO UVJET ULASKA BOSNE I HERCEGOVINE U EUROPSKE INTEGRACIJE

*Martina Matić<sup>30</sup>*

### Rezime

Vanjska politika Bosne i Hercegovine kao jedan od svojih osnovnih stratejskih ciljeva postavlja ulazak u punopravno članstvo Europske unije, iz više razloga, kakvi su: mir, stabilizacija i prosperitet države, demokracija i ekonomski razvoj, reforme javne uprave, politički konsenzus.

Mapom puta u ožujku 2000. godine označen je pravac reformi neophodnih za pristup europskim integracijama, kroz 18 ključnih uvjeta koje Bosna i Hercegovina treba ispuniti kako bi započela izrada Studije izvodivosti. Uz ekonomske i političke mjere, reforme su se odnosile i na područje zaštite ljudskih prava, demokracije i vladavine prava. Postavljaju se pitanja je li perspektiva članstva u Europskoj uniji dovoljno snažan poticaj za završetak započetih reformi pravosudnog sustava te je li moguće da Bosna i Hercegovina, koristeći iskustva i znanja država okruženja, ponajprije Republike Hrvatske, postigne opću konsolidaciju sustava i ubrza dinamiku odnosa s Europskom unijom te je li moguće da dobrosusjedski odnosi nadvladaju traume iz prošlosti.

Bosna i Hercegovina i danas konstruktivno sudjeluje u strukturalnom dijalogu koji bi trebao dovesti do nezavisnog i djelotvornog pravosudnog sustava u skladu s relevantnim standardima Europske unije i uskladiti nacionalno zakonodavstvo s *acquis communautaire*-om. Pravilna primjena Europske konvencije za zaštitu ljudskih prava i temeljnih sloboda i analiza pravne prakse Europskog suda za ljudska prava ishodiće će moguća rješenja *de lege ferenda* koje je potrebno unijeti u procesne zakone Bosne i Hercegovine, sve u svrhu njihove veće produktivnosti u praksi.

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U radu će se nastojati odgovoriti na pitanje u kojoj je mjeri Bosna i Hercegovina u sadašnjem trenutku dosegla pravnu harmonizaciju, a koje standarde tek treba postići u skorijoj budućnosti.

**Ključne riječi:***Europska unija, Bosna i Hercegovina, reforme, pravosuđe, acquis communautaire, Europska konvencija za zaštitu ljudskih prava i temeljnih sloboda.*

JEL klasifikacija: K33



# HARMONIZATION OF LEGISLATION AS THE CONDITION FOR THE PROCESS OF EUROPEAN INTEGRATION OF BOSNIA AND HERZEGOVINA

*Martina Matic*<sup>31</sup>

## **Abstract**

The accession of Bosnia and Herzegovina to the European Union (EU) is stated as the main strategic goal of Bosnia and Herzegovina foreign policy for several reasons: peace, state's stabilization and prosperity, democracy and economic prosperity, public administration reform, political consensus.

In March 2000, the Road Map with reforms necessary for the accession to the European integration was agreed on and it laid down 18 conditions crucial for Bosnia and Herzegovina to fulfill in order for Feasibility Study to be conducted. Along with economic and political measures, the reforms also aimed at protection of human rights, democracy and the rule of law. Several questions then arise about whether the EU membership perspective represents incentive strong enough for the completion of the reforms of judicial system, would it be possible for Bosnia and Herzegovina to achieve general consolidation of the system and increase the dynamic of relations with EU by using experience and knowledge of neighborly states (especially of Croatia) and also would it be possible to overcome trauma from the past through good neighborly relations.

Bosnia and Herzegovina is still constructively engaged in structural dialogue which, in accordance with the relevant EU standards, should lead to the independent and effective judicial system and coordination of national legislation with *acquis communautaire*. The proper application of the Convention for the Protection of Human Rights and Fundamental Freedoms as well as the analysis of the jurisprudence of the European Court of Human Rights will provide possible solutions *de lege ferenda* which should be included in procedural laws of Bosnia and Herzegovina to increase their enforcement productivity.

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This paper will discuss the current extent of BiH's harmonization of legislation as well as the standards that are yet to be reached.

**Key words:** *The European Union, Bosnia and Herzegovina, reforms, judiciary, *acquis communautaire*, the Convention for the Protection of Human Rights and Fundamental Freedoms.*

JEL classification: K33

## ZNAČAJ IMPLEMENTACIJE EUROPSKE POLITIKE TRŽIŠNOG NADMETANJA U BOSNI I HERCEGOVINI

*Sanja Kavaz Hukić<sup>32</sup>*

### Rezime

Vitalni dio svakog tržišta, kako na mikro nivou, u okviru granica svake države, tako i na makro nivou u poslovnom okruženju Europske unije, jeste dobro razvijena i učinkovita politika tržišnog nadmetanja, koja svojim mehanizmima osigurava pošteno nadmetanje svih privrednih subjekata na tržištu. Pravilno funkcioniranje unutarnjeg tržišta sa poštenom tržišnom konkurencijom, ne samo u Bosni i Hercegovini i Europskoj uniji, nego i šire, u svijetu, omogućava iskorištavanje svih prednosti sistema slobodnog tržišta, od smanjenja cijena i poboljšanja kvalitete, do šireg izbora, inovacija i bolje takmičarske pozicije na globalnom svjetskom tržištu. Politika tržišnog nadmetanja u Europskoj uniji je usmjerena na četiri osnovna područja djelovanja i to na ukidanje sporazuma koji ograničavaju konkurenciju i ukidanje zloupotrebe dominantnog položaja, kontrolu spajanja, liberalizaciju monopolnih sektora, te praćenje državnih pomoći, a sve u skladu sa Ugovorom o funkcioniranju Europske unije. Obzirom da se posljedice kršenja pravila konkurencije i nezakonitog ponašanja na tržištu osjećaju i u državama u kojima su se kršenja dogodila, ali i van njihovih granica, neophodno je uspostaviti saradnju nacionalnih tijela za zaštitu tržišnog nadmetanja i Europske komisije, koja ne samo istražuju nezakonitosti, nego i nameću obavezujuće odluke i značajne novčane kazne. U vezi sa navedenim, u radu će se dati prikaz značaja i ciljeva europske politike tržišnog nadmetanja kao i prikaz osnovnih aktivnosti na koje je ista usmjerena, te potreba implementacije navedenih politika u Bosni i Hercegovini, dati i pregled institucija koja imaju ključnu ulogu u provođenju politika tržišne konkurencije, te, u konačnici, osvrnuti se i na izgleda za budućnost u ovoj oblasti, na razvoj, reforme i učinkovito provođenje pravila tržišnog nadmetanja, kao i potrebu njihovog usklađivanja sa razvojem tržišta i potrebe kontinuiranog poticanja kulture

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tržišnog nadmetanja u Europskoj uniji, cijelom svijetu, a osobito u Bosni i Hercegovini.

**Ključne riječi:** *politika tržišnog nadmetanja, unutarnje tržište, pravo konkurencije, institucije za zaštitu tržišnog nadmetanja, Europska unija, Bosna i Hercegovina.*

JEL klasifikacija: K2, K21

# THE IMPORTANCE OF THE IMPLEMENTATION OF THE EUROPEAN COMPETITION POLICY IN BOSNIA AND HERZEGOVINA

*Sanja Kavaz Hukić<sup>33</sup>*

## **Abstract**

A vital part of each market, both at the micro level, within the borders of each state, as well at the macro level in the business environment of the European Union, is well-developed and efficient competition policy, which, through its mechanisms, ensures fair competition of all economic entities in the market. Proper functioning of the internal market with a fair market competition, not only in Bosnia and Herzegovina and the European Union, but also wider, in the world, allows us to utilize all benefits of the free market, from price reductions and quality improvements, to the wider choices, innovation and better competitive position in the global market. Competition policy of the European Union is focused on four main areas of activity and those are elimination of agreements which restrict competition and the elimination of abuse of dominant position, merger control, liberalization of monopolistic sectors, and, also, monitoring of the state aid, all in accordance with the Treaty on the Functioning of the European Union. Since the consequences of breaking the rules of competition and illegal behavior in the market can be felt both in the states in which the violation is occurred, as well as outside of their borders, it is necessary to establish cooperation between national authorities for the protection of competition and the European Commission, which consists of, not only investigation of irregularities, but also of imposing binding decisions and significant fines. Related to this, this paper will provide insights into the importance and objectives of the European competition policy, and a review of the basic activities on which the same is focused, also, the need for implementation of these policies in Bosnia and Herzegovina. It will offer an overview of institutions which play a key role in the implementation of the competition policies, and, ultimately, point at future perspectives in this area, on the development, reform and effective enforcement of the competition rules, and on the necessity of their harmonization with the market development with the needs of encouraging a culture of continuous market competition

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in the European Union, all over the world, and, especially in Bosnia and Herzegovina.

**Key words:***competition policy, internal market, competition law, institutions for protection of competition, European Union, Bosnia and Herzegovina.*

JEL classification: K2, K21

## EVROPSKA REGULATIVA MEDIJA

*Svetlana Dušanić Gačić<sup>34</sup>*

### Rezime

Najvažniji segment demokratije jeste sloboda izražavanja, ali i pravo na tačne informacije. U ostvarivanju toga najvažniju ulogu imaju upravo mediji, i to javni servisi.

Slobodan protok informacija i pluralizam sredstava javnog komuniciranja predstavljaju demokratske vrijednosti zagwarantovane evropskim regulatornim okvirom za oblast radio-difuzije. Prema tome, u radu će biti objašnjenja regulativa evropska prakse o medijima, a koja počiva na Deklaraciji o pravima čoveka (1948)<sup>2</sup> i Evropskoj konvenciji za zaštitu ljudskih prava i osnovnih sloboda. Evropska regulativa nastoji da promoviše najviše vrijednosti poznate u demokratskim zemljama, a mediji, prvenstveno javni servisi bi ih trebali da afirmišu.

**Ključne riječi:** *mediji, regulativa, komuniciranje, ljudska prava.*

JEL klasifikacija: Y80

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# THE EUROPEAN REGULATION OF THE MEDIA

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## **Abstract**

The most important segment of democracy is the freedom of expression, but also the right to accurate information. The most important role in exercising this belongs to the media and especially the public media.

The free flow of information and pluralism of the media of public communication represent democratic values guaranteed by the European regulatory framework for the broadcasting sector. Accordingly, this paper will explain directives the European practice of the media, which are based on the Declaration of Human Rights (1948) and the European Convention for the Protection of Human Rights and Fundamental Freedoms. European directives aims to promote the highest values of democratic countries, and the media, especially public broadcasters should promote them as well.

**Key words:***the media, regulation, communication, human rights.*

JEL classification: Y80

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## SPOLJNOTRGOVINSKA POLITIKA BOSNE I HERCEGOVINE U USLOVIMA EVROPSKIH INTEGRACIJA

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### Rezime

Spoljna trgovina igra veliku ulogu u ekonomiji svake zemlje, pa tako i naše. Usljed visoke otvorenosti, ali slabe razvijenosti privrede, te niske konkurentnosti, Bosna i Hercegovina bilježi kontinuiran deficit u spoljnotrgovinskoj razmjeni sa svijetom. Visok koeficijent važnosti trgovine Bosne i Hercegovine sa Evropskom unijom ukazuje na veliku zavisnost BiH od trgovine sa ovom najvećom regionalnom ekonomskom integracijom, ali i mogućnost dominacije EU u odnosima sa BiH. Osim što analizira spoljnotrgovinsku politiku Bosne i Hercegovine tokom njenog procesa približavanja Evropskoj uniji, ovaj rad ispituje i izazove sa kojima se susreću preduzeća iz Bosne i Hercegovine koja se bave uvozom i izvozom.

**Ključne riječi:** *spoljna trgovina, proširenje Evropske unije, trgovinske barijere.*

JEL klasifikacija: F1, F13

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# FOREIGN TRADE POLICY OF BOSNIA AND HERZEGOVINA IN THE CONTEXT OF EUROPEAN INTEGRATION

*Vanja Šušnjar Čanković<sup>37</sup>*

## **Abstract**

Foreign trade plays an important role in the economy of every country, including ours. Due to its high openness, but poor economic growth and low competitiveness, Bosnia and Herzegovina has constant deficit in foreign trade exchange with the world. A high coefficient of importance of B&H trade with the European Union indicates a high dependency of Bosnia and Herzegovina on trade with this largest regional economic integration, but also the possibility of EU dominance in relations with B&H. In addition to analyzing the foreign trade policy of Bosnia and Herzegovina on its path towards the European Union, this paper examines the challenges faced by importing and exporting companies from Bosnia and Herzegovina.

**Key words:** *foreign trade, enlargement of the European Union, trade barriers.*

JEL classification: F1, F13

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## KOPENHAGENŠKI PRINCIPI NA PUTU KA EU

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### Rezime

Još 1993. godine kada se Evropska unija spremala otvoriti prema novim centralno i istočnoevropskim državama, Evropski savjet je usvojio osnovne principe sa ciljem približavanja novih članova Evropskoj uniji čak i prije njihovog pridruživanja, kako bi se šok pristupanja smanjio, kako za novoprimitljene članice, tako i za EU.

Ovi principi, poznati kao kopenhagenski principi su trostruki i usmjereni su prvo ka jačanju institucija, budućih novih članica, kako bi mogle garantovati demokratiju, vladavinu prava, ljudska prava, drugo ka ustanovljavanju funkcionalne tržišne privrede i konačno kako bi mogle postupiti u skladu sa obavezama iz članstva. Prepoznamo ih kao političke, ekonomske i *acquis communautaire* kriterije. Iz ovih kriterija je dalje nastalo 35 poglavlja, ili oblasti politike, koji treba da budu predmet pregovora sa svakom državom kandidatom na sistematskoj osnovi. Međutim, u pogledu država Zapadnog Balkana koje se žele pridružiti EU, još jedna faza je predviđena. Ove države moraju prvo biti potencijalni kandidati kada je na tapetu njihova stabilizacija, zatim države kandidati i konačno eventualno članice. Ovaj proces je poznat kao 'Proces stabilizacije i pridruživanja'. Ovaj rad će analizirati karakteristike kopenhagenskih kriterija u odnosu na proces stabilizacije i pridruživanja na Zapadnom Balkanu.

**Ključne riječi:** *kopenhagenski principi, jačanje institucija, funkcionalna tržišna privreda, acquis communautaire.*

JEL klasifikacija: K33

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# COPENHAGEN PRINCIPLES ON THE ROAD TO EU

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## Abstract

Back in 1993 when the European Union was about to open to new Central and Eastern European countries, the European Council agreed basic principles with the aim to bring new members closer to EU even before joining it, so that the shock of accession would diminish, both for newly joined members and for the EU.

Those principles, known as Copenhagen principles are threefold and are directed first to strengthening the institutions of prospective new members, thus to be able to guarantee democracy, rule of law, human rights, secondly establishing a functional market economy and finally to be able to implement the obligations of membership. We recognise them as political, economical and the *acquis communautaire* criteria. The principles further emerged to 35 chapters, or policy fields, that have to be negotiated with each candidate country on a systematic basis. However, as for the Western Balkan countries wishing to join the EU one stage more was provided. Those countries would first be the potential candidates with the stabilisation at issue, then candidates countries and finally eventually members. This process is known as 'Stabilisation and Association Process'. This paper shall look into the characteristics of the Copenhagen criteria in relation to Stabilisation and Association Process in the Western Balkans.

**Key words:** *Copenhagen principles, strengthening institutions, functional market economy, acquis communautaire.*

JEL classification: K33

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## STRATEGIJA ODRŽIVE POTROŠNJE I ODRŽIVE PROIZVODNJE U FUNKCIJI EKOLOGIJE

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### Rezime

Od trenutka kad je u Agendi 21 na summitu u Rio de Janeiru 1992. godine cijelo četvrto poglavlje posvećeno potrošnji i strategiji održive potrošnje i održive proizvodnje, kao strategijama održivog razvoja, pokreće se niz aktivnosti u tom području. Cilj ovog rada je analizirati u kojoj mjeri se u Bosni i Hercegovini primjenjuju dijelovi ovih strategija, s obzirom da ne postoje zacrtane strategije nego sporadična primjena EU smjernica iz oblasti energetske učinkovitosti, principa ekološkog dizajna i ekoloških inovacija. Produžiti životni ciklus proizvoda, povećati recikliranje, smanjiti utrošak neobnovljivih resursa, uključiti mrežu aktera koja obuhvaća državne institucije, privredne subjekte, znanstvene i obrazovne organizacije, nevladine organizacije i civilno društvo, su samo neki od zahtjeva koje je potrebno zadovoljiti da bi primjena ostvarila rezultate. Koji su koraci poduzeti u Bosni i Hercegovini, te koji se indikatori koriste za prikaz sadašnje situacije? Iz navedene analize se izvodi zaključak što je potrebno promijeniti kako bi se poboljšala kvaliteta života.

**Ključne riječi:** *održivi razvoj, održiva potrošnja, održiva proizvodnja, ekološka stopa, energetska učinkovitost, državne institucije.*

JEL klasifikacija: Q50, O13, P28

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# SUSTAINABLE CONSUMPTION AND PRODUCTION STRATEGY IN THE FUNCTION OF ECOLOGY

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## Abstract

Since, in Agenda 21 at the Rio de Janeiro Summit in 1992, the whole Chapter 4 was dedicated to consumption and sustainable consumption and sustainable production strategy, as sustainable development strategies, big number of activities in that area were initiated. The objective of this study is to analyse to which extent are implemented parts of these strategies in Bosnia and Herzegovina, considering that designed strategies do not exist, but there is only sporadic application of EU guidelines in the field of energy efficiency, principles of ecological design and ecological innovation. Extend the product life cycle, increase recycling, include the network of actors between state institutions, business sector, scientific and educational organizations, non-governmental organizations and civil society, are some of requests to be satisfied so the implementation achieves its results. What steps have been taken in Bosnia and Herzegovina and which are the indicators used to define the present situation? The conclusion from the above-mentioned analysis indicates what should be changed to improve the quality of life.

**Key words:** *sustainable development, sustainable consumption, sustainable production, ecological footprint, energy efficiency, state institutions.*

JEL classification: Q50, O13, P28

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## SOCIJALNO PREDUZETNIŠTVO U EVROPSKOJ UNIJI I BOSNI I HERCEGOVINI

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### Rezime

Permanentna ekonomska kriza u BiH koja ima za posljedicu enormnu nezaposlenost, najviše se reflektuje na ranjive socijalne kategorije. Za rješavanje problema socijalne isključenosti uzrokovane dugotrajnom nezaposlenošću, socijalno preduzetništvo nema alternativu. Ovim radom, nastoje se istražiti uspješni modeli socijalnog preduzetništva u zemljama Evropske unije i njihov doprinos rješavanju uzroka socijalne isključenost, kao i moguća primjena uspješnih modela u Bosni i Hercegovini. O značaju socijalnog preduzetništva za EU najbolje govore činjenice da u Evropskoj uniji, 2 miliona preduzeća posluje u socijalnoj ekonomiji (10% svih evropskih preduzeća) i zapošljavaju preko 11 miliona plaćenih zaposlenih (ekvivalent od 6 % radnog stanovništva EU ). Uzajamna društva za zdravstvenu i socijalnu zaštitu pružaju pomoć i pokrivaju preko 120 miliona ljudi. Socijalna preduzeća su prisutna u skoro svim sektorima privrede, kao što su bankarstvo, osiguranje, poljoprivreda, zanatstvo, razne komercijalne, zdravstvene i socijalne usluge, itd. Za prikupljanje informacija koristiće se desk istraživanje teorija i istraživanja drugih autora i field istraživanje stavova korisnika i predstavnika institucija. Ovaj rad treba da ponudi koncept uključivanja u tržište rada socijalnih grupa i kategorija koje nisu konkurentne zbog umanjene radne sposobnosti, nedostatka kompetencija, pripadnosti socijalnoj grupi i sl.

**Ključne riječi:** *socijalno preduzetništvo, socijalna preduzeća, marginalizovane grupe.*

JEL klasifikacija: J1

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# SOCIAL ENTREPRENEURSHIP IN EUROPEAN UNION AND BOSNIA AND HERZEGOVINA

*Rajko Macura<sup>46</sup>, Branka Sladojević<sup>47</sup>*

## Abstract

Permanent economic crises in BaH, resulting in enormous unemployment, influences most the vulnerable social categories. Social entrepreneurship has no alternative speaking of solution of problems of social exclusion. This paper, aims to research the successful models of social entrepreneurship in the countries of European Union and their contribution to solving the causes of social exclusion, and the possible application of successful models in Bosnia and Herzegovina. How important the social entrepreneurship in EU is, it is the best described by facts that in European union, 2 million of companies are engaged in social economy (10% of all European companies) and they employ more than 11 million of paid employees (equal to 6% of workers in the EU). Companies for health and social welfare aid to more than 120 million people. Social companies are present in almost all sectors of economy, such as banking, insurance, agriculture, craftsmanship, various commercial, health and social services, etc. We shall use the desk research theory in order to collect information, and also the research done by other authors and field research of attitudes of users and institutions representatives. This paper is supposed to offer a conception of inclusion of social groups and categories which are not competitive due to decreased work capability, lack of competencies, membership to a certain social group, etc.

**Key words:** *social entrepreneurship, social companies, marginalized groups.*

JEL classification: J1

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## SOCIJALNA ZAŠTITA U EVROPSKOJ UNIJI I BOSNI I HERCEGOVINI

*Maja Špica<sup>48</sup>*

### Rezime

Sistem socijalne zaštite u Bosni i Hercegovini (BiH) je složen i neefikasan. Sastoji se od 13 autonomnih sistema između kojih je nizak stepen međusobne koordinacije. Navedeni model organizacije ima za posljedicu neefikasan i neracionalan istem socijalne zaštite u BiH i nepostojanje jedinstvenog pristupa sredstvima koja su na raspolaganju i mogućnostima koje pruža sistem. Velika sredstva se izdvajaju po osnovu stečenih socijalnih prava, dok je iznos pomoći ranjivim grupama stanovništva nedovoljan za njihove osnovne potrebe, čime se one dovode u stanje višestruke socijalne isključenosti.

Ovim radom, se nastoji ukazati na problem neefikasne socijalne zaštite u BiH i predložiti mjere koje će u znatnoj mjeri doprinijeti ubalažavanju navedenih problema. Uradiće se analiza sistema socijalne zaštite u zemljama EU koje imaju razvijen sistem socijalne podrške i komparativna analiza pravnog okvira i praksi u zemljama EU i BiH. Na osnovu dobijenih rezultata istraživanja, predložiće se set mejra za poboljšanje efikasnosti sistema socijalne zaštite.

U Bosni i Hercegovini, ukupna pomoć koju ostvaruje pojedinac po osnovu socijalnih prava je nedovoljna za zadovoljenje osnovnih životnih potreba. Nephodne su daljnje promjene Zakona i praksi u pružanju pomoći na terenu, uz uključivanje svih relevantnih aktera socijalne zaštite, uključujući udruženja građana, socijalna preduzeća, agencije i sve ljude dobre volje.

**Ključne riječi:** *socijalna zaštita, marginalizovae grupe, socijalna pomoć.*

JEL klasifikacija: I3

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# SOCIAL PROTECTION IN THE EUROPEAN UNION AND BOSNIA AND HERZEGOVINA

*Maja Špica*<sup>49</sup>

## **Abstract**

The system of social protection in Bosnia and Herzegovina (BiH) is complex and inefficient. It consists of 13 autonomous systems among which is a low degree of coordination. The above-mentioned model of organisation as a consequence has an inefficient and irrational system of social protection in Bosnia and Herzegovina and absence of unique access to resources available and possibilities that the system offers. Big funds are allocated according to inherited social rights, while the sum of help for vulnerable groups of population is insufficient for their basic needs, thus brought in condition of multiple social exclusion.

This work is trying to point at the problem of inefficient social protection in BiH and suggest measures which would considerably diminish the mentioned problems. An analysis of social protection systems will be conducted in countries of European Union that have a developed system of social support and, also a comparative analysis of the legal framework and practices in countries of the EU and BiH will be done. Based on results of the research, a set of measures would be recommended to improve social system efficiency.

In Bosnia and Herzegovina a total of help realized by an individual is insufficient to fulfill basic needs. Further changes in the Law and praxis are required in providing assistance on the field with the inclusion of all relevant social protection actors, including associations of citizens, social enterprises, agencies and all people of good will.

**Key words:** *social protection, marginalized groups, social help.*

JEL classification: I3

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## KONCEPT ODRŽIVOG RAZVOJA KAO MOGUĆE REŠENJE GLOBALNIH PROBLEMA

*Jasmina Gligorijević<sup>50</sup>, Milosav Stojanović<sup>51</sup>, Dubravka Bradić<sup>52</sup>*

### Rezime

Mnoge zemlje u svetu, pa i naša, su godinama razvijale privredu koja nije mnogo brinula o životnoj sredini, a i sami pojedinci nisu vodili brigu o tome da imamo sve manje čistog vazduha, zdrave hrane, čistih predela, a sve više otpada. Iz brige za probleme prirodnog okruženja, odnosno prekomerno eksploataisanje prirodnih resursa i zagađenja životne sredine ponikla je ideja održivog razvoja, koja se razvila u koncept: uskladiti privredni rast sa korišćenjem prirodnih eko sistema i resursa. Koncept održivog razvoja predstavlja i osnovu Strategije Evropa 2020, koja je doneta u cilju postizanja ekonomskog razvoja Evropske unije zasnovane na znanju, uz očuvanje životne sredine, visokog nivoa zaposlenosti, produktivnosti i socijalne kohezije. Strategija obuhvata glavne ciljeve koje bi zemlje članice Evropske unije trebalo da ispune kako bi stvorile pametnu, održivu i uključivu ekonomiju, koja će do 2020. godine ostvariti povećanu stopu zaposlenosti, produktivnosti i društvene povezanosti. U tom smislu, Republika Srbija je donela Nacionalnu strategiju održivog razvoja kako bi svoju ekonomiju učinila održivom i spremnom za saradnju sa Evropom i svetom.

**Ključne reči:** *održiv razvoj, privredni rast, Strategija Evropa 2020, Nacionalna strategija održivog razvoja.*

JEL klasifikacija: Q2, Q56

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# CONCEPT OF SUSTAINABLE DEVELOPMENT AS A POSSIBLE SOLUTION TO A GLOBAL PROBLEMS

*Jasmina Gligorijević<sup>53</sup>, Milosav Stojanović<sup>54</sup>, Dubravka Bradić<sup>55</sup>*

## Abstract

Many countries in the world, including ours, have been developing an economy that is not much worried about the environment, and the individuals themselves did not take care about the fact that we have less and less clean air, healthy food, clean landscapes and more waste. Out of concern for the problems of the natural environment or over-exploitation of natural resources and environmental pollution originated the idea of ??sustainable development, which has developed into a concept to harmonize economic growth with the use of natural ecosystems and resources. The concept of sustainable development is the basis of the Europe 2020 Strategy, which was adopted in order to achieve economic development of the European Union based on knowledge, with očuvanjeivotne environment, high levels of employment, productivity and social cohesion. The strategy includes the main goals the EU member states should fulfill in order to create a smart, sustainable and inclusive economy, which should by 2020 achieve increased employment, productivity and social cohesion. In this regard, the Republic of Serbia adopted the National Strategy for Sustainable Development to its economy was sustainable and ready for cooperation with Europe and the world.

**Keywords:** *sustainable development, economic growth, Europe 2020 Strategy, The National Strategy for Sustainable Development.*

JEL classification: Q2, Q56

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## MOBILNOST NASTAVNOG OSOBLJA IZ UGLA SLOBODE KRETANJA LICA I RAZVOJA LJUDSKOG KAPITALA - EVROPSKA UNIJA I ISKUSTVA IZ BiH

*Sandro Čošabić<sup>56</sup>*

### Rezime

U radu su prikazane različite teorije rasta i razvoja, te evolucija uloge koju je u njima imao ljudski kapital, odnosno obrazovanje, a nakon toga – i sloboda kretanja ljudi kao jedna od temeljnih sloboda EU. Prikazujući mobilnost nastavnog osoblja, ali i znanja uopšte - pa i kroz inoviranje nastavnih procesa i sl., predstavljamo ulogu koju u tome ima Evropska unija, njeni programi, kao i iskustva i odnos BiH prema navedenoj temi.

Evropska unija je prepoznala potrebu mobilnosti nastavnog osoblja kako bi poboljšala kvalitet znanja nastavnog osoblja, te kvalitet odvijanja nastavnog procesa. Mobilnost nastavnog osoblja ćemo posmatrati prvo kao dio slobode kretanja radnika u Evropskoj uniji, u sklopu kojeg je i kretanje znanja, a u kontekstu značaja koji znanje ima u ekonomskom rastu odnosno razvoju. Analiziraćemo potom ciljeve Evropskog istraživačkog prostora, kao i konkretne programe mobilnosti koji se primjenjuju u okviru Evropske unije, ali i drugdje. Na bazi dostupnih podataka, pogledaćemo koliko je učešće BiH istraživača u programima mobilnosti, kroz to i inoviranje nastavnih programa, te doći do adekvatnih zaključaka.

**Ključne riječi:** *teorije rasta i razvoja, sloboda kretanja, Evropski istraživački prostor, ekonomski rast*

JEL klasifikacija: J24

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# MOBILITY OF TEACHING STAFF FROM THE ANGLE OF FREEDOM OF MOVEMENT AND DEVELOPMENT OF HUMAN CAPITAL – EUROPEAN UNION AND BaH EXPERIENCES

*Sandro Čošabić<sup>57</sup>*

## **Abstract**

This paper analyses several theories of growth and development, and accordingly the evolution of role of human capital, the education, and the freedom of movement as one of the basic freedoms of EU. By overviewing mobility of teaching staff, and of the knowledge in general, also through innovation of teaching processes, we shall present the role of the European union in those processes, its programmes, as well as experiences of BaH in this relevant issue.

European Union has recognized the need for mobility of teaching staff in order to improve the quality of knowledge of teaching staff, as well as the quality of teaching process. We shall analyse the mobility of teaching staff first as a part of freedom of movement of workers in the European union, including the movement of knowledge, in the context of importance of knowledge in the economic growth and development. We shall then analyse the aims of European Research Area, and concrete mobility programmes that are applicable within the European union, and elsewhere. On the grounds of available information, we shall look into the quantity of participation of BaH researchers in the mobility programmes, and into the innovation of mobility programmes, and reach adequate conclusions.

**Key words:** *theories of growth and development, freedom of movement, European Research Area, economic growth*

JEL classification: J24

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## ANALIZA ISKORIŠTENOSTI SREDSTAVA IZ PREDPRISTUPNIH FONDOVA EVROPSKE UNIJE U BOSNI I HERCEGOVINI

*Irina Alić*<sup>58</sup>

### Rezime

Instrumenti za predpristupnu pomoć (IPA) predstavljaju najznačajniji instrument finansijske pomoći, koju Evropska unija pruža zemljama kandidatkinjama i potencijalnim kandidatkinjama za članstvo u EU. Bosna i Hercegovina je, potpisivanjem Sporazuma o stabilizaciji i pridruživanju, dobila status potencijalne kandidatkinje za ulazak u EU, te stekla pravo na korištenje sredstava odobrenih iz IPA fondova. U periodu od 2007 – 2013. godine, iz IPA fondova, u Bosnu i Hercegovinu alocirano je 513,246 miliona €, od čega je ugovoreno 83%, a isplaćeno 63%. Novim planom, koji obuhvata period od 2014 – 2017. godine, iz IPA fondova, se namjerava usmjeriti 165,8 miliona € za podršku projektima u BiH.

Svrha ovog rada je analiza iskorištenosti sredstava IPA fondova u BiH. Rad će biti sastavljen iz dva dijela. Uzimajući u obzir da se već na osnovu izvršene preliminarne analize uočava nedovoljna iskorištenost sredstava IPA fondova u Bosni i Hercegovini, svrha prvog dijela rada je identifikovanje faktora koji sprečavaju nedovoljnu iskorištenost navedenih sredstava. U drugom dijelu rada ispituju se mogućnosti efikasnijeg korištenja sredstava IPA fondova u Bosni i Hercegovini.

**Ključne riječi:** *IPA, iskorištenost sredstava, analiza, Bosna i Hercegovina, Evropska Unija.*

JEL klasifikacija: F5, F3

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# ANALYSIS OF THE UTILIZATION INSTRUMENT FOR PRE-ACCESSION ASSISTANCE EUROPEAN UNION IN BOSNIA AND HERZEGOVINA

*Irina Alić*<sup>59</sup>

## **Abstract**

The Instrument for Pre-Accession Assistance (IPA), represent the most significant financial instrument given by the European Union to candidate countries and potential candidates for European Partnership. Concluding Stabilisation and Association Agreement, Bosnia and Herzegovina became potential candidates for European Partnership and acquired rights on utilization instrument for pre-accession assistance EU. IPA allocated 513,246 million € to Bosnia and Herzegovina, of which 83% was agreed and 63% was charged in period from 2007. -2013. The new IPA planing allocate 165,8 million € support to project in BiH during the period form 2014.-2017.

The purpose of this paper is analyze the utulization of IPA funds. The paper will consist of two parts. Considering the preliminary analysis, noticed that IPA funds are not utilized efficiently in BiH so purpose of the first e part is to identify factors which prevent the efficient use of IPA funds. The second part will examine the possibilities of more efficient using IPA funds in BiH.

**Key words:** *IPA, utilization of resources, analysis, Bosnia and Herzegovina, the European Union.*

JEL classification: F5, F3

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