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**Revitalizing North Macedonia's  
European perspective in 2020:  
what you need to know about changes,  
progress and challenges in EU  
accession policy**

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*The views expressed in this document do not necessarily reflect the views of the Konrad Adenauer Foundation and the Institute for Democracy "Societas Civilis" – Skopje.*

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# Table of Contents

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# INTRODUCTION

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In 2020, many ongoing issues run the risk of being overshadowed by the overarching crisis of the global Corona pandemic. But exactly in these uncertain times we achieved our generations' aspiration to become the 30th member of NATO. Moreover, the long-awaited decision to start EU accession negotiations fell in March.

Where does the country stand now, in the midst of the pandemic as all countries, people and economies struggle. How is the show brought forward, or, how does the country adapt to new realities?

After some months with an interim government, Macedonians finally took to the polling stations in July 2020 to elect a new government. Just now as we finalize this volume, in September 2020, a SDSM and BESA-DUI coalition has been approved as new government. The government promises strong leadership to guide the country through the Covid-19 crisis, while also further following their pro-EU path.

In this quest, the government will rely on the European Commission under Ursula von der Leyen who has expressed their support for the European Future of the Western Balkans, and North Macedonia more particularly as is elaborated by Marie Jelenka Kirchner and Zoran Nechev in **chapter 1**.

On North Macedonia's European path, much is bound to happen this autumn, coinciding with an ambitious

German Council Presidency. This busy presidency aims at an ever-stronger Europe, including not only current but also future EU member states in their innovative EU agenda. The opportunities for North Macedonia are manifold, as Marie Jelenka Kirchner, Zoran Nechev and Dragan Tilev explain in **chapter 2** of this volume.

The European Commission has been promising to become a more credible and reliable role in the process of EU enlargement. This narrative was braced with a new "enhanced" and in its nature more political, stricter and more dynamic enlargement accession methodology published in February 2020. Dragan Tilev comprehensively presents and discusses its opportunities and challenges for all sides involved in **chapter 3**.

After the past-due decision to open accession negotiations with North Macedonia in March 2020, the country is now waiting for the next steps to formally begin the negotiations. Dragan Tilev and Zoran Nechev co-authored two papers in this volume, providing a comprehensive overview on the formalities of North Macedonia's accession process. **Chapter 4** familiarizes the reader with insights into the general EU position and institutional specifications which explain the importance of intergovernmental conferences. **Chapter 5** focuses on the specific technicalities of North Macedonia's accession process under the new methodology, with special emphasis on the bilateral screening and its significance for the overall pace of the negotiation process.

This publication comes well-timed at the inauguration of a new Macedonian government. Many EU-related questions which have arisen throughout this year are yet to be responded to, whether it relates to accession formalities or the government's commitment. Not all of this lies in the hands of the Macedonian government which magnifies the papers' demands for clear structures, transparency and good communications at all sides.

Very important, as Ivan Nikolovski illustrates elaborately in **chapter 6**, will be the comprehensive inclusion of Civil Society at all aspects of Macedonia's process of Europeanisation and democratization. The new government would be well-advised to focus on substantive and honest inclusion of its citizens to discuss, draft, and assist in implementation of the new Europeanized policies and European projects.

After months of stagnation – not only fault of Covid-19 – North Macedonia is back on track. In the interest of the country's future and the future of its citizens, it is now within the responsibility of the new government to reestablish an efficient, inclusive and sustainable structure for accession negotiations which will remain functional for years – resistant to all governmental changes – to come. This collection

of papers, edited and published by Institute for Democracy (IDSCS) with support of the Konrad-Adenauer-Foundation (Skopje Office), acts as one reminder that EU enlargement is worth investing in – at the side of the Government of North Macedonia just as much as at the side of the European Union.



# Global change starts at the doorstep: Why the Western Balkans matter for Ursula von der Leyen's geopolitical Commission

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by Marie Jelenka Kirchner and Zoran Nechev





# Introduction

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With big words appealing to European values, European unity and European solidarity, emphasizing that the European Union (EU) “can be the shapers of a better global order”<sup>1 2</sup>, Ursula von der Leyen (VdL) began her term as president of the European Commission (EC) ambitiously in 2019. Not less than the “geopolitical commission” is her declared goal. This core idea builds upon the legacy (at least in narrative) of her predecessor Jean-Claude Juncker who was committed to a “new start to Europe” with a “political Commission” in 2014 promising “to rebuild bridges in Europe after the crisis”<sup>3</sup>. This indicates, rightly, an EU-centred approach which was mildly balanced out by the strengthening of former High Representative/ Vice President of the European Commission (HR/ VP) Federica Mogherini and her vision of a more powerful European Commission to guide a united group of EU member states through challenging global dynamics, expressed in the 2016 Global Strategy.<sup>4</sup>

At the same time, the EU still lacks leverage and credibility in foreign affairs, a policy field still dominated by national interests. When it comes to reactions to international issues or global crises, unanimity among member states is difficult to

reach. Whether it concerns global market collapse, the illegal annexation of Crimea and Sevastopol by Russia, a refugee emergency outside its borders or an international pandemic as most recently – the EU is considered a laggard in crisis response. This contributes to the EU’s general perception as a rather weak player in global affairs, especially without the backing of strong transatlantic relations. The one region where the EU could – and partly does already – exemplify its strength and autonomy is for the time being the Western Balkans, a region of strategic interest and importance to the EU for various reasons.

This paper explores VdL’s ambitions for the EU as a global actor by focusing exclusively on the Western Balkan region, starting out with a comparison to the approach of the previous European Commission. It then moves on to look at challenges in the EC’s pledge to become a geopolitical player, by looking at how relations between the EU and the WB could develop in the future. That is especially critical, considering that the region is regarded as a geopolitical chessboard when it comes to other external actors. This is why, as will be explored further down, the Western Balkans are not only an area for the EU to exercise the role as global player, but also a region crucial to the international recognition of the EU’s integrity, strength and appetite for strategic autonomy.

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<sup>1</sup> All of the following online references were accessed in June 2020.

<sup>2</sup> Ursula von der Leyen (November 2019): Speech in the European Parliament Plenary Session. [https://ec.europa.eu/info/sites/info/files/president-elect-speech-original\\_en.pdf](https://ec.europa.eu/info/sites/info/files/president-elect-speech-original_en.pdf)

<sup>3</sup> Jean-Claude Juncker (July 2014): A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. <https://www.eesc.europa.eu/resources/docs/jean-claude-juncker--political-guidelines.pdf>

<sup>4</sup> EEAS (June 2016): Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy. (European Union Global Strategy). [http://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf)

# Caught in the midst of uncertainty? VdL's European Commission in the context of a reshuffling global order

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Against the backdrop of a more hostile global environment where strongmen abdicate the rules of traditional diplomacy, VdL proposes her ambition as an alternating model. Here, policies are drafted with social welfare and all people's interest in mind whereas multilateralism is regarded an asset, not a sign of weakness. When first presenting her political guidelines, Ursula von der Leyen went to the heart of the – today – nebulous European values when demanding “an economy that works for people”, “protecting our European way of life” and a “push for European democracy”. The European Green Deal and digitalisation were declared key priorities and, evidently, “a stronger Europe in the world” became the defining notion relevant for all portfolios. The new EC acts explicitly as an, ideally strong, actor within global dynamics, following an outward-looking approach. This approach has drawn lessons from strategic shortcomings of before and aims at understanding European integration more than before as key to changing the world order, the European way.

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VdL's predecessor, Jean-Claude Juncker, had to guide the Union through the aftershocks of the 2008 financial crisis, respond to Brexit and was soon into his term challenged to navigate the migration crisis of 2015/2016, following a very inward-looking approach to crisis management response. Reacting to growing populism and anti-EU sentiments in the Union, Jean-Claude Juncker promised to “renew the EU on the basis of an Agenda for Jobs, Growth, Fairness and Democratic Change”<sup>6</sup>. This internally centred approach seemingly impeded Juncker to understand the crucial role of the Western Balkans within crisis response. The interconnectedness between the EU and the Western Balkans became dramatically obvious and clearly visible once the migration crisis unfolded along the Balkan route.

Even if his approach was focused primarily on EU integration from within by means of economic cohesion and a socio-economic agenda, Juncker's Commission was not blind to growing pressure from the immediate neighbourhood, primarily concerned with security threats arising from Russia as the Ukraine crisis had just erupted shortly before. Juncker politicized the position of the HR/VP and went into lengths to use the capacities of the Lisbon Treaty for security and defence structures. Looking at the tangible foreign policy output of his Commission the record is however poor. The former EC's single greatest foreign policy success – the Iran

<sup>5</sup> Ursula von der Leyen (2019). A Union that strives for more. My agenda for Europe (Political Guidelines for the Next European Commission 2019-2024). [https://ec.europa.eu/info/sites/info/files/political-guidelines-next-commission\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/political-guidelines-next-commission_en_0.pdf)

<sup>6</sup> Jean-Claude Juncker (July 2014): A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. <https://www.eesc.europa.eu/resources/docs/jean-claude-juncker--political-guidelines.pdf>

deal – is now shattered and reveals the vulnerability of the EU in its dependency on US support. Overall, foreign policy was not Juncker’s main concern – he rather relied on strong transatlantic bonds – and this is best reflected in his, early in his mandate, enlargement stop and call for more time to digest the addition of 13 member states.” Relevant then, as it is now, one would have expected for consolidation to be well progressed and even achieved 16 years after the accession of Central and Eastern European “newcomers”.

Thus, when taking office, VdL inherited a variety of unsolved crises and, on top, commences her mandate in times when the EU and the world is faced with a pandemic and resulting an economic and social crisis of magnitude not seen in recent history. Both, VdL and Juncker, represent the EU in times of international turmoil, only that the situation did not quite evolve towards a friendlier global context, but quite the opposite in the past five years. Faced with the crisis-torn reality of (European) policy making, VdL picked up on Juncker’s vision of a more united Europe, led by a political Commission, and steered in direction of a distinctively outward-looking perspective. She takes Juncker’s promises further, slightly shifting – or rather, emphasizing – priorities. Overall though, the difference between both Commissions lies less in the ‘what’ and more in the ‘how’. Comparing the opening statement of Juncker

and VdL one might find distinctive differences, looking however at where Juncker left and where von der Leyen picks up, the new Commission takes forward what the old has begun, however with a distinctively different, more holistic and more interconnected approach which understands and acknowledges the EU as a crucial actor, in – but not limited to – the Western Balkans, within a changing and challenging global context.

The new Commission follows the prepared path in terms of security and defence policy and aims at strengthening the social Europe. At the same time, a novelty, climate change becomes a key priority; an area in which VdL hopes for the EU Green Deal to champion the EU as global frontrunner and good example for others to follow. Global warming and climate change are a prime example why the EU’s leverage and credibility in foreign affairs are crucial. The current EU emissions amount to only 10 per cent of the global percentage, hence a successful Green Deal depends on international cooperation under European lead.<sup>7</sup>

The change in the ‘how-to’ of VdL’s Commission lies in the implicit importance of the foreign, the interconnected global dimension in all aspects. Just as the EU is understood as a part of a greater global system, VdL has called for a more interconnected, more clustered approach. A cooperative approach

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<sup>7</sup> Stefan Lehne (Forthcoming): “Geopolitics, the EU and the Western Balkans”. A Foreword to the Western Balkan Think Tank Forum Skopje Follow-Up Analyses. Published by IDSCS.

at eye-level between different EU institutions is part of this deepened cooperation. The EC's president is convinced that "if we are to go down the European path, we must first rediscover our unity. If we are united on the inside, nobody will divide us from the outside"<sup>8</sup>, demanding efforts to cooperate and show solidarity. This approach is reflected in the symbolic distribution of Commission portfolios among different regions of Europe, actively tackling negative attributes (such as the appointment of an Italian for the portfolio of Economy) and the introduction of overarching portfolios which connect concrete policy areas with agendas on European values or norms. VdL presents herself as a true European at heart, a sentiment which she aims to embody in an EC which cares for its citizens and defines liberal standards in the world. In her vision, the Commission becomes an actor to ensure that the EU will rise as strong Western power, filling the gap from the global withdrawal of the US as mediating force.

## Friends with benefits: The importance of the Western Balkans for the Commission's portfolio success

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The Commission's new, more outbound-looking approach becomes most evident in the new and determinate approach to EU enlargement with the Western Balkans. This does not necessarily mean that the WB countries will enjoy the same attention given to Central and Eastern European Countries during the 5th wave of enlargement, or to Croatia for that matter. It simply means that VdL is aware of the importance of this policy for EU internal integration – for the sake of the EU's own geostrategic and geopolitical interest. For her, external action is not limited to one or two portfolios, instead, the global dimension shall be implicit in all activities and portfolios, putting the global strength of the Union at top of the priorities.

This strength can best be exercised in clear proximity to EU borders and therefore it should not come at much surprise that the VdL's Commission puts the completion of the unification of Europe and continental integrity high up on her agenda.<sup>9</sup> In

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<sup>8</sup> Ursula von der Leyen (November 2019): Speech in the European Parliament Plenary Session. [https://ec.europa.eu/info/sites/info/files/president-elect-speech-original\\_en.pdf](https://ec.europa.eu/info/sites/info/files/president-elect-speech-original_en.pdf)

<sup>9</sup> Srdjan Cvijic, Iskra Kirova, Marie Jelenka Kirchner and Zoran Nechev (2019): From enlargement to the unification of Europe: why the European Union needs a Directorate General Europe for future members and association countries. Published by Open Society Foundations. <https://www.opensocietyfoundations.org/uploads/42290bc0-c7f1-43cc-9932-c1bd6901a136/from-enlargement-to-the-unification-of-europe-20190628.pdf>

her political guidelines she reaffirms “the European perspective of the Western Balkans and [sees] an important role in the continued reform process across the region” by mentioning that “we share the same continent, the same history, the same culture and the same challenges, and thus [w]e will build the same future together.”

VdL sends an important and long-awaited signal, picking up the sheds her predecessor left her. Out of the 2018 credible enlargement strategy’s six flagship initiatives none has shown proper progress, the Kosovo-Serbia relationship are in a deadlock and so seems the visa liberalisation process with Kosovo, progress with Bosnia and Herzegovina moves slowly, democratic backsliding has become evident in Montenegro and Serbia and finally, Albania and North Macedonia were – at the moment of inauguration – still kept waiting, because the Council could not unite on a positive stance to open accession negotiations. This list is by no means exhaustive.

Despite these daunting premises, the VdL Commission has recognized the strategic interest of the thorough integration of the Western Balkans into the EU, founding their decisive pro-enlargement stance on the notion of EU transformative power and European values, but equally on shared destiny

and shared challenges. VdL’s political priorities would be hard to tackle coherently without the Western Balkans on board, which had brought her to acknowledge this co-dependency.

A flagship initiative, the EU Green Deal, will lack clout and effectiveness if the Western Balkans remain a polluted island among greened up states. Already today, the energy sectors of EU member states and the Western Balkans are increasingly interconnected within the institutional framework of the Energy Community.<sup>10</sup> Exclusion of the Western Balkans from ambitious restructuring plans would be foolish, not least because the region offers great capacities for renewable energies which could serve not only the respective countries.<sup>11</sup>

To make Europe fit for the digital age will demand joint effort among all European states. Already today, the markets of the EU and the WB are tightly connected. To remain mutual beneficiaries the level of digitalisation of the economy must be harmonized. Digitalization entails a set of unpredictable challenges for economies, security and social welfare. To respond adequately, the EU will need to incorporate as many actors as possible in joint action, beginning with its closest partners. In the interest of the Digital Single Market the new Commission will be likely to follow up on the path

<sup>10</sup> Energy Community (Webpage): initiatives & Infrastructure: Western Balkan 6 Initiative. <https://energy-community.org/regionalinitiatives/WB6.html>

<sup>11</sup> Balkan Green Foundation (2016): Western Balkans Sustainable Policies towards EU Integration. A snapshot of the energy developments in the Western Balkans. [https://balkangreenfoundation.org/file/repository/Western\\_Balkans\\_Sustainable\\_Policies\\_towards\\_EU\\_Integration.pdf](https://balkangreenfoundation.org/file/repository/Western_Balkans_Sustainable_Policies_towards_EU_Integration.pdf)

laid out with the Digital Agenda for the Western Balkans in 2018<sup>12</sup>.

Ursula von der Leyen also wants to give a new push for European democracy, proposing a “Conference on the Future of Europe” organised by the Vice-president for Democracy and Demography, the Croatian Dubravka Šuica. For the time being, the only discussions on enlargement are planned to be held in the existing setting, hence without the participation of primarily-concerned actors (the countries of the Western Balkans). Such an event without the participation of future member states would be half-baked and would undermine the message of inclusion.

Equally, her determination to nurture and strengthen not only the EU democratic system and to protect it from “those who wish to divide and destabilise” depends on a “European Democracy Action Plan” (as worked out by Commission and Parliament)<sup>13</sup> not limited to current EU member states, but also including those joining in the near future.

Picking up where Juncker left, Ursula von der Leyen remains dedicated to creating an economy that works for people. To create a “Europe of equality” entails solutions to the massive brain drain the Western Balkans are experiencing and of which

EU member states often benefit. Already today, economic inequalities between regions of Europe are dynamite for debates. A system of real equality – including strong support structures early on into the accession process – is needed for mutual benefit and sustainable economic prosperity of the EU as a whole.

VdL stirred criticism when announcing the “Protection of our European Way of life”, a portfolio under which rule of law questions would fall just as “a fresh start for migration” and finally changed it into “Promoting our European Way of life”. The essence remains the same: “There can be no compromise when it comes to defending our core values. Threats to the rule of law challenge the legal, political and economic basis of how our Union works.” It is self-evident that these principles apply to candidates just as they should apply to EU member states, an assumption which was challenged by the nomination of a Hungarian Commissioner – representing a country which has cleared away from European democratic and liberal ideas in recent years – for the portfolio of neighbourhood and enlargement.

Through enlargement to the Western Balkans, hence by unifying Europe and by establishing continental integrity, the EU could express their transformative power, geopolitical vision and strategic autonomy outlook offering integration in exchange for

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<sup>12</sup> European Commission (June 2018). European Commission launches Digital Agenda for the Western Balkans. Press Release. <https://ec.europa.eu/digital-single-market/en/news/european-commission-launches-digital-agenda-western-balkans>

<sup>13</sup> European Parliament (May 2020): Legislative Train Schedule. A new Push for European Democracy. <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-european-democracy-action-plan>

democratic transformation. When envisioning a stronger Europe in the world, VdL draws upon the – today almost romantic – notion of the EU as normative global actor, basing their action on common values. Fact is that the new Commission will be faced with the same (institutional) challenge as her predecessor – harmony among all national representatives in the intergovernmental bodies of the EU will be difficult to reach. Ambitious efforts and grand speech at side of the Commission are noble, but nonetheless dependent on the good will of member states. It is especially in this institutional setting that close ties with the Western Balkans, a credible enlargement strategy and tangible actions are crucial for the credibility of the EU as global player. If the EU cannot even convince the countries just on the other side their own borders of the benefit of EU integration, how will they ever step up the global game? Ursula von der Leyen's priorities and approach give reason to believe that the Commission has understood this dependence on the Western Balkans for the international recognition of their geopolitical strength. It is now needed that the ambitious (new) narrative would be underpinned by tangible action, including legislative changes. The introduction of Qualified Majority Voting (QMV) in some segments of the accession process in this regard would be a genuine move.

## The Balkan Chessboard, the European Commission and Geopolitics

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In 2017, the former HR/VP Federica Mogherini made the vigilant observation that “the Balkans can easily become one of the chessboards where the big power game can be played”<sup>14</sup>. Because the success of the new Commission's ambition in these specific areas of foreign policy and their level of cooperation with the Western Balkans are inextricably connected, the EU must get into a good position vis-à-vis competing external actors and subsequently coordinate, or take the lead, in providing solutions for problematic governance issues and facilitating the resolution of disputes. In this, the VdL Commission will be faced with a two-tier challenge.

On the one hand, the EU must significantly lower the malign influences from other external actors such as Russia or China by increasing its own political and economic presence. On the other hand, the EU must, on a partnership basis, coordinate their work with the divergent US approach in the region, concerning especially the Belgrade-Pristina dialogue and the way forward for Bosnia and Herzegovina.

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<sup>14</sup> Sabina Lange, Zoran Nechev and Florian Trauner (eds.) (August 2017). Resilience in the Western Balkans. Reports. ISSUE Report No. 36. [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Report\\_36\\_Resilience%20in%20the%20Western%20Balkans\\_0.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Report_36_Resilience%20in%20the%20Western%20Balkans_0.pdf)

With different intent, and with changing intensity, leaders in the Western Balkans have engaged with, courted or praised different external actors all of whom have their own approach to and interest in the region. Since a few years, China is increasingly investing in critical infrastructure all over the world, including the Western Balkans; whereas in number of cases it is establishing a relationship built on a one-sided debt trap. Recently, Chinese investment (managed through loans) has expanded the portfolio to include also manufacturing sectors, with Serbia being the biggest beneficiary<sup>15</sup>. While the Chinese strategy is clearly defined by providing loans in key sectors and critical infrastructure projects, the Russian strategy is more ambiguous. In the competition with Europe, Russia takes on the role of a spoiler, awakening anti-EU sentiments among governments or politically meaningful fringe groups<sup>16</sup>. Where Russia invests, their money flows into strategic sectors such as energy, heavy industry, mining and banking<sup>17</sup>. Looking at newer players, the Gulf states – Saudi Arabia ahead – have quite recently discovered the Western Balkans, starting out their engagement through cultural or ideological channels in predominantly Muslim-populated regions of the Western Balkans, however, the Arab investment in tourism, construction and other areas

and significant development aid keeps growing<sup>18</sup>. Turkey, on the other hand, builds their relation to the region upon old historical ties, but recently their strategy remains blurred by constant redefinition<sup>19</sup>.

Obviously, it would be short-sighted to lump all six countries from the region together as one homogenous mass, equally receptive to the external (malign) influence listed above. Serbia, for example, keeps, most obviously, flirting with Russia and China, stirring uproar among Europeanists and scholars in early March 2020 when top officials, including President Aleksandar Vucic, praised Chinese support during the Covid-19 crisis as opposed to the lack of solidarity shown by the EU. Propagandesque press conferences and posters in best Chinese fashion erected in Belgrade underlined the strong anti-European message.

Unlike the actors listed above, the US remains a valuable partner to the EU; this partnership comes with its own challenges though visible in the diverging approaches to Kosovo or Bosnia & Herzegovina. To give an example, reactions to recent developments, entangled in the messy government crisis alongside the Covid-19 crisis in Kosovo, have yet reinforced the ambiguous, blurred US strategy,

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<sup>15</sup> Ardian Hackaj (February 2019). The Pragmatic Engagement of China in the Western Balkans. <http://cdinstitute.eu/web/wp-content/uploads/2019/05/Pragmatic-Engagement-of-China-in-the-Western-Balkans.pdf>

<sup>16</sup> Dimitar Bechev (September 2018). Understanding Russia's influence in the Western Balkans. <https://www.hybridcoe.fi/wp-content/uploads/2018/10/Strategic-Analysis-2018-9-Beshev-.pdf>

<sup>17</sup> Stanislav Secrieru (July 2019). Russia in the Western Balkans. Tactical wins, strategic setbacks. [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief%20%20Russia%20Balkans\\_0.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief%20%20Russia%20Balkans_0.pdf)

<sup>18</sup> Konrad Adenauer Foundation (2018). The influence of external actors in the Western Balkans A map of geopolitical players. [https://www.kas.de/c/document\\_library/get\\_file?uuid=194afc48-b3be-e3bc-d1da-02771a223f73&groupId=252038](https://www.kas.de/c/document_library/get_file?uuid=194afc48-b3be-e3bc-d1da-02771a223f73&groupId=252038)

<sup>19</sup> Asli Aydintasbas (March 2019). From myth to reality: How to understand Turkey's role in the Western Balkans. [https://www.ecfr.eu/publications/summary/from\\_myth\\_to\\_reality\\_how\\_to\\_understand\\_turkeys\\_role\\_in\\_the\\_western\\_balkans](https://www.ecfr.eu/publications/summary/from_myth_to_reality_how_to_understand_turkeys_role_in_the_western_balkans)



“out of sync” with EU efforts.<sup>20</sup> Furthermore, the new style of politics coming from the White House does not quite serve as the democratic blueprint the EU would like to see developed in the country.<sup>21</sup> For the Western Balkan countries to develop towards the direction envisioned by the EU, the VdL Commission and EU MS must take on a leading role and not step aside as supporting actor or, worse, become a pawn in the hands of powerful players. A clear, forward-looking strategy is key to success, reflected in courageous investment in economy, political systems and citizens. The Western Balkans must be regarded strategic partners beyond the mere accession process. Obviously though, a credible and feasible enlargement strategy plays a big part for mutual commitment.

## New beginnings, same old challenges and a revived drive for enlargement?

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Ursula von der Leyen has realized that European integration depends on an interconnected approach to policy making. Unfortunately, for EC presidents, the institutional reality of the EU does not exactly play in the favour of a strong and independent European Commission as driving factors of EU reform.

Proposing a more political process of enlargement by means of a new methodology for accession negotiations, and underpinning this with the fulfilment of long-standing promises, certainly gives credibility to the Commission, if backed by the EU MS. On the other hand, certain choices (especially concerning Commission staff) have received criticism and raised concern. Many questioned whether a Hungarian Commissioner for Enlargement would best represent the expected terms of conditionality from candidate countries and potential candidate countries coming from a country heavily criticised within the EU for deteriorating its own state

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<sup>20</sup> Florian Bieber (August 2019). Leadership Adrift: American Policy in the Western Balkans. Policy Brief. [https://biepag.eu/wp-content/uploads/2019/08/Leadership-Adrift\\_fin-2.pdf](https://biepag.eu/wp-content/uploads/2019/08/Leadership-Adrift_fin-2.pdf)

<sup>21</sup> Kurt Bassuener & Bodo Weber (April 2020). US burns Credibility in Grenell Quest for Foreign Policy Win, as Kosovo Government Falls. Just Security. <https://www.justsecurity.org/69489/us-burns-credibility-in-grenell-quest-for-foreign-policy-win-as-kosovo-government-falls/>

of democracy. Orban's first proposal, his former minister of justice Laszlo Trocsanyi, was received with outrage in EU and some Western Balkan circles and consequently rejected by the European Parliament on the basis of conflict of interest. Instead, Oliver Várhelyi, a former ambassador to the EU, has filled the position of Commissioner for the neighbourhood and enlargement, promising to be loyal to the EU and not the Hungarian state interest. One way or the other, the choice of personnel remains tinged with the shale taste of double standards.

Speaking about the representation of EU foreign policy interests abroad, the HR/VP is the key figure, a role intertwined and often doubled with the responsibilities of the Commissioner for the neighbourhood and EU enlargement when it comes to the Western Balkans. If differently to Várhelyi, the nomination of former Spanish Foreign Minister Josep Borrell as High Representative sparked criticism mostly in Kosovo. Spain is among the five EU member states who do not recognize Kosovo's independence and as Foreign Minister Borrell had directly represented the tough Spanish stance abroad. Critics of Borrell fear that his appointment could eventually influence EU's stance

towards Kosovo, a country far behind in the EU accession process. Borrell however, by taking his first official trip as HR/VP to Pristina, emphasized his commitment to the European perspective of the entire region of which a comprehensive agreement between Serbia and Kosovo would be a crucial aspect.<sup>22</sup> While the appointment of an EU Special Representative for the BG-PR dialogue and other Western Balkan regional issues underlines EC's commitment to increase its presence and influence, the choice of Miroslav Lajčák, former Minister for Foreign Affairs of Slovakia, is seen as controversial from some national actors in Kosovo. Slovakia, as Spain, belongs to the group of EU MS not recognising Kosovo. However, on purpose, or by accident, the approach of involving high level officials from these countries could easily turn into a good strategy for softening and eventually changing the course of these two, and for that matter also other non-recognisers, countries.

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<sup>22</sup> Alexandar Brezar (October 2019). New EU Foreign Policy Chief Pencils in Kosovo Visit. *Balkan Insight*. <https://balkaninsight.com/2019/10/07/new-eu-foreign-policy-chief-pencils-in-kosovo-visit/>

## Gearing up? The effects of von der Leyen's new approach on the EU and enlargement

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From the beginning, von der Leyen took pride in presenting a comprehensive approach to EU policy, defining strong partnerships and, as a result, a strong global position of the EU as a top priority. A few months after inauguration, the Commission took this approach to heart when it presented the new enlargement methodology for accession negotiations<sup>23</sup> in February 2020 which should take effect for next enlargement rounds, starting with North Macedonia and Albania. For a Commission for whom enlargement is defined as top priority<sup>24</sup>, the new methodology is intended to enhance the accession process among others by making the process more credible, more political, and more dynamic. The most notable change compared to the previous methodology is, in line with the new Commission's general approach to EU policy making, a more interconnected, more comprehensive and overall clustered process based on a strong commitment to liberal values,

rule of law and democracy ("fundamentals")<sup>25</sup>. The new methodology has been well-received, for it promises a way out from the unfortunate status quo in EU enlargement policy by holding all actors involved more accountable among others with a reversibility clause to sanction un-cooperative or backsliding governments in the Western Balkans. It will be applied to all countries beginning accession negotiations in the future, however "can be accommodated within existing negotiating frameworks, ensuring a level playing field in the region"<sup>26</sup> which concerns the cases of Montenegro and Serbia. Since it is more complex and more demanding, equal rules for all negotiating candidates are a crucial precondition for credibility. Its complexity is best illustrated along the new "cluster-structure". Negotiations remain structured along the 33 *acquis communautaire* chapters, these are however not anymore individually opened. Instead, thematically connected chapters are clustered in six groups and can be opened simultaneously (however, still closed individually), allowing for a more dynamic, more interconnected and, on the long run, also more cohesive process. In addition to a more comprehensive approach to *acquis* conditionality, the new methodology strongly emphasizes the element of political conditionality, hence the expected

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<sup>23</sup> European Commission (February 2020). Enhancing the accession process - A credible EU perspective for the Western Balkans. Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf)

<sup>24</sup> Ursula von der Leyen (November 2019): Speech in the European Parliament Plenary Session. [https://ec.europa.eu/info/sites/info/files/president-elect-speech-original\\_en.pdf](https://ec.europa.eu/info/sites/info/files/president-elect-speech-original_en.pdf)

<sup>25</sup> European Commission (February 2020). Enhancing the accession process - A credible EU perspective for the Western Balkans. Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf)

<sup>26</sup> Ibid.

alignment to democratic principles and structures of which the EU does not offer an institutional blueprint or European-wide standard. Especially for the side of the candidate state, the entire process will be politicized, meaning that a formerly primarily administrative and technical process will demand more political consciousness, sensitivity and will from political actors. In practice this asks for more interconnected work between state institutions, more participatory structures (thus strengthening civil society in respective countries) and more candidate ownership in the process through enhanced structures of cooperation with EU bodies. On the other hand, political conditionality becomes an unavoidable factor for candidates, because the first cluster “fundamentals” – remaining subject to work from the very beginning through the end – tackles economic and democratic criteria, including Public Administration Reform (subject to very political assessment) and as such is the most crucial, yet most challenging cluster.<sup>27</sup>

The new methodology shows political commitment at side of the European Commission which was, after a lot of to and fro, reinforced with the decision to open accession negotiations with Albania and North Macedonia in March 2020. Even if this

political success was side-lined by constantly flashing news updates on the Covid-19, the new methodology and the commitment expressed by the Commission have the potential to fill the gap in credibility which has in past years decreased the leverage of EU-conditioned reform in candidate states enormously. If the proposed path is confidently treated, “the new Methodology has the potential to bring back the process to its fundamentals of an “accession driven” process that should not just enlarge the European Union, but should assist in its political unification and territorial consolidation with the Western Balkans as part of it”<sup>28</sup>.

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<sup>27</sup> In a commentary for IDSCS, Dragan Tilev (March 2020) presents advantages and challenges of the new methodology in greater detail: The New EU Enlargement Methodology. Enhancing the Accession Process. <https://idscs.org.mk/en/portfolio/the-new-eu-enlargement-methodology-enhancing-the-accession-process/>

<sup>28</sup> Ibid.

## Many challenges (and opportunities) ahead

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There are numerous challenges to VdL's ambitions to become reality. The current Covid-19 crisis is a case in point. While nobody could have foreseen this crisis and its unprecedented implications for individuals, societies and economies, the EC could have learnt from crisis patterns of before. Truth is that global crises – whether is economic crises, fiscal crises, migration crises and now a health crisis – keep happening at greater speed and with shorter or no breaks between them. If the EU fails to develop long-term strategies it will not be able to prevent the trend of sliding from one crisis into the next, overwhelmed and written off already each time again. As one crisis among many, the Covid-19 crisis does again illustrate the (perceived) weakness of the EU, just as it also shows that political will and interest can be moderated towards tangible support structures after a while. At the same time, the history of the EU shows that transformation and reform has always been born out of crisis. In 2020, the (initial) trend of nationalisation when Corona first reached

Europe as well as the obvious dependency of EU MS and the EU as a whole on other global players (namely China) show the weight which pressures the Commission's ambition to become geopolitically relevant. However, as cautious optimists have dared to hope, this crisis could have the potential for the EU to weight in on the need for sustainable crisis response and burden-sharing mechanisms which could give the EU the advantage to plan ahead as opposed to stumbling behind. Ambitious fiscal recovery packages for EU member states and future members alike are one important step to show how the EU can use existing tools towards its strategic goal of economic – and global – strength. To bolster the EU beyond Corona crisis relief, the EU must promote new, bold strategies – based on a candid set of European values and principles – in order to assist Europeanization in all member's interests.

Theoretically, the ingredients for global EU power based on an alternative, cooperative approach opposing the nationalist realpolitik practices by a growing number of world leaders have been long in the cooking. EU member state leaders connected through a strong bond with the EC should now seize the opportunity to serve the meal, starting right at their doorstep where global change is best initiated.

If the EU manages to commit to a convincing different model, it will make a 'great return' to the Western Balkans. From February 2020, the European Commission is equipped to take bold steps forward and to practically determine, courageously carving in stone, the European path of its future member states. The new approach to enlargement as presented and promoted by the European Commission, including the new methodology for enhanced accession negotiations complemented with the opening of accession renegotiations with North Macedonia and Albania sent strong signals to both future and existing member states; and even more so since it is strongly politically supported by the Franco-German motor. Steering the Balkan countries towards accession is a necessity if the EU wholeheartedly wishes to increasingly practice strategic autonomy. In doing so, the European Commission should ambition itself beyond the existing EU enlargement institutional architecture, thus inviting the European Council to broaden the scope of qualified majority voting (QMV) as for other matters for EU foreign policy decision-making. This will make the accession process more credible and ambitious,

and finally resilient to single member states efforts to block Western Balkan advancement due to bilateral issues.

Ursula von der Leyen has unambiguously presented that the European Commission wishes to be the engine pushing the EU towards becoming a global trendsetter, a moral compass of the world and strong geopolitical player. If the EU, however, wishes to go beyond visionary self-declaration and be in fact perceived as such global power by outsiders (and insiders for that matter), the geostrategic goal of European unification and continental integrity is an undeniable prerequisite. Ursula von der Leyen's Commission has understood the importance of EU Foreign Policy. Only if their political priorities are equally vigorously applied to both EU member states and Western Balkan future members, the Commission can prove that the EU can truly be the shaper of a better global order.



**Making Europe Strong  
Again in its entirety.  
The German EU Council  
Presidency 2020 and its  
implications for North  
Macedonia**

—

by Marie Jelenka Kirchner,  
Zoran Nechev and Dragan Tilev





# Introduction

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For the second half of the year 2020, starting on July 1st, Germany will hold the Presidency of the Council of the EU. This is member states' greatest chance to set the EU agenda for six months and even more so for Germany, a strong player in EU affairs. Germany picks up this role from Croatia and will then be followed by Portugal and Slovenia in 2021 and France and Czech Republic in 2022, overall favourable, strongly pro-European consecutive Presidency trios. After an underperforming Croatian Presidency, overwhelmed with the outbreak of the Covid-19 crisis, big hopes are set in the transformative power of the German Presidency, leading up the "Conference on the Future of Europe" under the French Presidency. That said, both in France and in Germany elections are coming up during, or close after, the respective Presidency. Germany assumes its "Corona Presidency" in times of European crisis, but equally at a time of European opportunity. These circumstances had initially required the German government to shift priorities of their Presidency. The Corona crisis has profoundly shaken European economies, putting questions of economic and social convergence within the EU

high up on the agenda and giving way for a renewed discussion on the EU's fiscal (and consequently political) future. Germany presents itself determined to seize the opportunity for European integration, organizing their Presidency under the theme **"Together. Making Europe Strong Again."**

Other than the motto suggests, Germans seek no inspiration from Trump's US, instead emphasizing the importance of multilateralism and future-oriented responses to global challenges such as climate change. "Solidarity", declared Angela Merkel in a speech in May 2020, "will be the guiding principle of the German Council Presidency."<sup>1</sup> Starting at home, Merkel presents herself determined to not let authoritarian powers, populists and radicals abuse the current economic crisis for their political agenda, and to instead use the Presidency to recapture the debate on the future of the EU from the EU's enemies. Europe's friends would instead need to be its constructive critics and ambitious shapers.

The Covid-19 crisis has unveiled flaws in the institutional design and what seems to be a lack of political competence at side of the EU. Leading up to the beforementioned Conference on the Future of Europe in 2022, the German Presidency and crisis

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<sup>1</sup> Konrad-Adenauer-Foundation Germany (May 2020). Bundeskanzlerin Angela Merkel über die Außen- und Sicherheitspolitik in der deutschen EU-Ratspräsidentschaft. Webinar. <https://www.kas.de/de/veranstaltungsberichte/detail/-/content/europa-als-solidarische-handlungsfaeheige-und-gestaltende-kraft-weiterentwickeln>

response models will ultimately be accommodated by discussions on European integration and, potentially, by a renewed constitutional debate – potentially a déjà-vu to Germany's last Presidency in 2007, just months after the failure of the last EU constitutional debate.

This paper will outline the priorities of the German Presidency in the context of the broader rotation of Presidency trios. Particular focus will be given to EU foreign policy priorities, forging the link to EU enlargement policy and the idea of European unification where important events are ought to happen – including the presentation of the accession negotiation framework and the enlargement package for North Macedonia (and Albania).

## Priorities of the German Presidency

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Coming up to German parliamentary elections in 2021, 2019 and the first months of 2020 had been a busy year for the Grand Coalition of Christian-Democrats (CDU) and Social-Democrats (SPD) in Germany. The government parties had been split over personnel questions and occupied with itself. In spite of this, under strong governmental leadership based on a cautious, sober and science-reliant approach, Germany managed to fight the crisis and prevented the worst predictions, both in regards to public health and the (private) economy.

After initial criticism due to a perceived lack of (German) solidarity with especially hard-hit countries in Europe's South, the German government has drastically changed its rather cautious approach to more European integration. Just as Germany is taking its turn in the Council's Presidency, Angela Merkel accounts for a swift U-Turn on the German commitment to European financial burden sharing, having drafted a (financially) ambitious rescue plan together with Macron<sup>2</sup>.

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<sup>2</sup> Presse- und Informationsamt der Bundesregierung Deutschland (18. Mai 2020): A French-German Initiative for the Recovery from the Coronavirus Crisis. Pressemitteilung 173/20. <https://www.bundesregierung.de/resource/blob/973812/1753772/414a4b5a1ca91d4f7146eeb2b39ee72b/2020-05-18-deutsch-franzoesischer-erklaerung-eng-data.pdf?download=1>

After a few frosty months, the Franko-German motor seems to be running again, full speed towards a more political, more competent and more sovereign European Union. Within Germany, the dry spell of the CDU is forgotten, the in-fighting side-lined as the party excels in polls<sup>3</sup>. In response to the Covid-19 crisis, the Grand Coalition managed to present a massive, well-received economic stimulus package in June excluding, e.g., a controversially discussed stimulus mechanism to boost the car industry in a bid for a sustainable way forward<sup>4</sup>. Germany thus takes on the Presidency in a time of – considering the social and economic circumstances – stability and political harmony at home, possibly allowing for a more engaged approach to EU affairs. This impression is endorsed by a supportive and homogenous attitude in the German *Bundestag* in regards to Angela Merkel's Presidency plans which were presented and discussed on June 18th<sup>5</sup>.

Looking at the European Union, following weeks of opposing priorities and dissent Germany takes over at a fairly united and forward-looking moment. For obvious reasons, the main task during the German Presidency will be the European response to the consequences of the Covid-19 Crisis. To some extent this means that Germany has had to

compromise on certain priorities drafted before the Corona chaos, mostly, however, it allows a chance to seize the momentum and lay out the grounds for more Europeanization and potentially even a serious reconsideration of a European constitutional debate, to be followed by the coming presidencies.

Crisis management during the German Presidency will entail two aspects. It obviously comprises the development of **concrete recovery plans aiming at immediate financial relief**. This debate will likely be intertwined with the ongoing EU long-term budget debate, a challenging task even before the outbreak of the Covid-19 crisis<sup>6</sup>. In their Corona-crisis action plan<sup>7</sup>, the Commission already presented resourceful instruments to finance the recovery of states and decrease the EU's vulnerability to future economic shocks. Essentially, the **"Next Generation EU"** plan includes the (temporary) elevation of the EU's own resources ceiling from 1% to 2% of the EU Gross National Income,<sup>8</sup> allowing the Commission to use its strong credit rating to borrow €750 billion on the financial markets.<sup>8</sup>.

On the other hand, the development of a **European Health Union** and a **relocation of critical health industry** are key components of a Covid-19 recovery

<sup>3</sup> Florian Gathmann (April 2020): CDU in Zeiten von Corona: Plötzlich Populär. Spiegel Online. <https://www.spiegel.de/politik/deutschland/cdu-in-der-corona-krise-plotzlich-populaer-a-b48d2cc8-32db-44b2-b58e-e3ef8e7358b8>

<sup>4</sup> Bundesregierung (Juni 2020): Konjunkturpaket: Milliardenhilfen beschlossen. <https://www.bundesregierung.de/breg-de/themen/coronavirus/konjunkturpaket-geschnuert-1757558>

<sup>5</sup> Deutscher Bundestag (18. Juni 2020). Regierungserklärung zur Ratspräsidentschaft und zum Europäischen Rat. <https://www.bundestag.de/dokumente/textarchiv/2020/kw25-de-regierungserklaerung-700600>

<sup>6</sup> <https://www.ips-journal.eu/topics/european-union/article/show/germany-has-a-lot-on-its-plate-during-the-eu-council-presidency-4336/>

<sup>7</sup> European Commission (27. May 2020): The EU Budget Powering: The Recovery Plan For Europe – Factsheet. [https://ec.europa.eu/info/sites/info/files/factsheet\\_1\\_en.pdf](https://ec.europa.eu/info/sites/info/files/factsheet_1_en.pdf)

<sup>8</sup> European Commission (27. May 2020): Financing the Recovery Plan – Factsheet. [https://ec.europa.eu/info/sites/info/files/factsheet\\_3\\_04.06.pdf](https://ec.europa.eu/info/sites/info/files/factsheet_3_04.06.pdf)

plan for Europe, demanding long-term strategies and cooperation between resorts.

Despite the overarching crisis, the German Presidency will not be freed of daily politics, including the before-mentioned **Multiannual Financial Framework (MFF)** which is expected to be finalized in Autumn 2020 as well as the (hopefully) final negotiation of a **post-Brexit agreement**, scheduled to be concluded by the end of 2020 and including the drafting of a comprehensive Free Trade Agreement.

Despite the sheer work expected with EU internal affairs, the EU Presidency has traditionally been an opportunity for member states to highlight priorities in EU foreign and security policy.

One often-emphasized priority during the German Presidency are the **external relations with China**, increasingly a strategic competitor, yet one important to partner with. An EU-China Summit in September 2020 in Leipzig, Germany was planned to pitch the grounds of the mutual relations and, among other things, to forward talks on the EU-China Comprehensive Agreement on Investment. In early June, the summit has been cancelled (and not yet re-scheduled) due to Covid-19. The cancelled summit

prompts questions on the worsened relations between China and the EU who were ambiguous already before the Corona-crisis. For weeks now, calls to limit the Chinese scope of influence in Europe have gained volume and the most recent development in Hong Kong once again showcases the diverging values and practices of European and Chinese governments<sup>9</sup>.

While Covid-19 has definitely been a kill-joy in many ways, it does not stand in the way of the EU-Africa Summit planned between European and African leaders in Brussels this coming October<sup>10</sup>. In her speech to the German *Bundestag* Angela Merkel emphasized the relevance of **strong partnership with African countries** where EU unanimity would be a necessary precondition to a strategic role<sup>11</sup>. For Germany, foreign policy priorities are tied to the belief that solidarity must be based on EU values. Returning to the topic of Corona-crisis relief, politicians have emphasized that this solidarity must expand beyond EU borders, showing **international responsibility** by offering aid to especially hard-hit partners. In before-mentioned speech, German Chancellor Angela Merkel called for Europe to be a **reliable partner in the world, a stability anchor and a creator of peace and security in the world**<sup>12</sup>. The

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<sup>9</sup> Walker, Richard (04. June 2020). EU-China Summit: What Really Happened? Deutsche Welle Online. <https://www.dw.com/en/eu-china-summit-what-really-happened/a-53688837>

<sup>10</sup> European Commission (9. March 2020): EU paves the Way for a stronger, more ambitious partnership with Africa. Press Release. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_373](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_373)

<sup>11</sup> Deutscher Bundestag (18. Juni 2020). Regierungserklärung zur Ratspräsidentschaft und zum Europäischen Rat. <https://www.bundestag.de/dokumente/textarchiv/2020/kw25-de-regierungserklaerung-700600>

<sup>12</sup> Konrad-Adenauer-Foundation Germany (May 2020). Bundeskanzlerin Angela Merkel über die Außen- und Sicherheitspolitik in der deutschen EU-Ratspräsidentschaft. Webinar. <https://www.kas.de/de/veranstaltungsberichte/detail/-/content/europa-als-solidarische-handlungsaehige-und-gestaltende-kraft-weiterentwickeln>

support mechanisms for the Western Balkans<sup>13</sup>, decided recently, show that the region is considered a valuable partner to the EU which can expect more support during the German Presidency. At the same time, seeing Ambassador Richard Grenell, US President Donald J. Trump's special envoy for peace negotiations between Serbia and Kosovo, pushing hard and decisively towards a resolution of the decade long disputed between the two countries (just weeks after he resigned from his position as ambassador to Germany) will demand situational awareness paired with assertiveness at the side of the EU. Unlike anticipated in the US, success does not come as easily as hoped. This could again be seen most recently when peace talks between political leaders from Kosovo and Serbia scheduled for 27th of June in the White House<sup>14</sup> were cancelled last minute.

Last, but not least, the German Presidency has committed itself to further pursuing **EU flagship goals such as the European Green Deal, an industrial strategy for social and economic cohesion, digitalization and the democratization (namely through the inclusion of and accountability to citizens) of EU processes**. If done correctly, all these aspects will echo in the plans forward. Both

the Covid-19 recovery for the "Next Generation EU"<sup>15</sup> and the MFF should signal that financial resources are tied to sustainable, lawful and futuristic structures<sup>16</sup>, even if this will potentially complicate the discussion among member states. Coming forward with the Franko-German European Recovery Fund, implicitly raising questions for the development of new fiscal instruments and an expansion of EU competence, signals strong European commitment in Berlin<sup>17</sup>. This becomes particularly relevant considering that the German Presidency will be leading up, through a group of very pro-European countries picking up the relay, towards the French Presidency and the Conference on the Future of Europe in 2022. After all, six months are a short period to bring about big change. Burdened with crisis response, it will be one key task of the German Presidency to lay out the foundations for comprehensive reform followed-up on by their successors.

<sup>13</sup> See an EU Council infographic on the EU recovery package here: <https://www.consilium.europa.eu/de/infographics/economic-support-to-western-balkans/>

<sup>14</sup> [https://www.wsj.com/articles/trump-to-host-balkan-peace-talks-11592241165?fbclid=IwAR0I2oJY65K6wSDBUQglug-0L82sc\\_LwVAuigvEo-ZozG9ehCArWsPaNAqQ](https://www.wsj.com/articles/trump-to-host-balkan-peace-talks-11592241165?fbclid=IwAR0I2oJY65K6wSDBUQglug-0L82sc_LwVAuigvEo-ZozG9ehCArWsPaNAqQ)

<sup>15</sup> Information on the European Commission's recovery plan for Europe can be found here: [https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/recovery-plan-europe\\_en](https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/recovery-plan-europe_en)

<sup>16</sup> Nachhaltigkeitsrat (June 2020) highlights especially the chances of the EU Green Agenda in connection to the EU recovery programme in the commentary *EU-Ratspräsidentschaft: Das halbe Jahr der ganzen Entscheidung*. <https://www.nachhaltigkeitsrat.de/aktuelles/eu-ratspraesidentschaft-das-halbe-jahr-der-ganzen-entscheidung/>

<sup>17</sup> Schwarzer, D. & Vallée, S. (May 2020). Pushing the EU to a Hamiltonian Moment. Germany's Court Ruling and the Need to Build a Fiscal Capacity Force a Constitutional Debate. DGAP Policy Brief No. 10. <https://dgap.org/en/research/publications/pushing-eu-hamiltonian-moment>

# Working towards EU unification (and continental integrity) during the German Presidency

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On July 1st, Germany is taking over the EU Presidency from Croatia. When Croatia had introduced their theme of “a strong Europe in a world of challenges” they could not have possibly imagined the biggest challenge ahead, kicking in just midway through their Presidency. Today, their priorities appear almost ironic against the backdrop of the Covid-19 crisis<sup>18</sup>. A Europe that develops? Not quite during the biggest recession since the 1930s Great Recession. A Europe that connects? Instead a Europe that reintroduces border controls and border closures as consequence to the raging virus. A Europe that protects? Or rather: a Europe that falls short on medicine and medical equipment due to health dependency on China. An influential Europe? Quite the opposite: A Europe so occupied with re-nationalisation that strategic and global politics become insignificant. It certainly is not quite fair to measure the Croatian performance only based on

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the European initial paralysis caused by the Covid-19 crisis. Yet, the underperformance is not all to blame on Covid-19.

One way or the other, one must grant the leadership in Zagreb that they succeeded in pushing the Council towards the decision<sup>19</sup> to open accession negotiations with North Macedonia and Albania. Furthermore, they also went ahead with their planned Western Balkans Summit in May 2020, organizing a virtual as opposed to a physical meeting, at the height of the Covid-19 uncertainty in Europe. The Western Balkans and their integration into the structures of the European Union had been a declared priority of the Croatian Presidency.

But, with so much on their table, why should the German Presidency dedicate importance to the Western Balkans, and, more specifically, to North Macedonia (and Albania), during such crucial time for the future of Europe? The reunification of Germany was important to end the Cold War in Europe, and to kick-start the creation of the European Union with the signing of the Maastricht Treaty. Equally, the unification (and continental integrity) of the EU by including Western Balkan countries in the European family is important for a

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<sup>18</sup> The priorities and programme of the Croatian Presidency can be found online at <https://eu2020.hr/Home/Custom?code=Priorities>

<sup>19</sup> The Council conclusions on the EU's enlargement policy and the EU-Western Balkans stabilisation and association process - Albania and the Republic of North Macedonia <https://www.consilium.europa.eu/en/press/press-releases/2020/03/25/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>

stronger, geopolitically and geostrategically vigilant EU, and as such can pave the way for European sovereignty.

If the German Presidency wishes to substantiate their policy priorities lastingly, they would be well-advised to consider the Western Balkans not only in the foreign aid and EU enlargement portfolio, but also implicit and explicitly in EU (internal) crisis response and convergence programmes. And this approach should be broadened even further, and not only limit to the response of the current Covid-19 crisis, but beyond, to all EU policies and actions, from environment to civilian and military missions as part of its Common Security and Defence Policy. Because this agenda is crucial for the future of Europe, and hence, for the success of the upcoming German Presidency. One can be hopeful that the Western Balkans will be given the needed time on the Presidency agenda, considering the number of related events scheduled for the second half of 2020, as well as the fact that Merkel has been pushing for closer cooperation with the region ever since arriving in the Chancellery and especially with the introduction of the Berlin Process in 2014.

Specifically, this calls for Germany to follow up on the Croatian Presidency and to fill the Zagreb

Declaration with life and activity. This means to carry on with the Economic and Investment Plan for the Western Balkans, and to – equally important – pursue vaguely defined promises. During the German Presidency, the EU must show that – and how – they truly are “determined to further intensify its engagement at all levels to support the region’s political, economic and social transformation”<sup>20</sup>. In the upcoming six months there will be plenty of opportunities to undergird hollow pledges.

Already now, the Western Balkans are to be considered, as announced on Twitter by Oliver Várhelyi, Commissioner for Enlargement, in the “EU Next Generation” programme and other EU financing schemes<sup>21</sup>. Furthermore, June marks the month of starting the discussion on the negotiating framework for North Macedonia and Albania, who were given green light to start accession negotiations in March, hopefully clearing the way to officially launch the accession negotiations during the German Presidency (provided that bilateral issues will not be used to block the process for North Macedonia).

Talking about bilateral issues: Last October, the Bulgarian Parliament had adopted a Declaration setting the preconditions, recalling elements from

<sup>20</sup> European Council (May 2020). Zagreb Declaration. <https://www.consilium.europa.eu/media/43776/zagreb-declaration-en-06052020.pdf>

<sup>21</sup> @OliverVarhelyi on Twitter (June 2, 2020): “Pleased to announce that with #NextGenerationEU we propose significant additional support for #WesternBalkans & neighbourhood, through more funds for external action guarantee/EFSD+. And under current #EUBudget are proposing as a novelty extension of EFSD to Western Balkans”.

the Treaty of friendship from 2017<sup>22</sup> by tackling some sensitive issues (history, language, minorities, name of the country) under which they can agree on the text of the Negotiation Framework for North Macedonia. Judging from the text of the Declaration, this Bulgarian position has the potential to complicate the process within the EU of aligning the text of the draft negotiating framework<sup>23</sup>. This would be particularly the case, if Bulgaria insists on using stricter wording in relation to the implementation of the bilateral agreement, calling upon common EU position as (now) to be formulated into the Zagreb Declaration.

Considering the controversy surrounding Bulgarian-Macedonian relations, the Sofia (Western Balkan) Summit scheduled for autumn, as part of the Berlin Process, is another relevant date on the agenda. Considering that the Berlin Process has been a German-led intergovernmental initiative from the very beginning, this event bears the opportunity to manifest the shared future through more cooperative policies. If used wisely, this Summit – co-chaired by the Bulgarian and Government of North Macedonia – could be used to emphasize the need for solidarity and bilateral cooperation and thus to steer the reconciliation process between the two countries. Furthermore, it could become a venue to foster a

compromise on difficult questions in the context of the Negotiation Framework for North Macedonia and present policies which apply the priorities of the German Presidency onto the Western Balkans. During the Sofia Summit, the theme of the German Presidency “Together. Making Europe strong again” should resonate in its priorities, discussions and results, because only with the Western Balkans will Europe find its true strength.

North Macedonia (and Albania) will be the first countries whose accession will be structured along the new Methodology<sup>24</sup>. While the Commission’s Enlargement Package will not be presented before autumn, the first Intergovernmental Conference (IGC) could happen before, under the Germany Presidency. The IGC’s are an extremely important corner stone in the accession negotiations. While the Negotiation Framework sets the conditions under which the country (North Macedonia) will be admitted as EU member, the IGC,<sup>25</sup> organised by the EU Presidency, marks the official start of accession negotiation, sets the political and institutional stage, as well as the legal basis for accession negotiations between the EU Member states and North Macedonia. The negotiations as such are managed by the European Commission, on behalf of the EU Member States.

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<sup>22</sup> Treaty of Friendship, Good-neighborliness, and Cooperation between the Republic of Macedonia and the Republic of Bulgaria <https://mfa.gov.mk/en/document/1712>

<sup>23</sup> The devil is in the details: negotiating North Macedonia’s European Union accession <https://idscs.org.mk/wp-content/uploads/2020/06/webA5ENG-2.pdf>

<sup>24</sup> The new EU enlargement Methodology: Enhancing the accession process <https://idscs.org.mk/wp-content/uploads/2020/03/Final-Commentary-Dragan-Tilev.pdf>

<sup>25</sup> Also known as “accession conference”



## Conclusion

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The German Presidency is righteously referring to the importance of solidarity, their overarching theme, to tackle challenges of today and prevent crises of tomorrow. By considering their “Corona Presidency” as an opportunity to seize, the German government has clearly positioned itself in favour of a strong, sovereign and united European Union representing the spirit needed to emerge from this crisis. Most importantly though, Germans have made clear that they do not understand their Presidency as a one-runner-sprint, but instead as a relay race. The harmonization of programmes between Presidency trios and a cooperative approach will allow states to tackle long-term strategies and priorities needed for the future of Europe. With a determinate Europeanization debate refreshed now, Europeans are ought to be excited for the course and results of the Conference on the Future of Europe in 2022.

Either way, unity is key to the European self-understanding and future success through the German lens and thus the Presidency reveals a

cautiously reorganized approach to foreign policy, starting with the call towards more European sovereignty and the focus on new strategic partnerships. The events ahead offer many opportunities for Europeans under the German Presidency. In the process of discussing and possibly repainting the European future, North Macedonia and the rest of the Western Balkans will be a constant on the agenda, adequately showing their importance to the future of the European Union. This relevance will hopefully be reflected in their inclusion in the “Next Generation EU”. The task for the German Presidency will be to take concrete actions in further bolstering the unification (and continental integrity) of EU. In line with the Presidency’s priorities this approach must be based on the idea of European solidarity and must be underpinned with economic and strategic arguments on which the following presidencies can build upon.

A busy autumn awaits the Europeans. After the disarray of the Corona-crisis and the struggle of many through the first half of 2020, expectations for the German Presidency are high. In their quest to unite and strengthen Europe, Germans seem determined not to disappoint.



# The new EU Enlargement Methodology: Enhancing The Accession Process

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by Dragan Tilev



# Introduction

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Right after **October's "fiasco"** at last year's EU Council meetings<sup>2</sup>, **France** launched its Non-paper with the intention to initiate substantial reforms for the EU accession process, followed by "**Tallinn Group**"<sup>3</sup> proposals, as well as suggestions by several other member states. In this way the **process that had been at an impasse could be unblocked.**

On **February 5<sup>th</sup>** this year, the European Commission launched a Communication<sup>4</sup> to the EP, the Council, ECSC, and Committee of Regions with a proposal for "Enhancing the accession process - A credible EU perspective for the Western Balkans" to drive forward the EU accession process, by making it more credible through a stronger political steer and more dynamic and predictable. When officially presenting the Communication, **Olivér Várhelyi**, Commissioner for Neighborhood and Enlargement, emphasized the European Union enlargement to the Western Balkans as a top priority for the Commission, announcing a three tracks approach: (1) an enhanced accession process, (2) the opening of negotiations with North Macedonia and Albania and (3) the launch of an Economic and Development

Plan for the Western Balkans in Zagreb during the EU-WB Summit on May 6th and 7th 2020.

The "Communication", including a proposal for a new methodology for accession negotiations resulted from **short but intensive political consultations** between the Commission and member states on the one hand and among member states on the other hand. The political agreement ended with the widest possible amalgamation of different technical elements, aiming to balance a political vision with strict administrative requirements of the accession negotiations process. This new and changed approach intends to make the process of enlargement possible **and realistic** at the same time while understanding it as the "political unification and territorial consolidation" of the Western Balkans into the EU. As stated in the Communication enlargement "**remains more than ever a geopolitical investment into stable, strong and united Europe**"<sup>5</sup>.

In order for this **political intention to become reality** accepted by both the EU and the candidate negotiation sides, there is certainly a need for detailed elaboration and a comprehensive, all-inclusive dialogue to begin as soon as possible. Such a dialogue would ensure that all stakeholders

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<sup>1</sup> The comments represents solely the views of its author and cannot in any circumstances be regarded as the official position of the Government

<sup>2</sup> European Council meeting (17 and 18 October 2019): Conclusions, accessed in February 2020 via <https://www.consilium.europa.eu/media/41123/17-18-euco-final-conclusions-en.pdf>.

<sup>3</sup> The Tallinn Group is an informal group of EU member states that are supporters of enlargement. The group members are Poland, other V4 countries and the Baltic States as well as Finland, Romania, Slovenia, Sweden, Italy and (the United Kingdom).

<sup>4</sup> European Commission (2020). Communication on Enhancing the accession process - A credible EU perspective for the Western Balkans. Accessed in February 2020 via [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf)

<sup>5</sup> *ibid.*

equally understand the magnitude of the changes and their impact, fundamentally preconditioning the overall success of the process. Despite the fact that many of the elements and the wording of the proposed methodology sound the same as before, careful reading brings us to the conclusion that the **changes are deep and that novelties are substantial**. The new approach is more complex, more political and more exposed to political changes, making it more dynamic, more demanding for both sides and certainly more costly.

The proposed methodology can be seen as a **new political framework** for (now more than) a technical process, which will be moved forward by political decisions as an “accession driven” gradual process, leading towards full EU membership of all Western Balkan countries, fully respecting merit-based principles.

## Context (Methodology)

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**We are not the only ones, but we are not alone either.** We must accept that there are, besides enlargement and the Western Balkans, other **competing priorities** within the EU. The full impact of **Brexit** or the exit of the UK cannot be predicted in detail, but definitely will unbalance the EU Budget and will change the structure of the **New Multiannual Financial Framework**. The EU is at the crossroads of a volatile political, defense, security and economic environment that requires adequate response and vigilance. Under these circumstances we have to appreciate it more that **enlargement** and the Western Balkans are considered a **top geopolitical priority** of the new Commission. We are back in the EU's focus of interest (the reasons are many), and we should use this opportunity to the maximum.

The **accession process builds a strategic partnership and as such is a two-way street**, so it has to work towards good results for both sides. This means that, on our (the candidate) side, we have to comply with the common union standards at all levels, and on the other side, the EU has to reform the structure of the enlargement process to become more efficient and to stay an attractive destination for people and businesses. We are convinced that these reforms at both ends can be done in parallel. Reforms (or changes) are neither the beginning nor the end of something. **In a constantly changing**

**world reforms have become a matter of survival and existential necessity.**

This is the **fourth time** that the EU is formally introducing new rules in accession negotiations, starting in 1998 (in line with Copenhagen<sup>6</sup> and Madrid<sup>7</sup> criteria), continued in 2005 (introducing benchmark elements for Croatia<sup>8</sup>), 2011<sup>9</sup> (strengthening the benchmarks approach and focusing on rule of law for Montenegro and Serbia) and now in 2020 (more comprehensive methodology a proposal for a more political approach for North Macedonia and Albania, and the countries to follow as well as (when ready, B&H and Kosovo), in some respects, for Montenegro and Serbia). Considering that the current accession negotiations process is much slower than before, and that the EU is now functioning in a much more complex internal and external environment, change in the approach seems to be an inevitable necessity. Considering how much the world, the EU, our region and we as a country have changed the new methodology (approach) should not come as a surprise.

Accession negotiations under the new rules are a **massive and long-lasting process** bringing the country to full EU membership and as such must

become a **state-owned as well as society-owned project**. The only way to reach our strategic goal in a more complex and changing environment is unity. No party or a person can be given a monopoly on it. This process belongs to every single citizen. It lasts a very long time and it costs a lot. We all have to invest together in our strategic interests and in our joint future. There is no methodology and no document which can take us to that point. We have to do it by ourselves for ourselves (and for our next generations).

We cannot stop the new methodology from happening or the rules from changing, therefore with sober and rational thinking and a serious professional approach, it is wise to try **turning it into our gain and to use all possibilities that the new mechanisms are offering**. There is a new chance for the enlargement process and a new chance for us. However, as a country engaged in the process of EU integration for more than 25 years, investing constantly in it, changed rules are naturally raising some concerns that need to be addressed as a matter of urgency in a straightforward, open and partnership manner. **Clarity is one of the key preconditions for success.**

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<sup>6</sup> European Council Meeting in Copenhagen (1993). Presidency Conclusions. Accessed in February 2020 via <https://www.consilium.europa.eu/media/21225/72921.pdf>

<sup>7</sup> European Council Meeting in Madrid (1995). Presidency Conclusions. Accessed in February 2020 via [https://ec.europa.eu/commission/presscorner/detail/en/DOC\\_95\\_9](https://ec.europa.eu/commission/presscorner/detail/en/DOC_95_9)

<sup>8</sup> European Stability Initiative (2005). Negotiating Framework. Accessed in February 2020 via [https://www.esiweb.org/pdf/croatia\\_ec\\_negotiation\\_framework\\_2005.pdf](https://www.esiweb.org/pdf/croatia_ec_negotiation_framework_2005.pdf)

<sup>9</sup> European Commission (2011). Enlargement Strategy and Main Challenges 2011-2012, accessed in February 2020 via [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2011/package/strategy\\_paper\\_2011\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf)

## The Methodology: some of the main elements and some suggestions

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**Four key points** characterize the proposed new Methodology: **Political commitment, Dynamism, Capacities, and Reversibility.**

**The first** of the key points, **political commitment**, is at the epicenter of the proposed methodology that should make it more political, more credible, more accountable, more predictable, more dynamic and more concrete.

It has been noticed quite often during the last decade particularly that political statements and promises do not correspond with their implementation. This goes equally for the EU and accession countries. **The habit of not doing what has been agreed or doing very little**, dragged the accession negotiations in Montenegro and Serbia for too long and did not allow even a chance for North Macedonia and later Albania to open the negotiations. The new methodology seems to address this weakness through a proposed **closer enhanced political steer**. The main logic behind this

is that once politicians agree on concrete roadmaps and action plans (rule of law, functioning democratic institutions, and stronger links with the Economic Reform Programme), they first have to give clear public political statements/orientations, and then will have to keep promises and to deliver expected reforms through professional and depoliticized administration (to match that of the Union MS's) in democratic and all-inclusive procedures. At the same time, all the way during negotiations, we will have to report what we have done and what not and why, thus strengthening accountability towards our citizens and the EU in a transparent way offering to the media and civil society the space they need to play their important monitoring and corrective role.

To ensure political steer and credibility, as well as trust on both sides, the Commission is proposing a **set of institutional mechanisms as a mix of old and new** (but enhanced) structures,

- **Regular EU-Western Balkan Summits** on an annual basis (so far there were three such Summits in Zagreb 2000, Thessalonica in 2003 and Sofia in 2018, with the fourth one announced for the beginning of May 2020 again in Zagreb), including more frequent ministerial meetings at sectoral level;

- **Country specific Inter-Governmental Conferences (IGC)** will occur on an annual basis, right after the Commission will publish enlargement packages and country reports, at the highest political level, to take stock of the achievements and plans for the next year, for opening new clusters, meeting determined benchmarks (opening, interim and closing benchmarks);
- Regular annual, but **more political meetings** of the **Council for Stabilization and association, as well as Committee and Subcommittee meetings** (where SAA association process will be blurred with accession negotiations process). These coordination bodies exist in the case of North Macedonia since 2004 with regular meetings once per year. What is new in the methodology is that, in addition to the SAA, these bodies also will discuss the pace of reforms and advancement of the accession negotiations process, on a very high political level;
- Another novelty is also that **representatives of the member states** will be invited to monitor closely the accession process with their experts and contributions to the Commission reports.

This is a very important part of the new Methodology that aims to ensure constant political steer of the accession driven reforms, and even with deeper involvement of the MS's, with meetings on a regular annual basis, in order to check regularly and consistently implementation of the agreed commitments (credible, accountable, transparent).

However, **clear ground needs to be ensured** with answers to some questions to meet the concerns of the accession countries. We would suggest, as soon as possible, the following:

- These multi-level institutional mechanisms need to be set in the right order and with well defined (redefined) responsibilities (Terms of reference, Rules of procedures), on both sides, in order to avoid any potential for overlapping, duplication, and erosion of efficiency;
- There is a need to better clarify the role of the MSs and their representatives on all levels, in order to avoid any misunderstanding or dysfunctioning during the negotiations;
- In addition to the above, it would have been much more convincing for the process to be on an equal playing field, if the new Methodology



would have been applied to all Western Balkan countries. With a full understanding of the legal obstacles, the introduction of new rules only for those that yet need to start accession negotiations has, from a practical viewpoint, the potential to create space for misinterpretation of certain elements of the Methodology and its applicability.

**Dynamism is the second key element** that this Methodology is bringing forward, as a potential for accelerated accession negotiations.

The main novelty here is a clustering of all 33 Acquis chapters into six areas<sup>10</sup>. The body of the acquis remains the same, but is now clustered in **six logically connected groups**. At first glance, this seems very complicated, but offers a **chance to accelerate the process**, for example, with the opening of up to 8-9 chapters at once. **Preconditions for this to happen successfully are extremely good preparation, strategic organization when planning the process, the right priorities in good order and the availability of necessary resources to be able to keep the tempo of the implementation of expected obligations**. The new approach is also opening a chance to close chapters within a year if all benchmarks are met. **Benchmarks**, as introduced

in 2005 and enhanced in 2011, remain, but now with Opening Benchmarks (OBM) per cluster, plus Interim Benchmarks (IBM) for Chapters 23 (Judiciary and Fundamental Rights) and (24 Justice, Freedom, and Security) as a precondition for any advancement in all other clusters. In the end, Closing Benchmarks (CBM) will be set for all chapters.

**“Fundamentals” is the most complex and certainly the most difficult cluster to negotiate**. This cluster should lay down the fundament of trust and ensure a credible negotiation process. It will be the first cluster to be opened at the start of the accession process, remaining open until the very end. This makes this cluster the longest to negotiate. It includes **Chapters 23&24** (with Interim benchmarks) and **Chapters 5** (Public procurement), **18** (Statistics) and **32** (Financial control), as well as a new approach in the accession negotiations process, bringing inside this cluster also: **Economic criteria, functioning of democratic institutions and public administration reform**. These areas are not new: they were part of the accession process before, but their introduction as part of the accession negotiations is new and quite unclear.

**The other five clusters** (and other 28 chapters) **can be opened in the order of their stage of**

<sup>10</sup> These clusters are called Fundamentals, Internal market, Competitiveness and inclusive growth, Green agenda and sustainable connectivity, Resources, agriculture and cohesion and External relations

**preparedness and their level of priority.** The order, our approach and dynamism need to be agreed with the Commission and with the member states. **Being well prepared and choosing the right priorities will have a direct impact on the tempo** of the accession negotiations, ensuring access to EU policies in line with our mutual interests. In addition to that, we should not forget about **Chapters 34** (Institutions, language) and **35** (Other issues, everything not covered with other 34 chapters) to be dealt with separately. In our case this may be very important and politically very sensitive.

This part of the new Commission Methodology (clustering), needs to be **thoroughly reviewed, clarified and explained in more details**, using practical examples, right after the final adoption of the Communication, considering the following:

- A detailed document (Guidelines for the New Enhanced Methodology) needs to be written and elaborated as soon as possible;
- Member states and EU institutions could consider, alongside the new methodology, to build and apply a “mirroring approach”, bringing candidate countries into the new Rule of Law monitoring mechanism, including

Justice Scoreboard (“Enhanced Rule of Law Mechanism”) at the earliest possible stage while also initiating the gradual introduction of all elements of the European semester under the Economic criteria as soon as possible, as all these are fundamentally important for successful and sustainable progresses in the accession negotiations;

- Countries concerned should be given a chance to ask questions in an open dialogue with the Commission services to better understand all new mechanisms and elements of the accession negotiations process;
- Existing “Screening Guidelines” need to be rewritten and aligned with the new approach,
- Elements of the Fundamentals cluster, additional to the conditions from chapters like economic criteria, functioning of democratic institutions and PAR, need much more detailed elaboration;
- “Bilateral screening” in cluster format needs to start right after the decision for the opening of accession negotiations, hence, a calendar for bilateral screenings needs to be agreed as

soon as possible (and should not exceed 6-12 months maximum);

- Once the calendar is agreed, both sides need to make sure that preparations are set in the right order of the priority clusters and in line with the calendar;
- There is also a need for clarification on how the "Screening reports" will be prepared per cluster with defined opening benchmarks, which can set the dynamism of the entire process.

**Capacity is the third key point** of the Methodology, which in my view is essential for successful negotiations and reforms. This more complex and more demanding process has to be matched with mobilizing appropriate institutional capacities on both sides. If there is a political will on both sides, then **the dynamism of the process will depend on the capacities and resources available**, also on both sides. **We certainly do not want to end with a good document and strong will, but without sufficient resources (capacity) to implement it.**

There will be planning and preparation of bilateral screening per clusters, a great number of political

and technical meetings, preparation of roadmaps, drafting of action plans, writing of many reports, and not to mention the process of negotiations as such (which imply the translation, transposition, and harmonization of the acquis, implementation in practice, monitoring, enforcement, track-records, etc.). All that requires a lot of experts full time engaged into the process, on both sides.

In order to meet capacity requirements,

- On our side (as North Macedonia is concerned), we need to rethink, redesigne and reorganize all existing coordination structures, clarifying the division of responsibilities among different government levels and institutions, in line with the new Methodology as soon as possible;
- Commission (and MS's if they really want to participate in the process) needs (considered as institutional priority number one) to substantially strengthen DG NEAR, the Directorate dealing with Western Balkans and all horizontal units dealing with negotiations and respective EU Delegations. Other DGs should also have experts and adequate capacities on disposal to participate in the negotiation process on a full-time basis;

- MSs should allow as much participation (step by step approach) as possible, for our experts in the work of the Commission bodies (there are 320 Comitology committees<sup>11</sup> at the moment) and for the first time also in the work of some of the Council bodies<sup>12</sup> (there are 153 council bodies at the moment). There is no better way to strengthen our capacities in policy creation, including lessons for the decision-making system and process, than to become part of it,
- Common digital platforms could also be considered, for example the “Enhanced Accession Negotiations Digital Platform”, where all involved sides can share relevant information (on the *acquis*) during the negotiation process, screening and negotiations guidelines, screening documents and presentations, Q&A, calendars for all meetings, minutes and conclusions, reports, address books, news, and novelties, relevant statistics, lessons learned and experience, etc.

Last, but not least, **the fourth key element** in the new methodology is **Reversibility**, or positive and negative conditionality. It fully makes sense to award countries that are progressing with their reforms

and advancing in accession negotiations (closer integration and increased funds), and the opposite, to sanction those that are stagnating, dragging behind, slowing down or even backsliding. Those sanctions include that negotiations are kept on hold, suspension, reduced funds, no concessions for market access. Complying with the required criteria, standards and full harmonization with the EU *acquis* (transposition, implementation, enforcement, and clear track record) is a serious challenge and requires a serious approach by all sides, always keeping in mind potential consequences.

In principle, there should be no objection to the positive and negative conditionality, but what raises serious concerns is the **newly introduced decision-making model** for awards and sanctions, which is quite different from the one applying so far. In the case of Montenegro and Serbia (for sanctions/suspension in the case of serious breach) proposal can be placed by the Commission or 1/3 of the member states (at least 9 MS) and must be adopted by the Council with Qualified Majority Voting (QMV) (at least 15 out of 27), while according to the proposed new methodology that will be applied for other candidates, proposals can be placed by the Commission or just one MS and adopted

<sup>11</sup> European Union (webpage). Comitology register. Accessed via <https://ec.europa.eu/transparency/regcomitology>.

<sup>12</sup> Council of the European Union (2019). List of Council preparatory bodies. Accessed in February 2020 via <https://data.consilium.europa.eu/doc/document/ST-15119-2019-INIT/en/pdf>

in simplified procedures (14 out of 27), including reverse QMV (proposal can be turned down with QMV-15 out of 27).

The proposed decision-making mechanism and rules for awards and sanctions can challenge the potential for acceleration of the negotiation process (one MS can always find a reason to block the accession negotiation, “**Someone can always say a NO**”). In the case of North Macedonia, this mechanism can put us under substantial pressure on very sensitive national issues, not necessarily connected with the *acquis*, including possible differences in interpretation of some bilateral agreements.

Therefore there is a need for some **further considerations** about this part of the Methodology,

- While discussing the new methodology member states should seriously consider that the proposed decision-making model has the potential to impose increased risks for new disputes and obstacles during the negotiations;
- When the Negotiation Framework will be drafted, this part needs special attention to be safeguarded from becoming a hostage of the new methodology. One country to place a proposal for sanctions, compared with nine countries as it was so far, is making a great difference and may easily create new gaps;

- There is also a need to clarify the part of sanctions referring to pausing or withdrawal of the “unilateral concessions for market access”, in correlation with the SAA in force.

The proposed **new Methodology is more complex** (more political) and demanding (lessons learned) than any other before, but if both sides are persuaded and dedicated, it offers a chance to lay down a credible, dynamic and sustainable political process. However, the risk of any member state to say “no” (to block or postpone the process) at any point in the negotiations remains open (unanimity rule). With the new decision-making method it will be even easier to confront the negotiations at any stage. One of the challenges to deal with is how to make sure that the new Methodology and the decisions that will go with it are not used or misused purely based on the position of just one member state against the candidate country.

The next steps after adoption of the new Methodology should be a decision to open accession negotiations with new countries and giving a mandate to the Commission to draft more detailed and complex (new generation of) Negotiation framework, on the basis of the new Methodology. This needs to be adopted at the Council level by unanimity. The commission will be drafting this document, previously thoroughly considered by relevant Council bodies (under the demands of any of the interested MSs).

## To conclude

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**The new Methodology has the potential to bring back the process to its fundamentals** of an “accession driven” process that should not just enlarge the European Union, but should assist in its **political unification and territorial consolidation** with the Western Balkans as part of it. We cannot afford to be pessimists, but have to remain cautious optimists.

We would like to believe that the **“historical mistake”** made by the European Council in the case of North Macedonia (not taking a decision to start accession negotiations) was **just a moment of weakness** of the Union and we are convinced that the right decision will come very soon, hopefully with the **beginning of Spring (March)**.

At **March’s Council meeting**, the decision to open accession negotiations with North Macedonia can be taken with a mandate for the Commission to draft a (new generation of) Negotiation Framework. Expectations for the **May Summit in Zagreb** are high: opening of a new avenue for EU membership of the Western Balkan countries, including a potential boost of our economies and investments. Theoretically, June could be the month to have the **1st IGC** with North Macedonia or it can start during the **German Presidency** in the second half of the year. In 2021, **Portugal and Slovenia** are taking

forward the presidency, we believe with full steam (accelerated accession process) and adequate institutional support. In parallel with the beginning of our accession negotiations, the **Conference for the Future of Europe** will be close to its final phase (Closing event will happen at first half of 2022), at the time when **France** will be in the chair of the Council of the EU. We are deeply convinced that two processes can run in parallel together, and can complement and help each other towards the same goal: a **more united, better coordinated, consolidated (enlarged) and better governed European Union**.



**The devil is in the details:  
negotiating North  
Macedonia's European  
Union accession**

—

by Dragan Tilev and Zoran Nechev





# Introduction

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For more than 25 years, North Macedonia has been part of the EU accession process which has been a period of many great challenges for the country. The general political circumstances have required the adoption of several tough decisions directed at the progress of the country. Equally, North Macedonia often found itself dependent on EU member states, reflected in numerous decisions determining the near or distant future of the country in the European family.

According to the Treaty on European Union, any European State which respects the values of EU and is committed to promoting them may apply to become a member of the Union. However, it is also very well known that any more sensitive decision – to which the accession of a new member belongs - in the EU are subject to unanimity, that is to say, they are taken by consensus among all Member States.

Thus, any Member State, at any stage of the accession process, may say “no” to proceeding further with the accession. Up until recently,

because of the issue with the country's constitutional name Greece used to be the naysayer on North Macedonia's accession. Prior to the adoption of the decision on opening the accession negotiations France persisted, among other things, on first changing the methodology of accession negotiations. Tomorrow the opponent might be Bulgaria. North Macedonia's membership aspirations are therefore vulnerable to this reality and these rules of the “game”.

That is to say that, however, these rules apply both to us Macedonians and to all other countries that are in a negotiation process to become members of the Union. The EU accession process is a bargaining process and, with The Union being built on and functioning through dialogue and compromise, these are the key elements defining the membership negotiations.

In practice this means that North Macedonia's negotiations for EU membership will be conducted amidst constant changes and, consequently, will require adjustments to new situations. Today this unexpected challenge is the Covid-19 crisis; who knows what tomorrow will bring. In the global world we live in change spares nobody. Everything

around us changes and adapts rapidly, including the European Union. This policy paper will give an overview of the challenges that lay ahead of North Macedonia in the forthcoming period starting with the adoption of a Negotiating Framework and the holding of the First Intergovernmental Conference for accession of the country to the EU. Furthermore, it will discuss the general EU position on a draft Negotiating Framework and the setting it is adopted in, as well as the domestic conditions it will come across. In the end, this paper draws conclusions and recommendations on how North Macedonia could handle the newly arisen situation.

## How did we get here and what can we expect further on?

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16 years have passed since the day, North Macedonia submitted our Application for EU membership (March 2004), hence since the day our will and commitment to become a member of the EU were formally expressed. Only this March (2020) the Council of the EU decided unanimously that they (all Member States) are ready to open accession negotiations for our accession to the EU.

The road to this historic moment has been unusually long. Namely, immediately following the conclusion of the Interim Agreement with Greece and the establishment of official diplomatic relations with the European Union in 1995, the first contractual framework between the European Union (European Communities) and North Macedonia was laid down, in the form of a Cooperation Agreement, which also secured us access to EU funds, through the PHARE programme. North Macedonia was the first country in the region to have signed the Stabilisation and Association Agreement (SAA) (2001) as a detailed contractual, political, economic, trade, and

institutional framework for an in-depth association with a clear evolutionary clause for potential EU membership. The ratification of the SAA by all EU Member States (15 at that time) was finalised in 2004. The same year (2004), we officially submitted our Application for EU membership, as a decision of the generation and proof of the maturity of our society to determine its clear permanent geopolitical orientation. By submitting the Application, the country made it unambiguously clear that it wants to become an EU member state, aware of all obligations that such relation carries by itself. Having the application accepted by all Member States they made clear to us that our future is in the EU. In 2005, the country received candidate status, and following a certain stagnation in relations, but also in-depth reforms, including access to the new financial IPA instrument (2007-2013), the European Commission assessed in 2009 that we are ready and officially recommended the Council of the EU to open accession negotiations. Nevertheless, the Council quietly refused to put the decision on opening negotiations on the agenda in the period between 2009 and 2018, above all due to the unresolved name issue with Greece.

After signing the Treaty on Good Neighbourly Relations with Bulgaria (2017) and the Prespa

Agreement with Greece (2018), the Council of the EU accepted for the first time to put the decision on opening accession negotiations on the table in 2018, so that after the postponements in 2018 and 2019, finally in March 2020, it also adopted a Decision to open accession negotiations, confirmed by the European Council. Thereby, all Member States (27 currently), made clear that they want to see North Macedonia as a future EU Member State and are ready to set the accession requirements (i.e. to define a General EU Position and a Negotiating Framework). This decision has been historic and finally laid out the way towards (the negotiation of) a new contractual framework between North Macedonia and the European Union, in a form of a Treaty of Accession, as a final act of the country's accession to the EU. The contents of the Treaty of Accession will be determined and will be the result of the accession negotiations.

Until the new contractual legal framework between North Macedonia and the European Union, i.e. the text of the Treaty of Accession, is under negotiation, the Stabilisation and Association Agreement remains in force as well as all other accompanying agreements concluded in the meantime between North Macedonia and the EU (of which there are plenty, in the sectors of transport, energy, agriculture,

cooperation in the judiciary, police cooperation, border security, etc.).

Once negotiations are concluded, the Treaty of Accession will be signed and ratified by all involved parties in the negotiations. In North Macedonia there has to be a Referendum on accession to the European Union conducted for the purpose of giving consent to transferring a part of its sovereignty to the EU. The Stabilisation and Association Agreement will cease to be valid as well as all other accompanying agreements and acts, but also all other bilateral free trade agreements (or other international treaties) we had concluded until then with third parties (e.g. Turkey, Ukraine, etc.) and are potentially in collision (in full or partially) with the Treaty of Accession. From that moment onward, North Macedonia will move from the status of an acceding country, to a Member State status with all the rights and obligations. From that moment on the entirety of the EU's *acquis* and its practice will complement our national legislation. At the same time, apart from our national authorities, also the institutions of the European Union shall take care of its implementation.

## General EU Position and the Negotiating Framework

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Amidst a Pandemic and its strong negative impact on the political and economic internal and external position of the EU, as well as the effect of Brexit which is still an unsettled issue, the enlargement process seems to be the only bright light where things move according to plan at the moment. The European Commission and the Commissioner Várhelyi, as well as Member States and Croatia as the current holder of the Presidency of the Council of the EU, can mark success when it comes to the enlargement process and fulfilment of their promises to Western Balkan countries.

The EU-Western Balkans summit (Zagreb Summit) took place via video conference on 6 May 2020. It had both a working, but also symbolic nature expressing strong determination of the EU to continue rounding up the enlargement process. The summit ended with the adoption of the Zagreb Declaration/ conclusions<sup>1</sup>,

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<sup>1</sup> European Council. 2020. Zagreb Declaration, available at <https://www.consilium.europa.eu/en/press/press-releases/2020/05/06/zagreb-declaration-6-may-2020/> (accessed 25.05.2020)

which, apart from the overview of measures undertaken and solidarity in the fight against the implications of Covid-19, again reaffirmed the clear European perspective of Western Balkan countries. The Declaration shows utmost respect for the EU's fundamental principles and values, including the rule of law. More practically, an Economic and Investment Package, to be expected in autumn and aimed at supporting and giving dynamics to Western Balkan development, was announced. This recovery programme has the purpose of reducing economic disparities. Of course, as with all high level meetings, this one also did not lack subtle diplomatic messages<sup>2</sup> directed at almost all countries of our region (Serbia, Kosovo, Bosnia and Herzegovina, Montenegro), including North Macedonia. Thus, Bulgaria (and Greece) ensured for a sentence to be inserted in the Declaration text referring to the implementation of our mutual bilateral agreements with visible results. This could create a potential for complicating the process of aligning the text of the draft negotiating framework, in the case Bulgaria (and Greece) insist on using stricter wording in relation to the implementation of the bilateral agreement(s), calling upon common EU position as (now) formulated into the Declaration.

Together with the Decision of the Council of the

EU to open accession negotiations, the European Commission received the mandate to prepare the General EU Position, together with the Negotiating Framework on the conditions under which the European Union will accept the Republic of North Macedonia as its Member State (the same procedure is under way in parallel for Albania as well). The European Commission is drawing up the first draft of the Negotiating Framework which, according to an informal announcement, will be opened at the beginning of June<sup>3</sup>, first at the Collegiums meeting and then through COELA (the Enlargement Committee is a body of the Council of the EU in charge of enlargement and negotiations) will enter the process of alignment with all the Member States, which will then need to go through the COREPER procedure (Permanent Representatives Committee) before it is adopted by the General Affairs Council (GAC), as well as confirmed by the European Council.

The Negotiating framework is considered to be the most important document in which Member States determine their main negotiation positions, obliging the European Commission as the institution leading the technical negotiations on behalf of the Member States, to adhere to them, with the obligation to regularly provide feedback and to inform Member

<sup>2</sup> Institute for Democracy "Societas Civilis" – Skopje. 2020 Institute for Democracy's reaction on the outcome of the 2020 EU-Western Balkans Summit in Zagreb, available at <https://idsocs.org.mk/en/2020/05/07/institute-for-democracys-reaction-on-the-outcome-of-the-2020-eu-western-balkans-summit-in-zagreb/> (accessed 24.05.2020)

<sup>3</sup> Tweet by Oliver Varhelyi on May 19, 2020, available at [https://twitter.com/OliverVarhelyi/status/1262794317002874880?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1262794317002874880&ref\\_url=https%3A%2F%2Fwww.euractiv.com%2Fsection%2Fenlargement%2Fnews%2Fenlargement-package-postponed-until-autumn-negotiation-framework-to-go-ahead-in-june%2F](https://twitter.com/OliverVarhelyi/status/1262794317002874880?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1262794317002874880&ref_url=https%3A%2F%2Fwww.euractiv.com%2Fsection%2Fenlargement%2Fnews%2Fenlargement-package-postponed-until-autumn-negotiation-framework-to-go-ahead-in-june%2F) (accessed 29.05.2020)

States on the course and results of the negotiations. The Negotiating Framework defines the course, scope and structure and key requirements to be accepted and procedures and structures of negotiations. Within this, “Nothing is agreed until everything is agreed”, meaning that negotiations shall be considered open until the point of reaching full consent between both parties regarding the overall text of the Treaty of Accession and its signing, followed by its ratification.

During the negotiating process, North Macedonia does not have the opportunity to directly intervene in the text thereafter. However, considering the experience of Montenegro and Serbia, the country can expect to be consulted in an appropriate manner. This certainly entails a high risk for contentious elements contained in the Declaration of Bulgaria (from October 2019<sup>4</sup>), adopted by the Bulgarian Parliament, whose main elements (regarding the language, the use of the constitutional name, minority rights, the way how history is read, to find their place in the Framework) are enclosed as a unilateral position (every Member State has such a right and possibility) to the Minutes of the Council of the EU on the occasion of adopting the Decision to open accession negotiations (from March 2020). This could lead to unpleasant conditioning.

It is important to note in this segment that there are still not fully clarified elements of the implementation of the Prespa Agreement with Greece<sup>5</sup> and the determined political transition of the overall national legal corpus therewith, which needs to flow in parallel with the accession negotiation process (5 years after opening each chapter, or according to the new Methodology, after opening each cluster of chapters). This, also, will probably find its place, in an appropriate manner, in the Negotiating Framework. Elements of these assumptions of ours related with the positions of Bulgaria and Greece are already visible in the text of the Declaration/ conclusions of the Zagreb Summit in the section on regional cooperation and strengthening of good neighbourly relations.<sup>6</sup>

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<sup>4</sup> The Bulgarian Parliament adopted a Declaration on North Macedonia and Albania, determining the preconditions under which these countries can start accession negotiations. The Declaration was adopted with 129 votes FOR, 4 votes AGAINST and 1 abstention vote.

<sup>5</sup> Final Agreement for the settlement of the differences as described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a Strategic Partnership between the Parties. 2018. Available at: <https://www.mfa.gov.mk/mk/page/1708/> (accessed 26.05.2020)

<sup>6</sup> European Council. 2020. Zagreb Declaration, available at <https://www.consilium.europa.eu/en/press/press-releases/2020/05/06/zagreb-declaration-6-may-2020/> (accessed 25.05.2020)

# First Intergovernmental Conference for North Macedonia's Accession to the European Union

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The discussion on and the process of aligning the text of the General EU Position and the Negotiating Framework among Member States, according to the experience gained so far (Montenegro and Serbia) could last several months (between July and December). Taking into consideration the complexity of the Negotiating Framework for us (new rules in line with the new revised Methodology) and the announced demands by Bulgaria (and Greece), the draft text is expected to cause serious discussions in the bodies of the EU (COELA, COREPER and GAC).

After aligning the Negotiating Framework for North Macedonia, conditions will be created to hold the First Intergovernmental Conference (IGC). As things stand at the moment, it is expected that this will be held during the German Presidency of the Council of the EU in the second half of 2020. Nevertheless, a precise date cannot be stated as this depends on the adoption of the Negotiating Framework.

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The circumstances under which the text of the Macedonian Negotiating Framework will be worked out are complex because there is a lot of work ahead of Germany in several fields at the same time, in particular, managing the unity of EU amidst the Covid-19 crisis and amidst a deep recession, through closing the negotiations with Member States on the 2021-2027 multiannual financial framework, to determining the new budget plan under the blow of Covid-19, etc.<sup>7</sup> All these questions are of existential nature for the EU, now and in the future once the gravest crisis that the world is facing so far is overcome.

This means that questions pertaining to the Conference on the Future of Europe will be debated. The Conference should start this year and will last until the second half of 2022. The question of completing EU enlargement (enlargement policy) will be addressed expectedly also through the lenses of the discussion on the future of Europe.<sup>8</sup>

Under such circumstances, the question of closing the Negotiating Framework and holding the First IGC will certainly additionally burden Germany's agenda (and the EU's as a whole) in the second half of the year. Looking on the bright side, the timing

<sup>7</sup> Closing the question of using the European Stability Mechanism and the potential Coronabonds, securing the functioning of the single market, including application of the rules aimed at protection of competition and state aid, as well as rule of law, regaining trust in the fundamental pillars that the EU rests upon, starting from the solidarity principle

<sup>8</sup> Speech by the German Chancellor Angela Merkel on May 27 2020, available at: <https://www.kas.de/de/veranstaltungsberichte/detail/-/content/europa-als-solidarische-handlungsfaeehige-und-gestaltende-kraft-weiterentwickeln> (accessed 29.05.2020)

is ideal provided that these efforts are combined with the potential (but expected) credit of Germany for successfully closing the substantially increased Multiannual Financial Framework. In addition, the Berlin Process, having been initiated by Germany, co-chaired this year by Bulgaria and North Macedonia and happening exactly at this period, could also be used as a leverage and instrument for dialogue for overcoming the different perspectives related with the country's EU integration process. Of course, here we also have the adoption of the expected large Economic and Investment Plan for the Western Balkans, which was only announced for this autumn in Zagreb (May 2020), and will be adopted and promoted<sup>9</sup> during the German Presidency of the Council of the EU.

five clusters (where 33 chapters are grouped), in particular Internal Market, Competitiveness, Connectivity, Agriculture, and Foreign Relations. The schedule as to how bilateral screening will be conducted will depend on the agreement with the European Commission, but also on the strategic priorities of the country and the institutional readiness to start negotiations.

The IGC is of exceptional importance due to the fact that it also depends on this when the analytical overview of the European Acquis (screening) in the second phase will continue, i.e. bilateral screening<sup>10</sup> (in autumn or at the beginning of 2021) according to the new revised Methodology for Strengthened accession negotiations<sup>11</sup>. Bilateral screening will be conducted according to the new Methodology over a period which will not last one year, starting with the cluster on Fundamentals, followed by the remaining

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<sup>9</sup> A condition for this is first to reach an agreement within the EU about the volume and priorities in the new financial perspective or the 2021-2027 Multiannual Financial Framework

<sup>10</sup> The explanatory screening for 33 chapters was conducted between September 2018 and December 2019. Explanatory screening should be organised for the new EU regulations adopted over this last period as well as for the new fields that are part of the Strengthened Methodology, in particular, Economic Criteria and Functional Democratic Institutions.

<sup>11</sup> Tilev, D. 2020. The new EU enlargement methodology: enhancing the accession process. Institute for Democracy "Societas Civilis" – Skopje, available at [at https://idscs.org.mk/en/portfolio/the-new-eu-enlargement-methodology-enhancing-the-accession-process/](https://idscs.org.mk/en/portfolio/the-new-eu-enlargement-methodology-enhancing-the-accession-process/) (accessed 29.05.2020)



# Conclusions and recommendations related to the Negotiating Framework and the First Intergovernmental Conference

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North Macedonia is in expectation of the Negotiating Framework, which will determine the format and the course of negotiations until the very membership in the Union, with a caretaker government. The fact that due to the Covid-19 virus elections needed to be postponed and that the country has been functioning for a longer period of time with an interim government that exists solely with the purpose of ensuring a clear electoral process is not favourable at all. A series of significant political decisions demanding full political capacity and a clean mandate need to be adopted. Not having the conditions, at least for now, to organise elections will negatively reflect on North Macedonia's EU agenda, for the reason that the preparation for the next phase (bilateral screening), as well as lobbying with Member States and in EU institutions in order to secure as favourable as possible text of the General EU Position and of the Negotiating Framework, is exceptionally hard when having such extraordinary circumstances.

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In the direction of meeting the requirements and positions of certain Member States, particularly those arising from the bilateral agreements with Bulgaria and Greece, it is necessary to define and adopt argument-based positions by reaching consensus between the main political players in the country since it would not be favourable for us if this is included in the Negotiating Framework. This procedure should be preceded by a detailed analysis of all positions of Bulgaria and definition of where there is space (if there is any, of course) to build compromise positions; whereas, when it comes to Greece, on the other hand, it is necessary to adopt a clear state position regarding the implementation of the Prespa Agreement, in particular in the part referring to the political transition which will have direct impact on the course of the accession negotiations.

It is necessary to intensify the dialogue with the Friends of Enlargement countries ("Tallinn Group<sup>12</sup>"), and especially with those who will preside with the Council of the EU in the period of key importance to establishing the basic principles of the negotiation process. Apart from them, it is also necessary to intensify the cooperation with Albania and to exchange information at this phase of preparation of the negotiating frameworks, with the full understanding that the further process of accession negotiations will be paved and dynamised by each country separately.

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<sup>12</sup> 14 EU member states that clearly supports enlargement



**A job well prepared is a job half done.**

**The screening process and the new Methodology for accession negotiations with the European Union: challenges for North Macedonia**

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by Dragan Tilev and Zoran Nechev



# Context

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In March, 2020, the long-awaited decision of the Council of the EU, endorsed by the European Council, for opening accession negotiations for membership of North Macedonia in the European Union has been reached. Henceforth, the negotiations will be organised and conducted based on previous experience, in particular the one from the rounds of enlargement of 2004<sup>1</sup> („Big Bang” enlargement with 10 new members), 2007 (Bulgaria and Romania), and 2013<sup>2</sup> (Croatia), as well as the current ongoing negotiations with Montenegro and Serbia<sup>3</sup>. Additionally, all elements of the new Methodology for enhanced accession negotiations<sup>4</sup> published in February this year will be taken into consideration.

The accession negotiations start with analytical examination of EU legislation and assessment of the level of alignment of national legislation with EU legislation, i.e. screening process. This process is carried out in two phases, as follows: the first phase is the *explanatory screening* (European Commission experts explain the entire EU legislation in force);

and the second phase is the *bilateral screening*, when Macedonian experts present the current level of alignment of national legislation with that of the Union, but even more importantly, they present their plans and dynamics of further transposition until reaching full alignment of the entire legislation, including capacity building for consistent implementation thereof.

This policy brief discusses the current status of North Macedonia in the screening process and the experiences thereof as well as the novelties related to this stage of negotiations as opposed to Montenegro and Serbia. Thereby, it discusses in detail the preparations, expectations and challenges when it comes to the implementation of the bilateral screening under the circumstances of a new Methodology for enhanced accession negotiations. In the end, recommendations are put forward, divided according to the two phases of the screening process, for the purpose of successfully injecting dynamism into this process. This will inevitably lead to a new drive in the negotiations and potential shortening of the time needed for entry to the European family.

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<sup>1</sup> The first part, the explanatory part of the screening of 29 (out of 31) chapters, was organised collectively for these countries (for all countries together), while the bilateral one for each country separately

<sup>2</sup> From group negotiations, a new “regatta” approach was adopted for Croatia, with screening of 33 (out of 35) chapters, focused on chapters 23 and 24, and, for the first time, there were benchmarks introduced for certain chapters.

<sup>3</sup> In the case of Montenegro and Serbia, the criteria were sharpened and benchmarks were introduced, in particular opening benchmarks, interim benchmarks for chapters 23 and 24, and closing benchmarks. In the case of Serbia, new elements were also introduced within Chapter 35 (dialogue with Kosovo)

<sup>4</sup> European Commission. 2020. A more credible, dynamic, predictable and political EU accession process - Commission lays out its proposals, available here [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_181](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181) (last accessed on 7 June 2020). The new Methodology has been significantly changed, the negotiations have become highly political, more credible, dynamic, and conditioned.

## Initial phase of negotiations filled with many (important) technicalities

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The planning of the process of negotiations and its dynamics from a technical point of view is done by the Directorate General of the European Commission which also covers the enlargement process (DG NEAR), in particular the Unit responsible for North Macedonia (and Kosovo<sup>5</sup>) which coordinates all other institutions of the Commission taking part in the screening process. The planning is also subject to a corresponding structure on the Macedonian side, which is responsible for coordination<sup>6</sup>.

The screening process in its two phases, the explanatory and particularly the bilateral screening, is a long-term, massive, complex, and expensive process. In line with the experiences so far, and loaded as well with the challenges brought about by the new Methodology for accession negotiations, the screening will, following our assessment, *last more than three years* in its entirety. Experiences show that the screening process in Croatia, in its two phases,

was carried out over a period of approximately one year, as was also the case with Montenegro, but in the case of Serbia, it lasted 18 months. In the case of North Macedonia (and Albania), the European Commission decided unilaterally<sup>7</sup>, without a decision of the Council of the EU, to begin with screening activities prior to an official decision to open accession negotiations, via explanatory screening. This started in September 2018 (with chapters 23 and 24) and ended in December 2019 with explanation of all 33 chapters (a total of 16 months).

Taking into consideration that in 2018 and 2019 the decision to open accession negotiations was postponed, North Macedonia<sup>8</sup> found itself in a peculiar situation of having (partially) conducted the first phase of the analytical examination (September 2018 - December 2019), followed by a change to the Methodology for accession negotiations (February 2020), and a decision to open accession negotiations (March 2020). This means that until now, already, the first phase of the screening only has been carried out for more than 22 months, with a great probability to be prolonged by additional several months. On the other hand, it is expected that the bilateral screening, which will start after the first intergovernmental conference is held, will last

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<sup>5</sup> It is expected that the Unit responsible for North Macedonia will be separated from Kosovo, following the example of the units responsible for Montenegro and for Serbia

<sup>6</sup> These are the chief political and the chief technical negotiator, as well as the Secretariat for European Affairs which is responsible for coordination on operational level

<sup>7</sup> Council of the European Union. 2018. Enlargement and Stabilisation and Association Process Council Conclusions, available at <https://www.consilium.europa.eu/media/35863/st10555-en18.pdf> (last accessed 7 June, 2020).

<sup>8</sup> The characteristic in our case is that we started the screening process for the first time in 2012, together with Montenegro and Serbia for chapters 23 and 24, and then, due to the failure to reach a decision to open accession negotiations, we were excluded from the process.

no less than one year, increasing the assessment as to the duration of the screening, as an introductory part of the negotiations, to more than three years (36 months).

The screening is a *massive* process as it includes a large number of representatives not only of the European Commission - from all its Directorates General and other relevant institutions – but also from the negotiating country participating with all its institutions and a large number of experts. In the first phase of the screening process, on the Macedonian side, there were more than 1200 experts involved (and 400 experts on behalf of the European Commission), whereas this figure is expected to exceed 2000 for the second phase.

The process is *expensive*, given the fact that it involves multiple visits and overnight-stays of a large number of experts to Brussels. Additionally, this also includes the translation of a large number of necessary documents and parts of the legislation related with the European integration process.

Last, but not least, the process is *complex*. Firstly, it requires impeccable coordination of policies, many of them multisectoral. Secondly, several actors and

institutions must be coordinated, including experts, from the state administration, the civil society sector and the academia. Lastly, to ensure an overall rational and inclusive process with the positive desired results, the public should be included additionally. Proof of the complexity of the process are also the publicly available files for each of the 33 chapters<sup>9</sup> (in Chapter 34 - Institutions and Chapter 35 - Other Issues there is no *acquis* and there were no *screening sessions*), including the answers to the questions posed by the Macedonian side which are an integral part of the preparation materials of the bilateral screening part.

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<sup>9</sup> All materials and presentations are available at the Internet site of the Secretariat for European Affairs <http://www.sep.gov.mk/content/?id=2499#.XtvSAi-cZYg>

## Novelties in the screening process

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Taking into account that immediately after the completion of the first phase of the analytical examination with North Macedonia (September 2018 - December 2019), in March 2020, the Council of the EU accepted the proposal of the European Commission (initiated by France) and adopted the new Methodology for an enhanced accession process, the overall process, including the analytical examination, will need to be adjusted to the new rules and procedures.

The novelties refer to, above all, re-grouping the 33 chapters into 6 clusters (see Annex) (1. Fundamentals/ a cluster consisting of 5 chapters, among which Chapter 23 - Judiciary and Fundamental Rights and Chapter 24 - Justice, Freedom and Security, as well as Economic Criteria, Functioning of Democratic Institutions, and Public Administration Reform, 2. Internal Market/ cluster consisting of 9 chapters, 3. Competitiveness/ cluster consisting of 8 chapters, 4. Connectivity/ cluster consisting of 4 chapters, 5. Agriculture/ cluster consisting of 5 chapters, and 6. External Relations/ cluster consisting of 2 chapters).

For these reasons, according to the announcements of the European Commission, the first phase of the analytical examination will be complemented by: 1) presentation of the new legislation in any of the 33 chapters where such has been adopted in the period from September 2018 onwards, and particularly in greater detail in the chapters dedicated to rule of law; and 2) presentation of the legislation and the soft acquis in the Fundamentals cluster regarding the new elements which became an integral part of the accession negotiations: economic criteria, functioning of democratic institutions and public administration reform. This should be happening in the period from September until the First Intergovernmental Conference is held. In parallel to the additions to the first phase screening, a timetable for bilateral screening meetings will also be agreed upon, which should start immediately after the First Intergovernmental Conference takes place<sup>10</sup>. The timetable determines dates set in advance for every bilateral screening session, including the duration, so that the services of the European Commission and all Macedonian institutions can better prepare themselves and ensure appropriate presence in sessions and the necessary logistics.

These novelties will inevitably cause changes to the national negotiation structure and adjustment

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<sup>10</sup> These screening meetings should start immediately after the First Intergovernmental Conference is held.

to procedures defined by the new methodology. At the same time, what should be worked on is the establishment of strong fundamentals, both in the state administration and in the broader civil society sector, mobilising experts who will have the capacity to carry the burden of such an integrated process of negotiations, per cluster. In this sense, a need also arises to review the National Programme for Adoption of the Acquis (NPAA) in order to monitor the process of transposition of legislation in line with the new Methodology for enhanced accession negotiations.

## What next?

The second phase of the analytical examination, so called bilateral screening, has the purpose of giving the opportunity to the Government of North Macedonia, including the whole administration, to present the real, most accurate, situation as to the alignment of our legislation with that of the EU. At the same time, the results of the bilateral screening will be the starting point for the whole process of negotiations and the definition of the negotiating positions further on. As a result of the novelties in the enhanced Methodology, the bilateral screening will be carried out per cluster, and not per individual chapters (as was the first part of the explanatory screening). This immediately calls for the assumption that there will be six more extensive screening sessions, which will last longer and will include a greater number of experts on both sides. It is presumed that the preparation for such sessions will be more complex, more strategically oriented and will require rather strong intersectoral coordination.

During the bilateral screening, experts from North Macedonia's institutions will need to present: 1) the status of Macedonian legislation and its alignment with European legislation, as well as the institutional implementation framework; 2) the condition of its



institutional, technical and financial capacities and the ability to implement the aligned legislation; 3) track record of proper implementation of the new (and existing) legislation, transposed into the national legal system from the point of entry into force until today; 4) plans for further alignment, if official positions have been taken until then as to the contentious issues (if any, this particularly applies to bilateral issues); and, in the end, 5) potentially, based on political assessment, the themes (regulations) are announced for which it is known in advance that the country will request transitional periods for their (postponed) implementation.

Thus, one comes to the conclusion that the presentation of the best, but real and most accurate, plausible state of affairs in great detail and of founded arguments about the alignment of Macedonian legislation with that of the European Union and a clear picture of what we want in the negotiations presented as plans for further steps is of essential significance for more dynamic integration of North Macedonia into the European Union. From this perspective, the bilateral screening is already de facto negotiation with the Union. Since better presentation and more convincing arguments would mean lower number of benchmarks, swifter opening of negotiations, speedier negotiations would be the consequence.

## Rounding up the screening process with screening reports

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Based on experiences gained so far, after concluding the two screening phases, the European Commission prepares so called screening reports<sup>11</sup> for each chapter separately. As a result of the new Methodology for an enhanced accession process, it is expected that the Commission will draw up a screening report on each cluster separately, including on each cluster element, i.e. chapter. As a rule, the report is comprised of four parts, as follows: 1) the first part is an outline of the contents of the respective cluster, i.e. each element/ chapter that is a part of that cluster; 2) the second part is presentation of the conditions, i.e. the level of alignment of Macedonian legislation with European legislation; 3) the third part is assessment by the European Commission of the level of alignment based on screening presentations delivered by the Macedonian side in the second phase, and the fourth and final part 4) contains the recommendation of the Commission to open negotiations on the respective chapter (if there is a satisfactory level of alignment with European legislation), as well as the conditions under which the cluster will be opened and negotiations will be conducted (opening

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<sup>11</sup> European Commission. 2012. Screening Guidance. Internal document provided to the authors by a Commission official

benchmarks for the cluster as a whole and as a sum of all opening benchmarks relating to the chapters part of the respective cluster).

According to the practice until now, the European Commission submits the first and second part of its screening reports to the Macedonian side for the purpose of checking the facts and, if necessary, additional comments or clarifications. Integrally, the screening reports are submitted in their entirety (all 4 parts), on each cluster individually, to all Member States of the European Union.

It always needs to be taken into account that accession negotiations are conducted between North Macedonia and EU Member States, whereby the European Commission technically presents the stances, i.e. negotiating positions of Member States. Pursuant to the Treaty on European Union, any decisions relating to the enlargement process (opening negotiations, progress in negotiations and concluding negotiations) are taken unanimously, i.e. by consensus among EU member states. Therefore, screening reports on each cluster/chapter will be discussed by Member States within the bodies of the Council of the EU, in this case COELA (the Enlargement Committee) and they will determine the conditions under which negotiations will be led.

It is particularly important to emphasise that

according to the negotiation rules implemented since Croatia's accession, benchmarks were introduced as an important instrument of leading, focusing, and dynamising the process of negotiations (opening, interim benchmarks<sup>12</sup> to measure progress in chapters 23 and 24, and closing benchmarks for closing each chapter separately). In line with the new Methodology for enhanced accession negotiation additional modification have been introduced in the benchmarking system such as opening benchmarks for opening each six cluster.

By adopting each screening report, according to the new Methodology, opening benchmarks will be determined to open the cluster (probably as a sum of benchmarks on individual chapters), ensuring that up to 9 chapters are opened all at once. Interim benchmarks are determined for chapters 23 and 24 (most probably for Chapter 35<sup>13</sup> as well), with a view to injecting dynamism to the key reforms in the segment rule of law, but also with a view to closely monitoring their progress which has to be balanced with the progress throughout all other chapters. Meeting the interim benchmarks will be a precondition for progress in the accession negotiations as a whole. Closing benchmarks, according to the new Methodology, will be defined for each chapter separately and they will need to be met for all chapters, conclusive with the closing of chapters 23 and 24, i.e. the Fundamentals cluster.

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<sup>12</sup> It is highly probable that our Negotiating Framework will also include interim benchmarks for Chapter 35 on Good Neighbourly Relations, similarly as in the case of Serbia, where interim benchmarks are foreseen for the dialogue with Kosovo.

<sup>13</sup> The EU *acquis* grouped in clusters and chapters according to the new Methodology for enhanced accession negotiations is available as annex to this document

## Concluding remarks and recommendations

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Even though the analytical examination of the level of alignment of national legislation with EU legislation, or the so-called screening process, is only the starting phase of the accession negotiations, still, it is of exceptional importance for the determination of the further course and dynamics of North Macedonia's integration in the European Union. Namely, presenting the real, but most accurate status of the level of alignment of legislation and the institutional capacities for implementation thereof, supported by facts and track records, will open the way for a dynamic integration process. The effect of such a serious approach of the country would mean, above all, a lower number of benchmarks, swifter opening of several clusters, and, consequently, reducing the duration of overall negotiations.

The new Methodology for enhanced accession negotiations brings about several novelties that North Macedonia will need to respond to appropriately and prepare itself for. Thereby, the task is aggravated by the inability to learn from previous experiences, since North Macedonia will be the first country to negotiate under rules and procedures of the new Methodology. Nevertheless,

based on the information available for now, those that we know as well as those that we expected, a series of activities can be undertaken which will ensure further continuous implementation of the process with strengthened performance in the part of coordination, ensuring both inclusion and, transparency.

In this policy brief, we formulate recommendations according to the phases of the screening process. Thus, for the purpose of successful completion of the first phase of the analytical examination, the explanatory screening, aiming at implementing quality and timely preparation for the second phase, it is necessary to carry out:

- Comprehensive mapping of the overall EU legislation according to the new structure, divided by clusters, and determining leading responsible institutions per cluster, with status and level of the already transposed EU legal acts, including their translation into Macedonian language, as well as the status of institutional capacities.
- Full and continuous mapping of civil servants who will be a part of the process of negotiations according to their specific expertise, as well as determining the method of involving civil society sector representatives and other stakeholders, the Academia and other non-state actors.

- Analysis of the technical (ICT) capacity for successful implementation of the process of negotiations accompanied by a full catalogue of all legal regulations, laws and by-laws transposing an EU legal act (and re-organisation of the NPAA).

The completion of the first phase of the analytical examination is necessary to be followed by a parallel-running serious preparation for the second phase, the bilateral screening. This applies, above all, to:

- Preparation of a rough gap analysis, then also followed by a detailed analysis (on the basis of the single unified Methodology), based on the presentations and conclusions of the explanatory screening of all chapters, now grouped into the respective clusters, which will encompass: 1) expert review (reading) of all EU legal acts and determining the status of their transposition; 2) determining the need for their transposition (partial or full), as well as 3) priority-setting and dynamics of transposition until full alignment.
- The rough gap analysis, then also followed by a detailed analysis (reflected in the new revised NPAA), should serve as a primary document for setting the transposition priorities as well as for the dynamics for full alignment with an appropriate investment framework that will ensure their proper implementation.
- In the second phase, just as in the first one, it is necessary to include representatives of the civil society sector and other stakeholders, the academia and other non-state actors to the maximum, who could either help in the negotiation process with their previously attained expertise or are stakeholders who are directly affected by the outcome of the negotiations (business community, trade union organisations, etc.).
- Preparation of a comprehensive and longitudinal communication strategy for the purpose of informing the public in a proper and timely fashion and securing broad social support when reaching key decisions in the course of negotiations.

# Annex 1: EU acquis grouped in clusters and chapters according to the new Methodology for enhanced accession negotiations

Clusters	Chapters
<b>1. FUNDAMENTALS</b>	23 - Judiciary and Fundamental Rights 24 - Justice, Freedom and Security Economic criteria Functioning of democratic institutions Public administration reform 5 - Public procurement 18 - Statistics 32 - Financial control
<b>2. INTERNAL MARKET</b>	1 - Free movement of goods 2 - Freedom of movement for workers 3 - Right of establishment and freedom to provide services 4 - Free movement of capital 6 - Company law 7 - Intellectual property law 8 - Competition policy 9 - Financial services 28 - Consumer and health protection

Clusters	Chapters
<b>3. COMPETITIVENESS AND INCLUSIVE GROWTH</b>	10 - Information society and media 16 - Taxation 17 - Economic and monetary policy 19 - Social policy and employment 20 - Enterprise and industrial policy 25 - Science and research 26 - Education and culture 29 - Customs union
<b>4. GREEN AGENDA AND SUSTAINABLE CONNECTIVITY</b>	14 - Transport policy 15 - Energy 21 - Trans-European networks 27 - Environment and climate change
<b>5. RESOURCES, AGRICULTURE AND COHESION</b>	11 - Agriculture and rural development 12 - Food safety, veterinary and phytosanitary policy 13 - Fisheries 22 - Regional policy & coordination of structural instruments 33 - Financial & budgetary provisions
<b>6. EXTERNAL RELATIONS</b>	30 - External relations 31 - Foreign, security & defence policy



**Civil society organisations  
and North Macedonia's  
European integration:  
Towards strategic  
participation and  
transparent accession  
negotiations**

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by Ivan Nikolovski





# Introduction

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On 26 March this year, the European Council reached a decision to open accession negotiations with North Macedonia (and Albania). 15 years after being awarded candidate status and following 10 recommendations of the European Commission, North Macedonia finally starts the accession negotiations, the successful completion of which will pave the way towards membership in the European Union.

Unlike in previous rounds of enlargement of the Union, the one with North Macedonia (and Albania) will be carried out according to the new methodology for enhanced accession negotiations. According to this methodology, the accession process is organised into negotiation clusters (thematic fields) which group the previous negotiation chapters. Presenting the methodology before the European Parliament Committee on Foreign Affairs, the Commissioner for European Neighbourhood and Enlargement Negotiations, Olivér Várhelyi, emphasised that the role of Parliaments will also be of essential importance so that key reforms are adopted and

successfully implemented. Parliaments will need to secure political support for the reforms, as well as oversee their implementation. Thereby, the need for strengthened cooperation with the European Parliament on this issue was underlined.

This advocacy paper shares and supports this position of the European Commission, also putting forward the argument that in this process, civil society organisations (CSOs)<sup>1</sup> are natural partners to the Parliament, apart from the institutions of the system. Even more that both the Parliament and CSOs represent and safeguard the same interests - the interests of the citizens of North Macedonia.

Thereby, this paper focuses on the role of these two major players in the accession process of North Macedonia and advocates<sup>2</sup>: 1) *institutionalised involvement of CSOs in the accession negotiations through their participation in the work of Parliament in implementing its oversight function*; 2) *ensuring transparency by involving the public and timely provision of information to the public*; and 3) *expanding and orienting the assortment of financial assistance instruments for participation of CSOs in the accession negotiations by the European Union and the Government*.

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<sup>1</sup> In the literature, there are several different definitions of civil society organisations as well as criteria to determine whether certain organisation belongs (in broader or narrower sense) to the citizens' (or civil) society. For further information, see Markovikj, N. 2020. Civil society: History and modern thought. Institute for Democracy "Societas Civilis" - Skopje, available here: <https://tinyurl.com/yanorzz8> (last accessed on June 7 2020). In Macedonian legislation, civil society organisations are recognised and are called "associations". Pursuant to the Law on Associations and Foundations ("Official Gazette of the Republic of Macedonia" no. 52/2010, 135/2011, and 55/2016) „organisation" is any association, foundation, union, as well as any organisational form of a foreign organisation, and any other form of association. This definition does not apply to political parties, churches, religious communities and religious groups, trade unions, chambers and other types of association regulated by other laws.

<sup>2</sup> For broader analysis about the role of CSOs in the process of negotiations see Nikolovski, I. 2018. Macedonian model of inclusion of CSOs in the accession negotiations. Institute for Democracy "Societas Civilis" - Skopje, Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2018/09/web\\_A5\\_CSOMKD.pdf](https://idscs.org.mk/wp-content/uploads/2018/09/web_A5_CSOMKD.pdf) (last accessed on 23 April 2020).

# Involvement of CSOs in Parliament's oversight role in the accession negotiations

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Without a clearly defined, but also a logical framework on institutional action which will rest upon European values and the fundamentals of the liberal and democratic constitutional order of North Macedonia, the participation and contribution of CSOs can lose their essence and influence, and turn into decor.

The institutional involvement of CSOs in the accession process directly, as is the case with Montenegro (participation in the work of governmental institutions and working bodies) and indirectly, in a consultative fashion (by establishing so called national conventions of CSOs that monitor the progress of accession negotiations and give recommendations as to the negotiating positions), as is the case with Serbia, is not new, but is also not immune to obstructions by the authorities.<sup>3</sup>

The role of civil society in the integration process is

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recognised and stimulated for the first time with the resolution of Parliament on the priorities of North Macedonia's accession to the European Union from 2007. Pursuant to this resolution, the Parliament pledged to include CSOs in all activities directed towards intensifying the accession negotiations and recommended the Government to utilise all potentials in society.<sup>4</sup>

Over the years, CSOs have been consulted when drawing up the National Programme for Adoption of the Acquis Communautaire (NPAA) as well as regarding the distribution of IPA funds.<sup>5</sup> Furthermore, CSOs, among other things, are included in the work of several bodies of the Government and the Parliament, with direct or indirect competences in terms of the European integration process, as in the National European Integration Council, the Council for Cooperation with and Development of Civil Society, Council for Monitoring the Implementation of the Strategy on Judicial Reforms, Council for Civilian Oversight of the Security Services, as well as in the working groups of individual ministries and IPA sectoral groups. It is important to underline here that CSOs have the opportunity to get involved in the work of all parliamentary bodies with presence in sessions open to the public.<sup>6</sup>

<sup>3</sup> Ibid.

<sup>4</sup> Parliament of the Republic of Macedonia. 2007. Resolution on the priorities of accession of the Republic of Macedonia to the European Union and opening negotiations for membership in the European Union, available here [https://www.sobranie.mk/WBStorage/Files/Rezolucija%2027\\_11\\_2007.pdf](https://www.sobranie.mk/WBStorage/Files/Rezolucija%2027_11_2007.pdf) (last accessed on 21 April 2020).

<sup>5</sup> Department for Cooperation with NGOs within the General Secretariat of the Government of the Republic of North Macedonia. 2020. Report on measures and activities undertaken as foreseen in the Strategy of the Government for Cooperation with and Development of Civil Society (2018 – 2020) in the year of 2019, available here [https://www.nvosorobotka.gov.mk/sites/default/files/Izvestaj\\_Strategija\\_2019.pdf](https://www.nvosorobotka.gov.mk/sites/default/files/Izvestaj_Strategija_2019.pdf) (last accessed on 21 April 2020); and Department for Cooperation with NGOs within the General Secretariat of the Government of the Republic of Macedonia. 2017. Report on measures and activities undertaken as foreseen in the Action Plan on Implementing the 2012 - 2017 Strategy, available here [https://www.nvosorobotka.gov.mk/sites/default/files/dokumenti/Izvestaj\\_zap2012-6\\_2017.pdf](https://www.nvosorobotka.gov.mk/sites/default/files/dokumenti/Izvestaj_zap2012-6_2017.pdf) (last accessed on 21 April 2020)

<sup>6</sup> See Article 70 of the Constitution of the Republic of North Macedonia, available here <https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf> (last accessed on June 7 2020) and Rules of Procedure of the Parliament of the Republic of North Macedonia, available here <https://www.sobranie.mk/content/DelovniknaSRMPrecistentekstAvgust13.pdf> (last accessed on June 7 2020).

With regard to the accession negotiations in the segment of participation of CSOs, North Macedonia foresees a negotiating model similar to the one of Montenegro, at least in the part where the Government is in charge. The country's negotiating structure is defined by seven decisions of the Government published in the Official Gazette of the Republic of North Macedonia on 1 August 2019.<sup>7</sup> The involvement of CSOs is prescribed by Article 6 of the Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU, stipulating that:

*Working group members can be representatives of: state authorities, services of the Government of the Republic of North Macedonia, ministries and other authorities of the state administration and administrative organisations, legal entities entrusted with the use of public authorisations, regulatory bodies, judicial authorities, units of local self-government, business community and chambers of commerce, trade unions, the*

*academic community and civil society, as well as other stakeholders.*<sup>8</sup>

It is highly probable that the negotiating structure, including the governmental working groups, will undergo change so that they are aligned with the new revised methodology for enhanced accession negotiations according to which negotiations will be conducted per "cluster" (thematic fields). Nevertheless, the selection procedure for representatives of CSOs in working groups is filled with vagueness and can easily become subject to abuse.

On the other hand, though, there is a draft model on inclusion of the *Council for Cooperation with and Development of Civil Society* (which also needs to undergo change in the direction of alignment with the revised enlargement methodology) defining what civil society means and stipulating nomination of representatives of CSOs in the working groups by CSOs themselves through the Council,<sup>9</sup> the governmental decision reads that the composition of the working groups is determined upon proposal of

<sup>7</sup> Decision on establishment of a Working Committee for European Integration, Decision on establishment of an EU Accession Negotiations Committee of the Republic of North Macedonia, Decision on establishment of a State Delegation for EU Accession Negotiations of the Republic of North Macedonia, Decision of forming an EU Accession Negotiations Group of the Republic of North Macedonia, Decision on establishment of an Office of the Chief Technical Negotiator for EU Accession Negotiations of the Republic of North Macedonia, Decision on carrying out activities for EU accession negotiations of the Republic of North Macedonia and Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU.

<sup>8</sup> Government of the Republic of North Macedonia. 2019. Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU. Official Gazette of the Republic of North Macedonia No. 159, available here <http://www.slvesnik.com.mk/Issues/298cdc15d12e4c5486658a6eae6de1d7.pdf> (last accessed on 21 April 2020).

<sup>9</sup> Council for Cooperation with and Development of Civil Society. 2019. Draft model on inclusion of civil society organisations in EU accession negotiations, available here: <https://www.nvosorabotka.gov.mk/sites/default/files/16%2004%202019%20Predlog-model%20za%20vklucuvanje%20na%20grajjanskite%20organizacii.pdf> (last accessed on 23 April 2020)

the chief political and the chief technical negotiator,<sup>10</sup> upon prior consultation with the managing person of the institution leading the chapter of the working group, whereas the selection is made by the chief political negotiator by decision, upon proposal of the chief technical negotiator.<sup>11</sup>

Thus, the governmental decision sees the possibility for inclusion of CSOs (but not an obligation), however there is vagueness and lack of clear conception, procedure and criteria as for the manner of inclusion in line with the commitments and ideas of CSOs. That is why, when reviewing the negotiating structure, if that happens at all, it is necessary to further define the selection of CSOs and improve the communication with them.

This is particularly important in the context of the new revised methodology since it foresees the inclusion of several portfolios with different competences which will need to be aligned with a

view to defining a single negotiating position for a certain thematic field. Taking into consideration their nature, adaptability for work in various fields and expertise in various topics, the participation of CSOs can contribute towards a balanced and comprehensive approach in determining the negotiating positions, overcoming the potential gaps in the views and knowledge by state institutions. The involvement of CSOs in this way would spark dialogue in society about the importance and goal of negotiations, but would also secure inclusion of all social stakeholders.

Another lack of the negotiating structure so far is the absence of a concept of inclusion of Parliament in accession negotiations. In spite of the calls of CSOs that Parliament should not be left out of the accession process,<sup>12</sup> governmental decisions creating the negotiating structure mention Parliament only in the political criteria working group<sup>13</sup> which foresees participation of

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<sup>11</sup> Government of the Republic of North Macedonia. 2019. Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU. Official Gazette of the Republic of North Macedonia No. 159, available here <http://www.slvesnik.com.mk/Issues/298cdc15d12e4c5486658a6eae6de1d7.pdf> (last accessed on 21 April 2020).

<sup>12</sup> For further information, see Institute for Democracy "Societas Civilis" and EUROTHINK - Center for European Strategies. 2018. Positions of civil society organisations: Model of negotiations with the EU tailored to the whole society, available here: <https://idscs.org.mk/mk/2018/12/13/7559/> (last accessed on 23 April 2020); see Nikolovski, I. 2018. Macedonian model of inclusion of CSOs in the accession negotiations. Institute for Democracy "Societas Civilis" - Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2018/09/web\\_A5\\_CSOMKD.pdf](https://idscs.org.mk/wp-content/uploads/2018/09/web_A5_CSOMKD.pdf) (last accessed on 23 April 2020); and Ioannides, I., Damjanovski, I. and Nechev, Z. 2019. The Parliamentary Dimension of North Macedonia's Accession to the European Union. Institute for Democracy "Societas Civilis" – Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2019/11/webA5\\_European\\_ParliamentENG.pdf](https://idscs.org.mk/wp-content/uploads/2019/11/webA5_European_ParliamentENG.pdf) (last accessed on 23 April 2020).

<sup>13</sup> The work of this working group, among other things, is directed towards the functioning of Parliament. The new methodology also encompasses the functioning of democratic institutions, which can be the basis for greater involvement and more precise requirements of the EU in terms of parliamentary oversight and its role in the course of negotiations. For further information about the composition of this group see Government of the Republic of North Macedonia. 2019. Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU. Official Gazette of the Republic of North Macedonia No. 159, available here <http://www.slvesnik.com.mk/Issues/298cdc15d12e4c5486658a6eae6de1d7.pdf> (last accessed on 21 April 2020).

a representative of the cabinet of the Parliament's speaker.<sup>14</sup>

Following the direction of Commissioner Várhelyi's announcement for greater cooperation with Western Balkan countries' Parliaments and in the context of the new revised methodology, the Parliament should be essentially involved in membership negotiations. The Parliament is an incarnation of the citizens (the sovereign) and, therefore, it needs to exert oversight and control over the accession negotiations conducted, above all, by the Government. This way, accountability and transparency of negotiations is ensured with insight and inclusion of the whole public, taking into consideration that this is a process that belongs to all and that all political and social stakeholders participate in. In this mission, civil society organisations are a natural partner to Parliament. As mentioned above, this partnership has been recognised by Parliament itself already in 2007.<sup>15</sup> That very same year, the Parliament established the National European Integration Council (NEIC) with members representatives of

civil society (understood in its broader sense). In NEIC, at the moment, there is only one member representative of CSOs (i.e. associations pursuant to the Law on Associations and Foundations), whereas the remaining civil society representatives come from among the lines of trade unions, chambers of commerce and religious communities. NEIC,<sup>16</sup> even though an advisory body with non-binding decisions which is always presided by a representative of the opposition, has the power to give opinions about the negotiating positions defined by the Government.<sup>17</sup> Still, one representative of CSOs is not enough and will not contribute to effective control and oversight of the accession negotiations by Parliament, particularly taking into consideration its limited capacities in this regard.<sup>18</sup> Cooperation with and participation of CSOs in NEIC, but also its work in general, can be reviewed and complemented following the example of the National EU Convention in Serbia,<sup>19</sup> so that it enables membership of more CSOs that together with the remaining Council members would monitor the accession negotiations and would point to shortcomings in the

- <sup>14</sup> Government of the Republic of North Macedonia. 2019. Decision on forming working groups for preparation of the National Programme for Adoption of the Acquis Communautaire (NPAA) and development of the negotiating positions for membership negotiations with the EU. Official Gazette of the Republic of North Macedonia No. 159, available here <http://www.slvesnik.com.mk/Issues/298cdc15d12e4c5486658a6eae6de1d7.pdf> (last accessed on 21 April 2020).
- <sup>15</sup> Parliament of the Republic of Macedonia. 2007. Resolution on the priorities of accession of the Republic of Macedonia to the European Union and opening negotiations for membership in the European Union, available here [https://www.sobranie.mk/WBStorage/Files/Rezolucija%2027\\_11\\_2007.pdf](https://www.sobranie.mk/WBStorage/Files/Rezolucija%2027_11_2007.pdf) (last accessed on 21 April 2020).
- <sup>16</sup> National European Integration Council, available here <https://www.sobranie.mk/nacionalen-sovet-za-evrointegracii-16-20.nspix> (last accessed on 23 April 2020) and Parliament of the Republic of Macedonia. 2017. Decision on appointment of chairperson, vice chairperson, members and deputy members of the National European Integration Council. Official Gazette of the Republic of Macedonia No. 89, available here <http://www.slvesnik.com.mk/Issues/f532061df37d49278c7e6e70353a7afa.pdf> (last accessed on 23 April 2020).
- <sup>17</sup> Parliament of the Republic of Macedonia. 2007. Decision on establishment of a National European Integration Council. Official Gazette of the Republic of Macedonia No. 140, available here: <http://www.slvesnik.com.mk/Issues/3E47F4FB43EDDC4588947E016BC7D2D5.pdf> (last accessed on 23 April 2020).
- <sup>18</sup> Ioannides, I., Damjanovski, I. and Nechev, Z. 2019. The Parliamentary Dimension of North Macedonia's Accession to the European Union. Institute for Democracy "Societas Civilis" – Skopje. Skopje, available here: [https://idsocs.org.mk/wp-content/uploads/2019/11/webA5\\_European\\_ParliamentENG.pdf](https://idsocs.org.mk/wp-content/uploads/2019/11/webA5_European_ParliamentENG.pdf) (last accessed on 23 April 2020).
- <sup>19</sup> In North Macedonia, there is also a National Convention on European Union, which is a project of the European Movement in North Macedonia, supported by USAID and SlovakAid. However, this is not an institutionalised and official mechanism. For further information, see European Movement Republic of Macedonia. NCEU-MK, available here: <http://europeanmovement.org.mk/nkeu-mk/> (last accessed on June 7 2020).

implementation of EU legislation.<sup>20</sup> Nevertheless, this body was formed at a time when the circumstances were different and when the complexity of the process was not on the present level, whereas the demand for a comprehensive and inclusive process was not set on a pedestal.

Apart from NEIC, a very important role in the accession negotiations is played by the Committee on European Affairs (CEA). CEA was founded back in 2003 as a working body giving opinions and recommendations on national EU-related strategies, programmes, activities and policies, as well as on the alignment of Macedonian with European legislation.<sup>21</sup> In other words, the laws transposing EU legislation into the Macedonian legal system cannot be adopted without the opinion of CEA.<sup>22</sup> As a result of this competence and role in monitoring the process of alignment, this parliamentary body needs to be essentially included in the negotiations (institutionally recognised in the negotiating structure) and correct (and thereby accelerate) the work of the Government.<sup>23</sup> As a result of the limited capacities for monitoring the work of the

Government, as well as the politisation of CEA's work, it is of particular importance to involve CSOs in its work. Through their knowledge and capacity, as well as access to foreign funds and participation in regional and European networks, CSOs could help CEA in aligning domestic legislation with EU legislation and of course in its implementation by the Government.<sup>24</sup>

Thus, the conclusion we draw in this advocacy paper is that the negotiating structure needs to be complemented and, by that, improved, above all in recognising the role of Parliament, which, supported by civil society, could ensure greater publicity, comprehensiveness, democracy, transparency, and accountability of the accession process. Nevertheless, any institutional framework would not be sufficient by itself without an appropriate financial support to CSOs. Such support is necessary and it would ensure greater efficiency, effectiveness, influence and sustainability of the participation and contribution of Macedonian CSOs to the accession process, in particular in the context of negotiations. More details on this issue can be found in the following chapter.

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<sup>20</sup> Nikolovski, I. 2018. Macedonian model of inclusion of CSOs in the accession negotiations. Institute for Democracy "Societas Civilis" - Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2018/09/web\\_A5\\_CSOMKD.pdf](https://idscs.org.mk/wp-content/uploads/2018/09/web_A5_CSOMKD.pdf) (last accessed on 23 April 2020).

<sup>21</sup> Assembly of the Republic of North Macedonia. Committee on European Affairs, available here [https://www.sobranie.mk/working-bodies-2016-2020-en-ns\\_article-committee-oneuropean-affairs-16-20-en.nspj](https://www.sobranie.mk/working-bodies-2016-2020-en-ns_article-committee-oneuropean-affairs-16-20-en.nspj) (last accessed on 23 April 2020)

<sup>22</sup> Ibid.

<sup>23</sup> Nikolovski, I. 2018. Macedonian model of inclusion of CSOs in the accession negotiations. Institute for Democracy "Societas Civilis" - Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2018/09/web\\_A5\\_CSOMKD.pdf](https://idscs.org.mk/wp-content/uploads/2018/09/web_A5_CSOMKD.pdf) (last accessed on 23 April 2020)

<sup>24</sup> Ioannides, I., Damjanovski, I. and Nechev, Z. 2019. The Parliamentary Dimension of North Macedonia's Accession to the European Union. Institute for Democracy "Societas Civilis" – Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2019/11/webA5\\_European\\_ParliamentENG.pdf](https://idscs.org.mk/wp-content/uploads/2019/11/webA5_European_ParliamentENG.pdf) (last accessed on 23 April 2020).

## Orienting the funds towards strategic participation of CSOs in negotiations

Recently, the Delegation of the European Union to North Macedonia celebrated its 20th anniversary of its existence. For this purpose, the Delegation prepared an informative video about the relations between the European Union and North Macedonia.<sup>25</sup> In this video, special emphasis was put on the financial support that the European Union, as the greatest donor,<sup>26</sup> has given to the country since the establishment of diplomatic relations.<sup>27</sup>

One of the beneficiaries of EU financial assistance is Macedonian civil society. Over the last 10 years, the EU has given 75.36 million EUR to CSOs aimed

at fulfilling their activities, as well as strengthening their capacities.<sup>28</sup>

The commitments for capacity building of civil society as a key player in meeting the membership requirements,<sup>29</sup> go back to 1989 when, through the PHARE programme,<sup>30</sup> support was foreseen for CSOs aimed at ensuring successful democratic transition and Europeanisation of Central and Eastern European countries.<sup>31</sup> In the context of North Macedonia's accession, the importance of CSOs was already underlined in the Stabilisation and Association Agreement from 2001, which, among other things, prescribes "as greater development of civic society and democratisation".<sup>32</sup>

Over the years, CSOs in North Macedonia have received financial assistance through various financing programmes and instruments, such as the programmes of the Union, Progress, Erasmus+, Europe for Citizens 2014-2020, Horizon 2020, the

<sup>25</sup> Europe House Skopje. 2020. 20 Years of EU Delegation in North Macedonia, available here <https://www.youtube.com/watch?v=GRfHg-hscXg> (last accessed on 21 April 2020)

<sup>26</sup> For further information, see Nechev, Z., Nikolovski, I., Kirchner, M.J. 2019. Sailing through stormy weather – Macedonia and the EU in 2018. Institute for Democracy "Societas Civilis" - Skopje. Skopje, pages 23-25, available here [https://idscs.org.mk/wp-content/uploads/2019/02/A5\\_Sailing-through-stormy-weather-Macedonia-and-the-EU-in-2018MKD-1.pdf](https://idscs.org.mk/wp-content/uploads/2019/02/A5_Sailing-through-stormy-weather-Macedonia-and-the-EU-in-2018MKD-1.pdf) (last accessed on 21 April 2020)

<sup>27</sup> Includes all 27 EU Member States. Great Britain was a member of the European Union from 1 January 1973 until 31 January 2020.

<sup>28</sup> Europe House Skopje. 2020. 20 Years of EU Delegation in North Macedonia, available here <https://www.youtube.com/watch?v=GRfHg-hscXg> (last accessed on 21 April 2020)

<sup>29</sup> DG Enlargement. Guidelines for EU support to civil society in enlargement countries, 2014-2020, available here: [https://eeas.europa.eu/sites/eeas/files/doc\\_guidelines\\_cs\\_support1.pdf](https://eeas.europa.eu/sites/eeas/files/doc_guidelines_cs_support1.pdf) (last accessed on 23 April 2020) и European Neighbourhood Policy and Enlargement Negotiations. Civil Society, available here Nikolovski, I. 2018. Macedonian model of inclusion of CSOs in the accession negotiations. Institute for Democracy "Societas Civilis" - Skopje. Skopje, available here: [https://idscs.org.mk/wp-content/uploads/2018/09/web\\_A5\\_CSOMKD.pdf](https://idscs.org.mk/wp-content/uploads/2018/09/web_A5_CSOMKD.pdf) (last accessed on 23 April 2020): [https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/civil-society\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/civil-society_en) (last accessed on 22 April 2020).

<sup>30</sup> Poland and Hungary: Assistance for Restructuring their Economies. North Macedonia was admitted to this programme in 1995, after establishing diplomatic relations with, at that time, the European Communities.

<sup>31</sup> Spasovska, B. Supporting vs fostering: the effectiveness of EU's regional support for CSO partnerships for fostering democratic reforms and rule of law in enlargement countries. Balkan Civil Society Development Network, available here: <http://www.balkanicsd.net/novo/wp-content/uploads/2016/06/96-4-BCSDN-The-effectiveness-of-EUs-regional-support-FINAL-web.pdf> (last accessed on 22 April 2020)

<sup>32</sup> Stabilisation and Association Agreement between the Republic of Macedonia and the European Communities and their Member States. 2001, available here [http://www.sep.gov.mk/data/file/SSA/SSA\(1\).pdf](http://www.sep.gov.mk/data/file/SSA/SSA(1).pdf) (last accessed on 21 April 2020).



Creative Europe programme and COSME,<sup>33</sup> as well as EDIHR, the IPA cross-border cooperation instrument,<sup>34</sup> and in the past also through the PHARE and CARDS programme.<sup>35</sup> Nevertheless, the largest part of financial assistance was used from the funds of the Instrument for Pre-accession Assistance (IPA)<sup>36</sup> which purpose is to prepare North Macedonia for its full-fledged membership in the EU.

Financing through IPA funds started in 2007, covering various priority and thematic (sectoral) areas encompassed by the negotiation chapters.<sup>37</sup> The financing is conducted in line with the multiannual financial frameworks of EU, so in the period 2007-2013 the IPA programme was implemented, at the moment IPA II is implemented (2014-2020), and starting from 2021, it is expected to begin with the implementation of IPA III, which should last until 2027. Within IPA funds, starting

from 2008, the instrument for assistance for civil society was activated, also known as a Civil Society Facility - CSF. The goal of this instrument is active civil society with built capacities for influence, involvement and participation in decision and policy making processes, with a view to increasing its knowledge and expertise in support to governments, but also EU institutions in the accession process.<sup>38</sup> From 2007 until 2019, Macedonian CSOs (and the media) received a total of 27 Million EUR assistance through this programme for development of their capacities (see Annex 1, Table 1) in various areas and initiatives, including good governance, public administration reform, rule of law, and fight against corruption and other reform areas.<sup>39</sup>

In line with the Guidelines on EU political and financial support to civil society organisations in candidate countries,<sup>40</sup> and the long-standing

<sup>33</sup> For further information, see Ostojic, M., and Fagan, A. 2014. Donor strategies and practices to support civil society in Macedonia, Macedonian Center for International Cooperation, page 25, available here: <https://mcms.mk/images/docs/2017/donatorski-strategiji-i-praktiki-za-poddrshka-na-gragjanskoto-opshtestvo-vo-makedonija.pdf> (last time accessed on 21 April 2020).

<sup>34</sup> BCSDN. 2015. EU Funds for Supporting Civil Society Development in the Western Balkans 2007-2013, available via <http://www.balkancsd.net/eu-funds-for-supporting-civil-society-development-in-the-western-balkans-2007-2013/> (last accessed on 22 April 2020)

<sup>35</sup> Community Assistance for Reconstruction, Development and Stability in the Balkans.

<sup>36</sup> In English, Instrument for Pre-accession Assistance.

<sup>37</sup> For more information about the relation between IPA sectors and negotiation chapters see Radulović, M., Brnović, M., Lubarda, M., Knežević, I., Mujkić, E, Blagovčanin, S. Murati, A., Kolekeski, A., Maxhelaku, A. 2018. Instrument for pre-accession assistance and the countries of the Western Balkans. European Movement in Montenegro. Podgorica, pages 83 – 106

<sup>38</sup> AETS Consultants. 2017. Mid-term Evaluation of the Civil Society Facility for the Western Balkans and Turkey, available here: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/csf\\_evaluation\\_report\\_wbt\\_dig.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/csf_evaluation_report_wbt_dig.pdf) (last accessed on 22 April 2020) and European Neighbourhood Policy and Enlargement Negotiations. Civil Society, available here: [https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/civil-society\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/policy-highlights/civil-society_en) (last accessed on 22 April 2020).

<sup>39</sup> AETS Consultants. 2017. Mid-term Evaluation of the Civil Society Facility for the Western Balkans and Turkey, available here: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/csf\\_evaluation\\_report\\_wbt\\_dig.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/csf_evaluation_report_wbt_dig.pdf) (last accessed on 22 April 2020) and Macedonian Center for European Education. 2013. Where is the money from IPA: 2007-2013, available here: <http://mcet.org.mk/gridfs/data/id/d8537f8c315624fb98ca2e44> (last accessed on 22 April 2020).

<sup>40</sup> The Guidelines for EU support to civil society organisations in candidate countries for the period 2014-2020 include commitments for enabling working environment which guarantees independence and sustainability of civil society, but also a combination of financial instruments to meet the needs and capacities of various civil society stakeholders. For more information, see DG Enlargement. Guidelines for EU support to civil society in enlargement countries, 2014-2020, available here: [https://eeas.europa.eu/sites/eeas/files/doc\\_guidelines\\_cs\\_support1.pdf](https://eeas.europa.eu/sites/eeas/files/doc_guidelines_cs_support1.pdf) (last accessed on 23 April 2020)



assistance so far, the situation is on a satisfactory level, but it can certainly be much better. In practice, several weaknesses are singled out that have been detected so far, limited working space, resources and capacities, but also insufficient inclusion of CSOs in decision and policy making processes.<sup>41</sup> Regarding financing, there are already a series of recommendations highlighting the support for CSOs in their operational activities, utilisation of previous successful experiences of financial assistance and of civil society best practices, with an emphasis on mechanisms set to monitor the use of pre-accession assistance funds, as well as implementation of reforms that are a part of the enlargement and conditionality policy.<sup>42</sup>

When it comes to political support, what is stated is the need for officialisation of the Guidelines for civil society organisations by the European Commission, covering the period 2021 - 2027, greater involvement of CSOs in political and democratic processes on national, regional and local level, but also utilisation of their capacities in terms of promotion and advocacy of the goals and values of the Union's foreign policy as one of the greatest agents of Europeanisation.<sup>43</sup>

Therefore, greater alignment of EU's political and financial support to CSOs is necessary. In order to reach this goal, what is necessary above all is a single and comprehensive institutional and financial framework which will contribute to more successful accession negotiations and better preparedness of North Macedonia (as well as the remaining Western Balkan countries) to pursue all rights, obligations and responsibilities arising from EU membership.

For the reason of purposefulness of the accession process, apart from the forms of financial support so far, thoughts should be also given to using the funds that would enable CSOs to participate in the accession negotiations at an appropriate level.

Taking into consideration the substance of membership negotiations, the accession process will demand appropriate expertise, technical equipment and having the appropriate information at disposal by CSOs in terms of alignment and adoption of European legislation. Namely, funds such as the Technical Assistance and Information Exchange instrument (TAIEX)<sup>44</sup> are for now available only to state institutions of negotiating countries, candidate countries, but also to the neighbouring

<sup>42</sup> BCSDN. 2020. BCSDN's Position on the EU Civil Society Guidelines, available here: [http://www.balkancsd.net/novo/wp-content/uploads/2020/01/BCSDN-Position-EU-CS-Guidelines\\_final.pdf](http://www.balkancsd.net/novo/wp-content/uploads/2020/01/BCSDN-Position-EU-CS-Guidelines_final.pdf) (last accessed on 23 April 2020); SELDI. 2020. The New Approach on Enlargement: Good Ideas in Need of a Captain, available here: [https://seldi.net/fileadmin/public/PDF/Publications/New\\_Approach/the-new-approach-on-enlargement-good-ideas-in-need-of-a-captain.pdf](https://seldi.net/fileadmin/public/PDF/Publications/New_Approach/the-new-approach-on-enlargement-good-ideas-in-need-of-a-captain.pdf) (last accessed on 23 April 2020) and Spasovska, B. 2019. 10 Years IPA CSF: How to Further Strengthen and Empower Civil Society in Enlargement Countries, available here: <http://www.balkancsd.net/novo/wp-content/uploads/2019/09/BCSDN-Position-on-the-future-of-EU-support-to-CS.docx.pdf> (last accessed on 23 April 2020).

<sup>43</sup> BCSDN. 2020. BCSDN's Position on the EU Civil Society Guidelines, available here: [http://www.balkancsd.net/novo/wp-content/uploads/2020/01/BCSDN-Position-EU-CS-Guidelines\\_final.pdf](http://www.balkancsd.net/novo/wp-content/uploads/2020/01/BCSDN-Position-EU-CS-Guidelines_final.pdf) (last accessed on 23 April 2020) and Youngs, R. 2020. New Directions for EU Civil Society Support: Lessons from Turkey, the Western Balkans, and Eastern Europe. Carnegie Europe, available here: <https://carnegieeurope.eu/2020/02/18/new-directions-for-eu-civil-society-support-pub-81092> (last accessed on 23 April 2020).

<sup>44</sup> Technical Assistance and Information Exchange instrument of the European Commission (TAIEX).

countries of the EU. Thus, it would be strategically useful to establish a so called TAIEX for CSOs which would be used for exchange of experiences on civil society level among Western Balkan countries and EU Member States. Or, extension of the support spectrum through the CSF programme directed towards securing such expertise for CSOs.

In this way, CSOs will be able to contribute in an appropriate way, shoulder to shoulder with state institutions, to the accession negotiations and to the accession process as a whole. This way, CSOs will get better acquainted with European legislation which will enable them more effective utilisation of their capacities and knowledge in the decision and policy making process, as well as determination of the negotiating positions, but also in the part of monitoring the negotiations themselves and implementation of the obligations undertaken by candidate countries. This is particularly important for the role of think-tank organisations which are part of civil society, but which also have a concrete expertise at their disposal in public policy making in various fields.

The result of such an approach would be greater transparency, accountability and inclusiveness in this social, value and transformation process, in which all stakeholders are involved and informed - from national social stakeholders to European institutions and EU Member States. In this way, greater cooperation and communication with other stakeholders in the accession process would be ensured. On the one hand, additional technical and expert assistance to the work of state institutions is ensured, above all to the Government and Parliament, but at the same time control over their operation in the accession process. On the other hand, this approach will secure the EU indirect influence, from within, and in return, it would get a real insight in the conditions and the necessary assistance to overcome the potential challenges.

All of this is particularly important in the context of the new methodology for enhanced accession negotiations which foresees a more efficient accession process, but also reversibility in case of failure to fulfil the reforms or regression, even though not on the account of financing CSOs.<sup>45</sup>

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<sup>45</sup> European Commission. 2020. A more credible, dynamic, predictable and political EU accession process - Commission lays out its proposals, available here [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_181](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181) (last accessed on 23 April 2020).

## Concluding remarks and recommendations

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Having waited for 15 years, North Macedonia is finally starting the EU membership negotiations. Unlike in the previous enlargement rounds of the Union, this time, Member States want to secure themselves that new members will not carry their problems into the Union, having learnt from the experiences with the partially unsuccessful integration and reversibility when it comes to democratisation and rule of law with some of the newer Member States. This is also reflected in the new methodology for enhanced accession negotiations. Thus, both Skopje and Brussels face the challenge that the accession process be legitimate, efficient, effective, successful and sustainable also after North Macedonia becomes a member of the Union in the foreseeable future.

Even though negotiations have informally started, it is certain that North Macedonia will need to align its existing negotiating structure with the new revised methodology, which will also need to appropriately include CSOs. CSOs have been a partner to the Union in the process since the very beginning,

and Brussels sees them as an essential agent of Europeanisation of the state and the whole region. Provided that national institutions, above all the Government and Parliament, also accept the same approach and recognise them as their own partners, then they will significantly improve the chances for real transformation of society.

The support that the EU has been giving to CSOs in North Macedonia over the last two decades is incontestable, continuous and of key importance, and as a result, a part of CSOs have built their capacities on a satisfactory level, have gained expertise when it comes to enlargement-related reforms, but have also established channels and networks of cooperation with institutions on national, regional and European level. Nevertheless, additional alignment and extension of the spectrum of EU financial support with its political support is necessary, in particular in the case of North Macedonia (this also applies to the remaining Western Balkan countries that are at the same stage of the accession process) which enters into a very complex and demanding process of negotiations.

The financial support would not reach its goal without the existence of a comprehensive, inclusive and transparent negotiating structure. In this sense, the Macedonian Government should offer an

appropriate model of inclusion in which CSOs will be partners in the decision and policy making process, but not on the account of their independence and autonomy. In the end, in order for the overall process of negotiation to be public, accountable and comprehensive, it is of utmost importance to include the Parliament, which, in cooperation with and through the participation of CSOs, will ensure effective control over and oversight of the accession negotiations, aimed at fulfilling the commitments of the European Commission for greater role of Parliaments in the European integration process.

“There is no way back... so a negotiating train has left the station with you on board”, said the EU Ambassador in the country on the occasion of the adoption of the decision of the European Council to open accession negotiations with North Macedonia.<sup>46</sup> That is why it is necessary for the rails that the train will move onto to be set properly so that the train does not run off its rails, but successfully reaches the goal. The speed of the train depends on all of us together.

Therefore, this advocacy paper is in support of strategic participation of CSOs in the accession negotiations and transparency of the accession process, putting forward three key recommendations:

- Institutionalised involvement of CSOs in the accession negotiations through their participation in the work of Parliament in implementing its oversight function
- Ensuring transparency by involving the public and timely provision of information to the public
- Expanding and orienting the assortment of financial assistance instruments for participation of CSOs in the accession negotiations by the European Union and the Government

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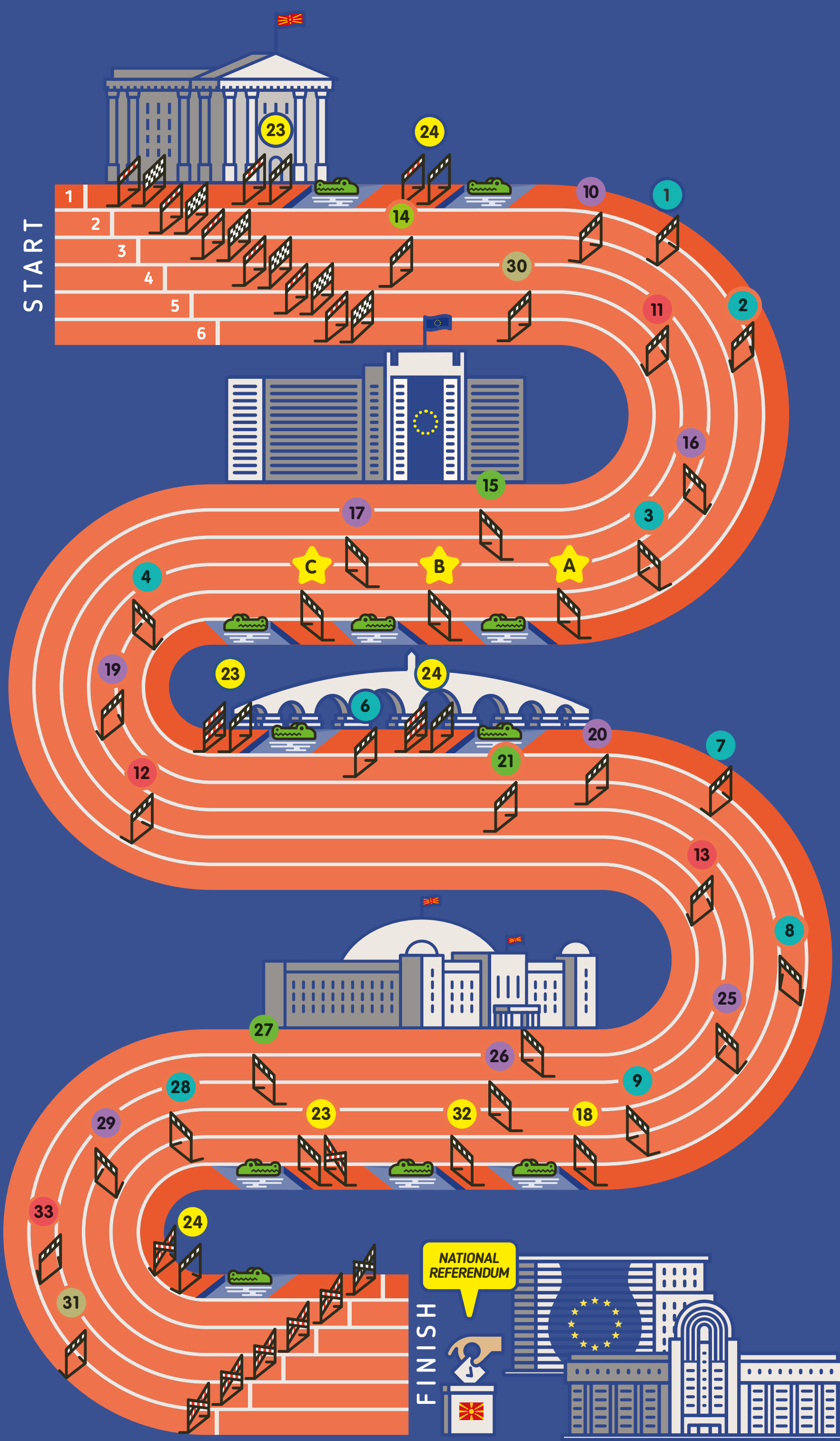
<sup>46</sup> Macedonian Information Agency. 2020. Žbogar for MIA: This is not only another decision of the EU, this is a decision to open negotiations, available here: <https://mia.mk/zbogar-za-mia-ova-ne-e-samo-ushte-edna-odluka-na-eu-ova-e-odluka-za-pochetok-na-pregovori/> (last accessed on 23 April 2020).

# Annex 1

Table 1. Financial support to CSOs via CSF (2007 - 2019)								
Type of instrument	IPA I	IPA II						Total amount (in millions of Euros)
Period	2007 – 2013	2014	2015	2016	2017	2018	2019	27
Amount (in millions of Euros)	2.9	5.5	5.5	2.85	3.95	3	3.3	

Sources: BCSDN. 2015. EU Funds for Supporting Civil Society Development in the Western Balkans 2007-2013, available at <http://www.balkancsd.net/eu-funds-for-supporting-civil-society-development-in-the-western-balkans-2007-2013/> (last accessed on 22 April 2020) and IPA 2014 – 2020 Action Programmes, available here [https://ec.europa.eu/neighbourhood-enlargement/instruments/multi-beneficiary-programme\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/multi-beneficiary-programme_en) (last accessed on 22 April 2020).

# ACCESSION NEGOTIATIONS OF THE EUROPEAN UNION WITH NORTH MACEDONIA (NEW OUTLOOK)



- CLO - cluster opening
- CH - chapter
- FCH - fundamentals chapter
- OBM - opening benchmark
- IBM - interim benchmark
- CBM - closing benchmark (CHAPTER)
- CBM - closing benchmark (CLUSTER)

## 1. FUNDAMENTALS

- 23** Judiciary and fundamental rights
- 24** Justice, Freedom and Security
- 5** Public procurement
- 18** Statistics
- 32** Financial control
- A** Economic criteria
- B** Functioning of democratic institutions
- C** Public administration reform

## INTERNAL MARKET

- 1** Free movement of goods
- 2** Freedom of movement for workers
- 3** Right of establishment and freedom to provide services
- 4** Free movement of capital
- 6** Company law
- 7** Intellectual property law
- 8** Competition policy
- 9** Financial services
- 28** Consumer and health protection

## COMPETITIVENESS AND INCLUSIVE GROWTH

- 10** Information society and media
- 16** Taxation
- 17** Economic and monetary policy
- 19** Social policy and employment
- 20** Enterprise and industrial policy
- 25** Science and research
- 26** Education and culture
- 29** Customs union

## GREEN AGENDA AND SUSTAINABLE CONNECTIVITY

- 14** Transport policy
- 15** Energy
- 21** Trans-European networks
- 27** Environment and climate change

## RESOURCES, AGRICULTURE AND COHESION

- 11** Agriculture and rural development
- 12** Food safety, veterinary and phytosanitary policy
- 13** Fisheries
- 22** Regional policy & coordination of structural instruments
- 33** Financial & budgetary provisions

## EXTERNAL RELATIONS

- 30** External relations
- 31** Foreign, security & defence policy
- .....
- 34** Institutions
- 35** Other issues

Prepared by Design and illustration

Dragan Tilev, Zoran Nechev and Ivan Nikolovski  
Dejan Kuzmanovski

This infographic is based on the policy brief "The devil is in the details: negotiating North Macedonia's European Union accession" available at <https://idscs.org.mk>. The views expressed in this infographic do not necessarily reflect the views of the Konrad Adenauer Foundation and the Institute for Democracy "Societas Civilis" – Skopje.

## Information about KAS

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IDSCS is a think-tank organisation researching the development of good governance, rule of law and North Macedonia's European integration. IDSCS has the mission to support citizens' involvement in the decision-making process and strengthen the participatory political culture. By strengthening liberal values, IDSCS contributes towards coexistence of diversities.

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## Link

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Edited by: Zoran Nechev

With contributions by: Dragan Tilev, Zoran Nechev,  
Marie Jelenka Kirchner and Ivan Nikolovski

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