



## Policy Brief



# ROADMAP FOR THE EU



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**“Roadmap for the EU”**

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# INTRODUCTION

The 21<sup>st</sup> year of the 21<sup>st</sup> century has just begun. This is the year when North Macedonia will celebrate three decades since the declaration of its independence. In these three decades, the country has been Candidate Country for membership in the European Union for 15 years (since December 2005); The European Commission has been recommending the start of Accession Negotiations for almost 12 years (from October 2009), and ten months ago the Council of the EU decided to open Accession Negotiations with the country. In 2020, North Macedonia dealt with the pandemic as the rest of the world, organized parliamentary elections and expected the formal start of Accession Negotiations with the First Intergovernmental Conference. Meanwhile, more than six months ago, the European Commission presented the proposal of the Framework for Accession Negotiations with the Republic of North Macedonia<sup>1</sup>. At the end of 2020, the German Presidency with the Council failed to persuade Bulgaria to give its consent and thus secure the necessary consensus for the adoption of the Negotiation Framework. In a very interesting development, the Council also failed to reach a consensus on the adoption of the Enlargement Conclusions<sup>2</sup>.

Since its introduction in June 2020, the process of agreeing on the final version of the Negotiating Framework has gone unnoticed by the public. Only the Macedonian Information Agency (MIA)<sup>3</sup>, through the correspondence in Brussels, gained access to the content of the draft Negotiating Framework and reported on it. The news from MIA was then taken over by some of the media in the country<sup>4</sup>, but the reporting on the content of the Negotiating Framework stopped there and then. Part of the media coverage on the Negotiating Framework was devoted to the use of the adjective "Macedonian" and the naming of the language, while most of the media coverage was focused on the bilateral dispute with Bulgaria. Hence, the citizens have very little information about the way the negotiations are led, the substance of the negotiations, the opening benchmarks, but also about how the process will unfold.

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<sup>1</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_1021](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1021)

<sup>2</sup> Following an earlier meeting of the COREPER (Permanent Representatives Committee), the Permanent Representatives of the Member States agreed on the conclusions of the enlargement policy in which the Council spoke of a "misinterpretation of history", the Czech and Slovak Ministers of the Environment Council reopened the point for enlargement and indicated that they did not agree with the conclusions. They further explained their position in an open letter published on the EU Observer portal, available at the following link: <https://euobserver.com/opinion/150841>

<sup>3</sup> <https://mia.mk/shto-sodrzhi-nacrt-pregovorachkata-ramka-na-eu-so-severna-makedoni-a/>

<sup>4</sup> <https://bit.ly/3rcr1Be>

In anticipation of better days, the adoption of the Negotiating Framework, as well as setting the date for the First Intergovernmental Conference, part of the state leadership is increasingly talking about the need "**To bring EU standards home!**"<sup>5</sup>. Given the goal of North Macedonia, to become a Member State of the European Union, then such statements indicate the need for the country to have clearly defined priorities, which will not only "Bring EU standards home", but also help the process of Accession to the Union, once it starts.

This policy brief contributes to that and has three objectives. **The first** purpose of the document is to inform the public about the Negotiating Framework and to clarify it. **The second** purpose of the document is to explain the negotiation process and the impact on domestic policies. **The third** goal of the document is to contribute to "Bringing EU standards at home" by proposing a way to move both processes, that of Accession by the Union, as well as that of harmonization by North Macedonia, while guaranteeing the rule of law through "bilateral" screening for the first cluster and setting priorities and measures that will make the content of the Roadmap for Chapters 23 and 24.

This document is based on a process of research and analysis of relevant documents for the negotiation process, the draft Negotiating Framework prepared by the European Commission and amended by the Member States through the Council Working Group, the new enlargement methodology, other official documents of the European Commission, in particular documents related to Chapters 23 - Judiciary and Fundamental Rights and 24 - Freedom, Security and Justice, as well as documents from the explanatory screening. The analysis also takes into account the negotiating frameworks for Serbia and Montenegro, as well as documents from Montenegro's framework regarding the negotiations in Chapters 23 and 24.

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<sup>5</sup> <https://alsat.mk/mk/zaev-da-gi-doneseme-eu-standardite-domu/>

# FRAMEWORK FOR DYNAMICS, PREDICTIVITY AND POLITICAL GOVERNANCE

Although announced for June 2020, the proposal of the Framework for Negotiating the Accession of North Macedonia to the European Union was adopted by the European Commission at the very beginning of July 2020<sup>6</sup>. The text adopted by the Commission and addressed to the Member States for their consideration and adoption was presented by the Enlargement Commissioner, Olivér Várhelyi, as “another important step on the path of North Macedonia and Albania towards the EU”<sup>7</sup>. According to Commissioner Várhelyi, as well as the expectations of many, particularly that of the German Presidency, the First Intergovernmental Conference was to be held before the end of 2020. Arguing the swift adoption of the Negotiating Framework, Commissioner Várhelyi noted that it was based on “a revised enlargement methodology”<sup>8</sup> and intended for an enlargement process that was “more credible, more dynamic, more predictable, and with stronger political steer”<sup>9</sup>.

Compared to the negotiating frameworks of Serbia<sup>10</sup> and Montenegro<sup>11</sup>, the structure of the text of the framework for North Macedonia does not deviate at all. The document begins with the **Opening Statement**, continues with the text of the **Negotiating Framework** and ends with the explanation of the **procedure for the and organization of the negotiations** contained in the annexes to the document. In all adopted negotiating frameworks, the actual text of the framework contains two parts, the **principles governing the negotiations** and a part that clarifies the **substance of the negotiations**.

The Opening Statement of the negotiations is the political part of the text which contains the basic postulates of the relations between the negotiating parties. In our case, these are the development of the relations between North Macedonia and the European Union, the clear and unequivocal support that the EU gives to our country and the Western Balkans, the volume of trade and foreign direct

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<sup>6</sup> <https://novatv.mk/postaveni-se-shinite-za-makedonskite-pregovori-so-eu/>

<sup>7</sup> <https://bit.ly/2MbKXKi>

<sup>8</sup> Ibid 7

<sup>9</sup> Ibid 7

<sup>10</sup> [https://bezbednost.org/wp-content/uploads/2020/06/pregovaracki okvir eu za srbiju.pdf](https://bezbednost.org/wp-content/uploads/2020/06/pregovaracki_okvir_eu_za_srbiju.pdf)

<sup>11</sup> <http://glb.bos.rs/progovori-o-pregovorima/uploaded/Montenegro-negotiating-framework.pdf>

investments, as well as the support that the country received to deal with the current pandemic. Usually, the Opening Statement refers to the contractual relations between the parties, which includes the Stabilization and Association Agreement, as well as the Enlargement Policy and the Union's commitment to the Western Balkans. Given their importance to Western Balkans Enlargement, the statement indicates the development of the policy through the European Council Conclusions from Thessaloniki 2003<sup>12</sup>, and continues with the development of the Policy in recent years, citing the Conclusions of the Sofia Declaration<sup>13</sup> of May 2018, as well as those from the Zagreb Declaration<sup>14</sup> of May 2020.

The Opening Statement with the Republic of North Macedonia points to regional cooperation and good neighbourly relations, and welcomes the Prespa Agreement with Greece and the Agreement on Good Neighbourly Relations with Bulgaria. This approach should not surprise anyone because the Union has long talked about good neighbourly relations regarding our country, welcomed the conclusion of both agreements, and witnessed the signing of the Prespa Agreement. Hence, pointing out the good neighbourly relations is not a novelty that arises due to the pressures of certain Member States, but the consistency of the Policy and approach of the European Commission regarding North Macedonia.

Concluding the Opening Statement, the Commission emphasizes the importance of cooperation with Civil Society and the connection between the nations of the European Union, as well as the citizens of North Macedonia. To enable this cooperation and guarantee connectivity, the European Commission speaks of initiating and conducting a dialogue between civil societies and guaranteeing and supporting their cooperation.

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<sup>12</sup> [https://ec.europa.eu/commission/presscorner/detail/en/PRES\\_03\\_163](https://ec.europa.eu/commission/presscorner/detail/en/PRES_03_163)

<sup>13</sup> [https://www.consilium.europa.eu/media/34776/sofia-declaration\\_en.pdf](https://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf)

<sup>14</sup> <https://www.consilium.europa.eu/en/meetings/international-summit/2020/05/06/>

# INDIVIDUAL, OBJECTIVE AND CONDITIONAL NEGOTIATIONS

The actual negotiations, as well as the whole Accession Process, are based on Article 49 of the Treaty on the European Union.<sup>15</sup>

„Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.“

The key words in this article are the ***European State*** and ***respects the values mentioned in Article 2***. With these phrases, the Member States actually refer to *respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities*, as values common to all Member States, and consider them as Principles of the Negotiations as well. It should be clear to us that the opening of negotiations is done only with countries that are committed and respect these values. Therefore, the decision to open negotiations with the Republic of North Macedonia is founded on the assessment made by the Member States, which says that the country respects the values of the European Union to a sufficient extent.

In terms of principles, the Negotiation Framework indicates that the negotiations, are individual, conditional and objective.

***The first principle*** of the negotiations is that they are individual, i.e., that the progress of the negotiations is based on *the individual success of the state in the accession process*. This practically means that no other country in the process of accession, such as Montenegro and Serbia, or Albania, will be able to slow down the Accession of North Macedonia. Each country is the master of its own

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<sup>15</sup> [https://www.sep.gov.mk/data/file/Publikacij/Dogovor%20od%20Lisabon\(1\).pdf](https://www.sep.gov.mk/data/file/Publikacij/Dogovor%20od%20Lisabon(1).pdf)

success and the success of the negotiations will depend on its commitment and engagement. This principle is known to our citizens through the general process of European Integration and the Country Reports of the European Commission.

**The second principle** of the negotiations is their conditionality. Namely, the progress in the accession process depends on the process of harmonization and deeper integration of the states. Practically, the opening of the negotiations depends on the fulfilment of the Opening Benchmarks, while the opening of the negotiations in a specific chapter will depend on the fulfilment of the Opening Benchmarks for that specific chapter. In the same way, for both the opening and closing of the negotiations in a specific chapter, the fulfilment of the Closing Benchmarks will be important. Of course, whenever they are determined.

**The Copenhagen criteria** set out the following conditions for membership in the European Union:

- *stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;*
- *a functioning market economy and the capacity to cope with competition and market forces in the EU;*
- *the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union, as well as administrative capacity for full and effective implementation of European legislation..*

**The third principle** of the negotiations is that they are objective. Objectivity is reflected in the fact that success is measured by meeting pre-determined criteria (Copenhagen criteria), and progress in the process depends entirely on the success in implementing the commitments and the degree of integration. Additionally, objectivity is guaranteed by the obligation to implement the contractually undertaken obligations under previous contractual frameworks, which for North Macedonia includes the Stabilization and Association Agreement, as well as some other agreements<sup>16</sup> guaranteed by the Union.

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<sup>16</sup> The Prespa Agreement, the Good Neighborliness and Friendship Agreement with Bulgaria, the Ohrid Framework Agreement.

# PROCESS WITH POLITICAL STEER

Introducing the new enlargement methodology<sup>17</sup> to the public, Commissioner Várhelyi said it would guarantee the momentum of the accession process and speed it up<sup>18</sup>. The announced dynamics of the process, is guaranteed with the methodology by grouping the chapters in clusters, while recognizing six:

**CLUSTER 1 – Fundamentals First** which, in addition to Chapters 23 - Judiciary and fundamental rights and 24 - Justice, freedom and security, covers the economic, political (*functioning of democratic institutions*) and administrative (*public administration reform*) criteria, as well as Chapters 5 - Public procurement, 18 - Statistics and 32 - Financial control;

**CLUSTER 2 – Internal Market** which covers the chapters on the fundamental freedoms 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, as well as the chapters related to market functioning and financial services, i.e., 6 – Company law, 7 – Intellectual property law, 8 – Competition policy, 9 – Financial Services and 28 – Consumer and health protection;

**CLUSTER 3 - Competitiveness and Inclusive Growth** which covers the chapters dedicated to education, science and development, industry and information society, customs and taxes, as well as human resources, i.e., 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 and 29 – Customs union;

**CLUSTER 4 - Green Agenda and Sustainable Connectivity** covering chapters on the environment and climate change, energy and transport, 14 – Transport policy, 15 – Energy, 21 – Trans-European networks and 27 – Environment and Climate Change, respectively;

**CLUSTER 5 - Resources, Agriculture and Cohesion** which covers the chapters related to agricultural policy, regional policy and budget and European funds, i.e., 11 – Agriculture and rural development, 12 – Food safety, veterinary and phytosanitary policy, 13 – Fisheries, 22 - Regional policy and coordination of structural instruments and 33 - Financial and budgetary provisions; and

**CLUSTER 6 - External Relations** which covers the last two chapters related to foreign policy and foreign trade, as well as security, i.e., 30 – External relations and 31 – Foreign, security and defence policy.

<sup>17</sup> [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>18</sup> <https://bit.ly/3iHoZ99>

Through the clusters, the Commission will lead the negotiations with North Macedonia, and will provide the Member States with insight and control of the process, as well as a chance for political steer to it.

The grouping of chapters into clusters, in addition to being linked to the conduct of negotiations by linking related policies, is an additional link to the element of further or deeper integration of the Acceding Country. Namely, the new methodology for enlargement guarantees that the Acceding Country will be able to become part of the common policies before the actual accession through the so-called **accelerated integration** or "*phasing in*". Such phasing in can only be achieved if the acceding country makes significant and sufficient progress in the reform priorities set out in the Negotiations. Therefore, the Negotiating Framework, following the methodology, ensures accelerated integration, while guaranteeing the functionality of the Union, as well as the enforceability of the decisions of the Member States.

If we take into account the new methodology and clustering, i.e., if North Macedonia is committed to implementing the agreed reform priorities, then the country will be able to phase into the relevant policies of the European Union, the internal market, financial programs and so on, thus providing additional benefits from the reforms. Additionally, the harmonization of legislation and the connection with the policies of the Union, as well as the closer cooperation with the international financial institutions will guarantee for the country access to increased investments and greater utilization of European funds. All this will contribute to strengthening the trust between the citizens, which will lead to further acceleration of the integrations.

On the other hand, if the state does not adhere to the obligations undertaken with the negotiations, i.e., does not implement the reform priorities, then not only will the accelerated integration be missed, but it may face a slowdown, a setback in the process or a complete standstill to it. Namely, the new methodology for enlargement speaks about the predictability of the process and the introduction of corrective measures, i.e., about specific cases in which the appropriate corrective measures can be applied. Therefore, the Negotiation Framework following the methodology guarantees that these cases will be precisely identified, and the corrective measures and the manner of political management of the process clear enough.

The analysis of the new enlargement methodology, the Negotiating Frameworks for Montenegro and Serbia, as well as the Negotiating Framework for North Macedonia, point to four cases in which the political management of the process will cause corrective measures to be taken. The cases include setbacks in terms of values and the first cluster, as well as setbacks in other chapters and clusters and in provisionally closed clusters.

- **The first case** implies a serious and persistent violation of the values on which the European Union rests. In this case, the Commission or a Member State may recommend the cessation of negotiations, or specific conditions under which they can continue.
- **The second case** covers the serious and prolonged setback in the reforms from the first cluster, i.e., insufficient progress in the first cluster compared to the other chapters and clusters, which creates an imbalance in the negotiations. In doing so, the Commission or any Member State may recommend that temporary opening or closing of new chapters be suspended until the necessary balance of negotiations has been reached.
- **The third case** implies slowing down the reform process in the provisionally closed chapters or clusters, or failure in the implementation of the undertaken obligations, i.e., the transitional benchmarks. In such a case, the Commission or any member state may again recommend the reopening of the provisionally closed chapter or cluster.
- **The fourth case** is a significant setback in a cluster or chapter that is not yet provisionally closed. Finally, in this case as well, the Commission or a Member State may recommend stopping the negotiations in the relevant cluster or chapter and resuming them from the beginning.

Obviously, in its role as Guardian of the Treaties, but also as a negotiator on behalf of the Union, the European Commission can make an assessment when North Macedonia will find itself in one of the four presumed cases. It is quite clear from the proposed Negotiating Framework that the Member States will decide by a qualified majority, i.e., reverse qualified majority<sup>19</sup> for the suspension of the Negotiations due to any of the above four cases, or for their continuation. However, from the discussions in the working group of the Council it remains unclear which of the ways of decision-making will be chosen and which way of deciding we will see in the final version of the Negotiating Framework. Most importantly, however, is whether the Council of the EU will seek unanimity for the renewal of the Negotiations. Insisting on unanimity will mean more opportunities for further abuse of the process, while the political steer will turn into an affront to the acceding states.

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<sup>19</sup> Reverse qualified majority means that the proposal of the European Commission will be considered adopted unless the Council of the EU rejects it or amends it by a qualified majority.

# ACCESSION MEANS HARMONIZATION WITH THE ACQUIS

Accession and Negotiations imply commitments by North Macedonia as a future Member State. Specifically, through Accession, North Macedonia commits itself first to translation, and then to transposition, and lastly to harmonization with the “**Acquis Unionaire**” or European Union Legislation. To clarify, harmonizing with the Acquis for North Macedonia does not only mean harmonization with the European Union Legislation, but also its effective implementation. Therefore, it follows that North Macedonia will first have to make the appropriate translation of the entire set of European Union Legislation<sup>20</sup>, as well as to train a sufficient number of translators and interpreters who will work on the translation, and will guarantee the functioning of the European institutions. Then, within the process of harmonization, North Macedonia will take over and incorporate the legislation of the European Union in its own.

During the Accession, i.e., by harmonizing with the *acquis*, North Macedonia will commit itself to removal of all legislative acts that were adopted in previous stages of integration, which derive from European Union legislation that is directly applicable in the Member States<sup>21</sup>. In the same way, in the accession, North Macedonia will commit to accept the outcome of all other negotiations and concluded International Agreements, which took place before, or in a process parallel to the Negotiations with us.<sup>22</sup>

If **Accession means harmonizing with European Union legislation**, then **the Negotiations mean setting Transitional Periods and a procedure that will ensure full harmonization**. Additionally, for the purposes of full harmonization, the Negotiations may include **Negotiating Transitional Measures** that will be a direct support to the acceding country, **North Macedonia**, becoming valid or applicable during the Transitional Period. Finally, for the *European Union*, the negotiations mean determining the *necessary modifications of the existing*

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<sup>20</sup> <https://alsat.mk/mk/dimitrov-ja-potpisha-ramkovnata-spogodba-za-prevod-na-pravoto-na-eu/>

<sup>21</sup> The Founding Treaties do not permit for dual legislation. Therefore, the legislation North Macedonia has adopted through the approximation process, in accordance with Article 68 of the Stabilization and Association Agreement, and which refers to issues prescribed by EU Regulations (directly applicable legal act) will be repealed at the time of accession to the European Union.

<sup>22</sup> Assuming that negotiations start at the same time, for North Macedonia and Albania, the two countries will negotiate separately with the Union. Of course, it is best if the Negotiating Group of North Macedonia takes into account the negotiations of Albania and in its negotiations points out needs or potential problems that should be taken into account and be regulated with the final agreement. However, regardless the fact that North Macedonia will not participate directly in those negotiations, as a future Member State, it will commit to accepting the outcome of Albania's negotiations.

*EU Legislation* that will have to anticipate the accession of North Macedonia, such as determining specific arrangements and safeguards. However, the Union will not make these modifications independently, but will do so together with North Macedonia and they will enter into force on the day of accession.

*The success of Negotiations is not measured by the number of set Transitional Period and Transitional Measures.* In fact, the European Union will strive to accept as few of them as possible. *The success of the Negotiations is not measured by the length of the set Transitional Periods.* The

Commission, as a negotiator on behalf of the Union, will insist on guaranteeing the functioning of institutions, the internal market and common policies. Hence, **successful Negotiations are those that engage all existing resources, are based on all existing planning processes, and take into account the needs of the citizens, industry and the state budget.**

#### ***Acquis Unionaire includes:***

- The content, principles, values and political goals of the founding agreements;
- Acts adopted by the EU institutions in accordance with the treaties, as well as the case law created by the Court of Justice with its decisions;
- Any other acts, whether legally binding and adopted within the Union, such as inter-institutional agreements, resolutions, statements, recommendations and guidelines;
- International agreements concluded by the Union, the Union and the Member States, as well as those concluded between the Member States relating to the functioning of the Union.

# CONFERENCE ON POLITICAL LEADERSHIP AND DIALOGUE

The standard for Negotiations says that they are conducted through **Intergovernmental Conferences**. Intergovernmental conferences in all international negotiations, and those for Accession to the European Union in particular, aim to provide political guidance and a platform for further dialogue between the negotiating parties. In this case, these are the Republic of North Macedonia and the European Union.

According to the new enlargement methodology and the Negotiating Framework, intergovernmental conferences are held once a year, following the adoption of the Enlargement Conclusions by the Council of the EU and the presentation of the Annual Enlargement Package. However, for the purpose of clarification, the Intergovernmental Conference will not start and end immediately, it can continue and be considered open for a longer period of time.

Negotiations are held under the leadership of the Presidency of the Council, i.e., the Member State holding the Presidency. Hence the engagement of Germany and the German Presidency for the adoption of the Negotiating Framework. Taking into account the previous, the Chair of the Intergovernmental conference, when it is at the Ministerial level, is the Minister of Foreign Affairs or the Minister of Europe from the country of the Presidency. If the conference is at a deputy or technical level, then the Chair is always the Head of the Host Delegation, i.e., the Union's.

Under the Union's rules, the Intergovernmental Conference is held in Brussels, except during periods when the Council meets in Luxembourg, where the seat of the Intergovernmental Conference will be moved. The new normal and the COVID-19 pandemic taught us that everything that was usually organized as a live meeting, can now be organized as a virtual meeting. Therefore, it should not come as a surprise that the Intergovernmental Conference is also organized as a virtual meeting.

The experience from Montenegro and Serbia says that Intergovernmental Conferences at ministerial level are held once a year, while conferences at deputy or technical level are held more often, as needed. Additionally, according to the needs, Conferences of Working Parties are organized for the needs of considering specific issues and achieving specific results.

# STILL IN THE FIRST PHASE OF ACCESSION

Those familiar with the process divide accession into **phase 1 - Monitoring and Screening**, **phase 2 - Negotiation and Accession**, and **phase 3 - Concluding Negotiations and Ratification**<sup>23</sup>. Each of the stages includes several steps that make up its content and the process as a whole. This division, as well as the stated steps, are not absolute truth. They are not part of the Negotiation Framework, but is a functional grouping of related activities of the Council of the EU, the European Commission, the European Parliament and the Member States, as well as the Acceding Country. Following this functional grouping of activities, North Macedonia is still in the first phase of accession. The Council of the EU decided to open negotiations with North Macedonia<sup>24</sup>, and the European Commission has already implemented the *Explanatory Screening*<sup>25</sup>.

In the Explanatory Screening, the main elements of EU Legislation were presented to the teams from North Macedonia. The presentations also explained the objectives of each of the presented acts, the implementation procedures, the ways of collecting data on the implementation and sharing them with the European Commission, etc. In the next step, *Bilateral Screening*, North Macedonia and its teams, after getting acquainted with the European Union Legislation in each of the chapters will be able to make a Gap Analysis and identify the necessary reforms, and will present them to the European Commission. Bilateral Screening is a closed conference in which Macedonian teams will work with European Commission teams. Following the completion of the Bilateral Screening, the European Commission will prepare a Screening Report which will then be adopted by the Council of the EU. The Screening Report contains an assessment of how much the country's legislation is in line with the EU Legislation in the relevant chapter or cluster and whether Negotiations can begin.

In the Screening Report, the Commission may propose, as well as any of the Member States, the fulfilment of specific reform measures as a condition for the opening of negotiations, or *Opening Benchmarks*. The Opening Benchmarks are determined as a way to prepare the country for further harmonization in the appropriate cluster or chapter, i.e., to set up the institutions needed for further harmonization. In some chapters or clusters, the Commission or the Member States may recommend that the Council decide on *Interim Benchmarks*. Interim

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<sup>23</sup> <https://eupregovori.bos.rs/progovori-o-pregovorima/faze-u-procesu-pregovora>

<sup>24</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_519](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_519)

<sup>25</sup> <https://www.sep.gov.mk/page/?id=101#YCUyr2hKg2x>

Benchmarks are being identified as a way to monitor compliance and progress by the state. Finally, Closing Benchmarks are set for some of the chapters. These types of benchmarks are determined in order to show the preparedness and direction of the negotiations, as well as the preparedness for the Ratification Procedures and the subsequent membership. If benchmarks are identified, then the European Commission will continue the monitoring in order to follow the reforms undertaken by the country. Through monitoring, the Commission will assess whether North Macedonia has met the benchmarks. If the country has made enough progress and fulfilled the benchmarks, then the Commission will recommend, and the Council of the EU will decide to open the negotiations in the specific chapter or cluster, to continue with the negotiations, i.e., closing the negotiations.

Determining the Closing Benchmarks and their fulfilment does not mean that the negotiations in the chapter, i.e., in the cluster is finally closed. It is only Provisionally or Temporarily Closed, which practically means that the Negotiations in the respective chapter have stopped and are considered completed until the completion of the whole Negotiations Process. At the end of the Negotiations, after all clusters and chapters have been Provisionally Closed, the Commission will prepare a final report assessing the situation in North Macedonia and the Preparedness to deal with the obligations arising from membership and will recommend to the Council of the EU that Negotiations are closed.

In each of the indicated cases of determining benchmarks, assessment whether they are fulfilled, Opening Negotiations, Resuming Negotiations, Provisionally Closing the Negotiations, as well as the Finally Closing the Negotiations, the decision is made by the Council of the European Union. The Council decides in the usual way for Enlargement Policy, or by unanimity.

## IT ALL DEPENDS ON US

The new methodology for enlargement talks about the Negotiations as a dynamic process, and predicts that the country will negotiate for each of the clusters for one year. Practically, this means that in a period of 6, or a maximum of 7 years, North Macedonia should complete the Negotiations. If the Negotiations start this year, then it could be expected that in 2028, North Macedonia will become a member of the European Union. This Date of Accession sounds far-fetched, but the length of the Negotiations between 6 and 7 years is at the level of the length of the Negotiations of the new member states from 2004, 2007 and 2013.

At the end of the Negotiations, the contracting parties will set a Date for Accession, which is related to the need to specify some provisions relating to the work of the EU Institutions and especially the financial implications of Accession. Although the Date of Accession is being discussed at the end of the Negotiations, it should be considered from the very beginning. In that way, the state will set a goal and determine the dynamics of the process. Although the Council and the Member States steer the negotiations, it all depends on us.

# ROADMAP FOR ACCESSION

The First Intergovernmental Conference will not bring to an actual start of the Negotiations. It will be opened; we will hear the Opening Statements of the Presidency and the one of our State Delegation and will be closed. The actual start of Negotiations will happen at the Second Intergovernmental Conference, and until then a lot of work lays ahead of the country. For the start of Negotiations with North Macedonia, the European Commission in the proposal of the Negotiating Framework proposes three Opening Benchmarks for the first cluster:

- **Roadmap for the Rule of Law** containing the priorities for action and achieving full compliance in Chapters 23 and 24;
- **Roadmap for Public Administration Reform** that will guarantee the functionality of the State in the process and the future functionality of the Union; and
- **Roadmap for the Functioning of Democratic Institutions** that will guarantee the values of the Union, above all democracy.

With the preparation of these three Roadmaps, North Macedonia will determine priorities for action and achieve full compliance in the chapters of the first cluster. Only after the Roadmaps are prepared, and the Council of the EU is satisfied with them and the level of preparedness of North Macedonia, it will unanimously decide to Open Negotiations in the first cluster. That is why the First Intergovernmental Conference marks the formal start of Negotiations, but the Second Intergovernmental Conference marks the beginning of actual negotiations. However, until the adoption of the proposal for the Accession Negotiation Framework for North Macedonia, the Roadmaps will continue to be only part of the Council Debates without any change, even without knowing exactly what these documents will contain.

In anticipation of the start of negotiations, North Macedonia has not made significant progress in implementing reforms. The latest Action Plans were the popular “**3-6-9**”<sup>26</sup> or “**Plan 18**”<sup>27</sup> and were an extremely narrow and focused at the making sure that there is a decision to Open Negotiations. In the same period, the last **National Program for the Adoption of the Acquis** was

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<sup>26</sup> <https://vlada.mk/plan-3-6-9>

<sup>27</sup> <https://www.mioa.gov.mk/?q=mk/node/2077>

adopted in 2017<sup>28</sup>, and refers to the period 2017-2019<sup>29</sup>. There is no justification for such delay, especially given the fact that Article 68 of the Stabilization and Association Agreement is broad enough and with its obligation to do approximation of the national legislation it covers all of the European Union Legislation. If we really want to “*Bring EU standards home*”, then we have serious work ahead of us, not only for the preparation of the Roadmaps, but also for its persistent monitoring. On the other hand, pending the Bilateral Screening and Gap Analysis, the European Commission has not made significant progress in the process and has not yet begun preparations, nor it has determined the structure and contents of the Roadmaps.

This Accession Roadmap is here and it is clear enough. Unfortunately, the path of the Republic of North Macedonia towards the EU forms a vicious circle again. To get out of the circle requires a bold solution, and given the need for a geopolitical approach to enlargement<sup>30</sup> and the announced geopolitical Union<sup>31</sup>, this time the bold solution should be from the Union. Even in the absence of an adopted Negotiating Framework, the European Commission can propose and the Member States can agree to continue the process. The next phase should include some form of a “Bilateral Screening” for the first cluster that will end with prepared Roadmaps as provided for in the proposed Negotiating Framework.

Moreover, if this approach is approved, the European Union will not lose anything. Namely, in July 2018, the European Commission decided to start the Explanatory Screening, although there was no decision for Opening of Accession Negotiations. In the period from September 2018 to February 2020, North Macedonia passed almost all chapters of the explanatory screening, without the country entering a new phase of Accession. If the Commission is given the task to conduct Bilateral Screening only for the first cluster, it will be a direct contribution to the respect of European values, and thus support for future Negotiations, whenever they begin.

The approval of “Bilateral Screening” for the first cluster can be used as a tool for informing and maintaining the accession support of our citizens. Given that accession has taken too long, and bilateral disputes are the main reason for the delays in the process, the support that Macedonian citizens give to accession is

<sup>28</sup> <https://www.sep.gov.mk/post/?id=13#YB6cROhKg2x>

<sup>29</sup> [https://www.sobranie.mk/content/%D0%9D%D0%A1%D0%95%D0%98/00\\_NPAA2017\\_Vlada\\_31.07.2017.pdf](https://www.sobranie.mk/content/%D0%9D%D0%A1%D0%95%D0%98/00_NPAA2017_Vlada_31.07.2017.pdf)

<sup>30</sup> [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649332/EPRS\\_BRI\(2020\)649332\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649332/EPRS_BRI(2020)649332_EN.pdf)

<sup>31</sup> [https://ec.europa.eu/commission/presscorner/detail/es/speech\\_19\\_6408](https://ec.europa.eu/commission/presscorner/detail/es/speech_19_6408)

declining<sup>32</sup>. On the other hand, the approval of “Bilateral Screening” if properly communicated, can be an instrument for instilling additional confidence in European citizens about how serious the approach of the EU and how strict the control exercised by Member States are. Finally, in these exciting times, for a portfolio such as the Enlargement, it could be an additional success for Commissioner Várhelyi.

Seen through the prism of the relations between North Macedonia and Bulgaria, the approval of the “Bilateral Screening” can be presented as a timeframe for overcoming the bilateral problem, i.e., additional pressure on both countries and time limit for these bilateral negotiations. Namely, at the moment when North Macedonia and Bulgaria will overcome the bilateral dispute, we will only be far more prepared for Negotiations and harmonized with the European Union Legislation.

The majority of citizens, as many as 56%, do not agree with the view that “the government and institutions have the capacity to implement reforms without external pressure”<sup>33</sup>, although in the past three decades of independence there have been examples in which we have successfully dealt with these challenges. For the success of this “Bilateral Screening” partnership is crucial. A partnership in the format of the former twinning. *First*, a partnership between North Macedonia and one or more, or all Member States, as well as a partnership between the Government and the European Commission. This partnership will mean a guarantee that the prepared Roadmaps will be appropriate, and the identified priorities will really mean improving the situation in the specific area and further harmonization with the Union. The second is a partnership between the European Commission and Civil Society. This partnership will help, while we “*Bring EU standards home*”, to explain to citizens why each of the individual reforms is needed, how they will change their quality of life, and will be an additional check on the commitment of the institutions.

The transition to this form of “Bilateral Screening” without expecting to immediately open the Negotiations in the first cluster is not the best option for the country. But this form of “bilateral screening” will improve the level of preparedness of the country, will contribute to improving the level of Rule of Law and the Functioning of Democratic Institutions, which will mean success in future Negotiations, when they begin. Probably even an opportunity for faster progress in them. Finally, the transition to this form of “bilateral screening” will allow further progress in terms of obligations to approximate national legislation with that of the Union, as well as it will be an opportunity for the

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<sup>32</sup> <https://mcms.mk/en/news-and-publicity/news/2285-grajanite-se-somnevaat-vo-kapacitetot-na-vlastite-za-sproveduvanje-reformi-bez-nadvoreshen-pritisok.html>

<sup>33</sup> Ibid 22

Government to boast that the process of Accession to the European Union has not been completely stopped, while working to keep its word on **bringing EU standards home**.

