

**Macedonian Centre for European Training**

**A COUNCIL, A BIT OF MONEY, AND LOTS  
AND LOTS OF FRIENDS!**

(Green Paper)



Skopje, 14<sup>th</sup> November 2007

The purpose of this Green Paper is to initiate further discussion/debate about the way the Republic of Macedonia will be able to secure a positive Progress Report for 2008 by the European Commission containing a recommendation for starting negotiations. The Progress Report of the Republic of Macedonia for 2007, along with the subsequent events thereafter was the direct motivation of the Macedonian Centre for European Training to contribute to facilitating the accession process of our country within the EU. Therefore, we established a team of seven MCET-members, and this Green Paper came about after several days of difficult analysis. This document contains some recommendations (thesis) that are subject to further discussion. The Green Paper will be distributed to the Government and the governmental institutions, the Parliament of the Republic of Macedonia, political parties, non-governmental organizations and the media. Within 2-3 weeks we plan to organize a round table discussion with representatives of all stakeholders to revisit and improve the recommendations hoping to come up with a product that could prove helpful to the Government of the Republic of Macedonia.

**Macedonian Centre for European Training**



Andreja Stojkovski  
President

## Profile of the Organisation

<b>Title:</b>	Macedonian Centre for European Training Non-profit organisation
<b>Address:</b>	Kole Nedelkovski 12/1, 1000 Skopje Republic of Macedonia
<b>Telephone/Fax:</b>	+389 (0)2 321 75 12; 3217-513
<b>E-mail:</b>	<a href="mailto:mcet@mcet.org.mk">mcet@mcet.org.mk</a>
<b>Established:</b>	December 2002
<b>Established by:</b>	Pool of 26 certified EU Trainers
<b>Chairperson:</b>	Mr. Andreja Stojkovski
<b>Exec. Director:</b>	Ms. Lidija Dimova
<b>Mission:</b>	The Macedonian Centre for European Training supports the accession of Macedonia within the EU by means of professional training, consultancy, advocacy and policy development.
<b>Vision:</b>	The Macedonian Centre for European Training is a catalyst for enhancing standards and capacities of governments, industries, institutions and individuals.
<b>Field of expertise:</b>	European integration process; objectives and principles of EU; structures, bodies and institutions of EU; legal system and legislative instruments, competencies and decision-making procedures; Common Commercial Policy; External Relations; Common Foreign and Security Policy; EU Enlargement; Internal Market; EU Twinning Instrument, Good Governance, Economic and Monetary Union; Budget of the EU; Common Agricultural Policy; Policy of Economic and Social Cohesion; Community Programmes, Gender Equality Policy, Cooperation in the fields of Justice and Home Affairs, Stabilization and Association Process, Institutional development, Strategy and Policy Planning, Local administration etc.
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## **Executive Summary**

If all citizens and political forces in this country agree on one thing – that is the membership of the Republic of Macedonia with the European Union. Acquiring the candidate-country status in December 2005 was a recognition for the reforms undertaken by the Republic of Macedonia. The accession process is an on-going assessment of the quality of the reforms implemented, including the approximation of legislation to evaluate whether the country is ready to enter into the new stage – launching of the negotiations for EU membership.

Recently, we are hearing that “the date for negotiations doesn’t matter<sup>1</sup>, what matters are the reforms”<sup>2</sup>. This Green Paper provides arguments to illustrate the fact that such an opinion is not only incorrect, but also dangerous. We cannot stress enough how important it is to obtain a recommendation for starting the EU-membership negotiations – the sooner, the better! The last big enlargement shows that the negotiations are time-consuming technical discussions - the so-called negotiations – that last in average 5-6 years. This means that even with the best scenario, if the Republic of Macedonia obtains a recommendation for getting a date for negotiations next year, the actual membership can be expected not sooner than 2014.

The other unfavourable message is - the longer the negotiations are postponed, the more difficult they will be. The European Union does not stand still – it integrates further and further. There are no obstacles on the level of the EU any longer; the so-called “absorption capacity” of the EU is now settled. The new Enlargement Strategy 2007-2008 of the EU clearly emphasizes the benefits from the last enlargements and confirms its intention to go further with enlargement. Free from any burden on the part of Brussels, this government has the historical opportunity to seal the European integration process of our country.

Acquiring a date for negotiations is a demanding process of continuous political dialogue, technical-administrative adaptations, endless lobbying of European structures and eternal promotion of the Republic of Macedonia to EU Member-States. Subsequently, apart from the fact that our country must to do its homework, Macedonia should – as soon as possible – find “friends”, lots of friends, inside and outside.

The “insiders” will need to act within the framework of the newly established Council for EU integration, representing the interests of civil society, the business sector and the unions. The Council, the Government and the Parliament – together - will be more efficient in securing a positive Progress report for 2008 containing a recommendation for setting a date for starting the negotiations, and in raising public awareness and critical thinking concerning EU issues, more in the sense of European values than in the sense of money and obligations.

The outsiders will be the friends that we will have to make wisely. This Green Paper contains recommendations on how to use EC financial assistance to create added value, within the framework of a well-conceptualized approach and focused efforts, which will lend a hand in establishing such sustainable “European” ties.

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<sup>1</sup> The correct term is “recommendation for starting negotiations“ however, this Green Paper is also using the term “date” since it is publicly better known and understood.

<sup>2</sup> Statement given by an anonymous source from the Government for the daily “Vreme”, 6<sup>th</sup> November 2007, titled “Government: the best report so far!”

## 1. DATE NOW!

The European Union went through significant changes in the last decade. The enlargement towards Central and Eastern Europe with ten new Member-States in 2004 and an additional two in 2007 profoundly changed the essence of the European Union. Whether we like it or not, the fact is that the Eastern Enlargement is the biggest enlargement in the history of the European Union that left deep traces on further enlargements.

Why do we need a date – **NOW**? The short answer to this question is – the later the negotiations start, the later the country becomes a Member-State of the European Union. The longer answer is that: 1) the European Union has no second thoughts about new enlargements any longer; 2) the negotiations are a process that follow specific procedures that are very time-consuming, in average 5-6 years<sup>3</sup>; and 3) the later this process starts, the more “issues” to settle.

### A. Doors Wide Open!

If we believed that in the last few years the European Union had some dilemmas about future enlargements and that such second thoughts were adverse to Macedonian’s accession within the EU, today we can say that these dilemmas have disappeared. In its Enlargement Strategy 2005-2006, EU tied future enlargements with its own absorption capacity<sup>4</sup> to receive new Member-States referring to specifically its own institutional capacity, but also the financial implications of the enlargements on its internal policies. In its new Enlargement Strategy 2007-2008, the European Union no longer relates the issue of enlargement with its own internal reforms. The Strategy clearly identifies the benefits from its last enlargements (enhanced stability on the European continent, increased economic prosperity and competitiveness of the European economy, as well as improved position of the EU on the international scene) and reiterates its intention to continue with enlargement. In terms of the Republic of Macedonia, a confirmation of the changing climate can be seen from the fact that the European Partnership “grew” into an Accession Partnership which reflects the political will in Brussels.

So, the doors are wide open for all countries determined and ready to do their homework and bring their societies closer to the European societies.

**The Government must build onto this proactive European enlargement policy** and respond with appropriate dynamics and quality reforms if it wants to secure a date for starting negotiations for EU membership. Alleviated from the climate in Brussels, the Government has the historic opportunity to seal the European integration process of our country. Appreciating the importance of the reforms in society, the recent thesis disseminated along the lines that “the date is not important, what matters are the reforms” is not only incorrect, but also dangerous. The experience from the last Member-States, as well as the experience from the Stabilization and Association Process show that European integration is the main drive for reforms in the societies, but at the same time, an objective controller of their quality.

### B. One Thing is to Plan, Another is to Do!

Macedonia has no time to waste since the reality is the following – once the European Commission gives a recommendation for starting negotiations for membership, the Council of

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<sup>3</sup> Average time, from the start of the accession negotiations to actual membership, of EU’s last wave of enlargement in 2004/2007 was 68,5 months (5,66 years).

<sup>4</sup> See page 15, Enlargement Strategy 2006-2007.

the EU shall accept the recommendation and determine a date for launching the negotiations. On the other hand, the beginning of the negotiations is tied up with the adoption of an appropriate negotiation framework according to which the European Commission will be given the mandate to negotiate the positions previously agreed by the Council of the EU. All that requires *time*. While the Member-States develop their positions on the various chapters, the European Commission starts the so-called screening process of the legislation of the country, in this case the Republic of Macedonia, prior to the official start of the technical discussions per chapters, better known as negotiations.

Once the European Commission recommends starting of accession negotiations in the last Progress Report of a given country, the Council of the EU is the institution that will adopt a decision to initiate the negotiations which is not always accompanied by a date. From previous enlargements we can see that it takes at least 6 months to develop the negotiation framework. Then, the European Commission needs to translate the concept into specific terms and conditions and determine the priorities in the form of a working document. The screening process itself lasts for about a year. The purpose of the screening is to provide for a detailed explanation of the scope of the *acquis* – chapter per chapter – and to look into the plans of the candidate-country to transpose and implement the *acquis*. The screening process enables the European Union to determine its negotiations position. Finally, judging from the technical discussions conducted so far, the negotiations last approximately 5-6 years.

**Table 1 – Last Enlargements 2004/2007**

Country	EA signed	EA in force	Membership application	Started negotiations	EU-MS	Negotiations <sup>5</sup> (months)
Hungary	12/91	02/94	03/94	March/98	May/04	75
Poland	12/91	02/94	04/94	March/98	May/04	75
Slovenia	06/96	02/98	06/96	March/98	May/04	75
Estonia	06/95	02/98	11/95	March/98	May/04	75
Czech Republic	10/93	02/95	02/96	March/98	May/04	75
Cyprus	12/72	06/73	07/90	March/98	May/04	75
Latvia	06/95	02/98	10/95	Feb./00	May/04	51
Lithuania	06/95	02/98	12/95	Feb./00	May/04	51
Slovak Republic	10/93	02/95	06/95	Feb./00	May/04	51
Malta	12/70	04/71	07/90	Feb./00	May/04	51
Bulgaria	03/93	02/95	12/95	Feb./00	Jan./07	84
Romania	02/93	02/95	06/95	Feb./00	Jan./07	84
Turkey	09/63	12/94	04/87	March 2001 partnership	?	

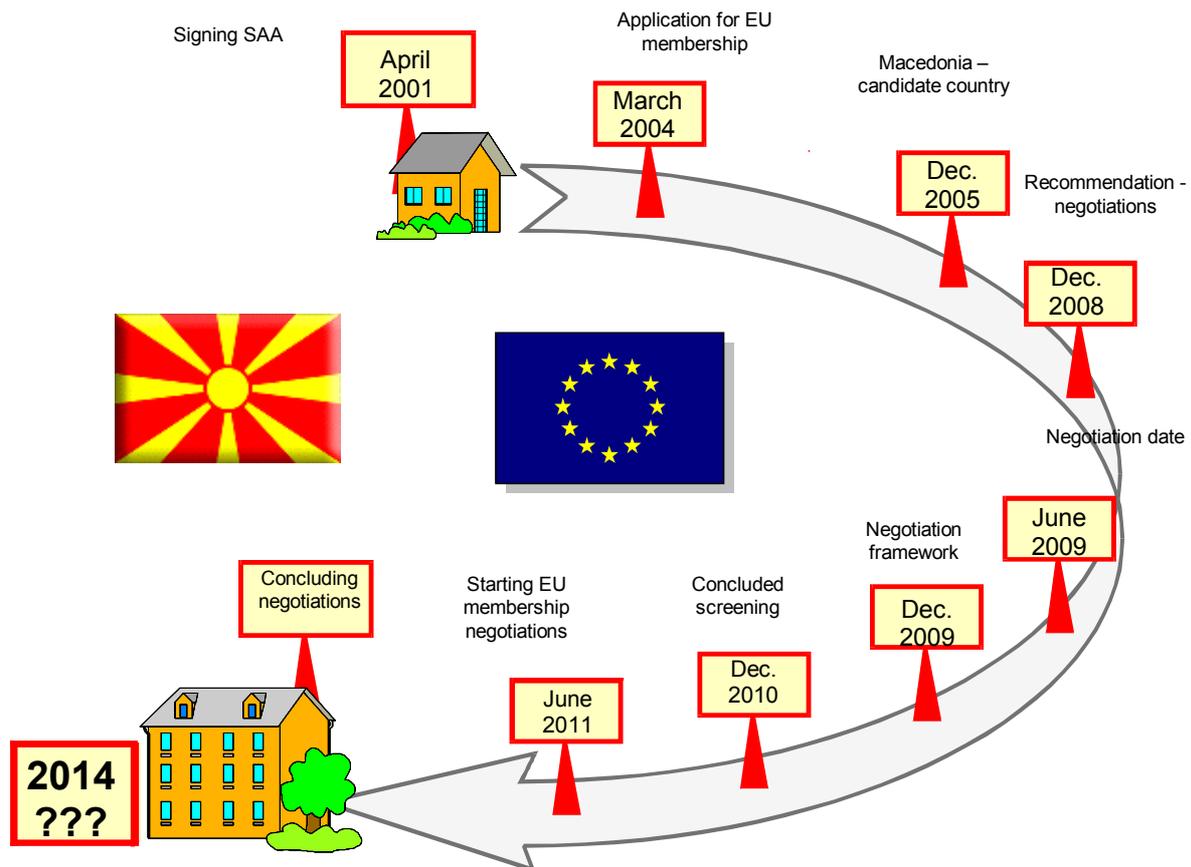
**Table 2 – Western Balkan countries**

	SAA signed	SAA in force	Application	Started negotiations	EU-MS	
Croatia	Oct./01	Feb./05	Feb./03	March/Oct./05	?	
Macedonia Македонија	April/01	April/04	March/04	?	?	

<sup>5</sup> Including the ratification period by EU Member-States.

The table shows the time that each country spent in the process that the Republic of Macedonia will need to go through as well.

If that is the case, and bearing in mind the previously illustrated dynamics starting from obtaining a recommendation for starting membership negotiations, followed by receiving a date, drafting the negotiation framework, concluding the screening process, opening negotiations and finally, closing the negotiations in all chapters, then, the most optimistic scenario for the Republic of Macedonia is illustrated below using the frequently used chart on the history of the European Union.



**Illustration 1 - Most optimistic scenario for the Republic of Macedonia**

### C. The Later, the Harder

The later the negotiations start, the more additional topics are put on the negotiations agenda. Why? Because the European Union does not stand still, it integrates further and further, new policies are being developed, new opportunities are taken advantage of. The more dynamic the European integration, the more additional "issues" to negotiate. On the one hand, its better to have an accelerated European integration process since that helps the enlargement climate, but on the other hand, the more dynamic the integration, the more difficult it is to conclude the negotiations that will take us to our desired aim – EU-membership. The Republic of Macedonia has already gone through such a practice when the

conclusion of the Stabilization and Association Agreement was conditioned with signing Readmission and Facilitation Agreements.<sup>6</sup>

#### **Schengen Acquis – Slovenian Case**

During the 2004 enlargement period, the European integration was most dynamic in the field of Justice and Home Affairs. The European Commission, as the driving force of integration, started to draft massive legislation in the areas of visa, asylum and migration. The Member-States took up the obligation to implement the acquis, but also had adequate time for preparations. Naturally, such a "transition" period was not available for the acceding-countries and they had to have the acquis in place during their accession negotiations. The choice for them was very clear – if they wanted to be part of the EU, the whole corpus of *acquis communautaire* had to be adopted and implemented!

The most drastic example is Slovenia. In the course of the negotiations, Slovenia had external borders with Austria and Italy (EU Member-States at the time), with Hungary (acceding-country just like Slovenia) and with Croatia (country going through the Process of Stabilization and Association). In the accession process, Slovenia had to guarantee secure borders which implied substantial finances that probably made no sense with the Austrian and Italian borders (since these borders will immediately become internal once Slovenia enters the EU). The obligations however, was to take over the whole corpus of the acquis, and Slovenia had to abide by it. That, in effect, meant that Slovenia had to build and equip border-crossings in the part with Austria and Italy, only to dismantle them a few years after. The Integrated Border Management that the Republic of Macedonia is trying to implement is a concept that came about later, but it has the same purpose – to secure the borders, among other things.

In the course of negotiating with Bulgaria and Romania, the strategic documents stressed that the countries continued to meet the political criteria for EU membership, but that „improvements must be made, especially in the reform of the public administration, the functioning of the judicial system and the fight against corruption“. Although the same principles apply to other candidate-countries, their implementation is monitored more closer. If we take the example with Croatia, it becomes obvious that negotiations for membership will be longer, but also more difficult. Namely, Croatia's start of negotiations was conditioned with the surrender of Ante Gotovina. Therefore, it will not be surprising if "sudden" conditions will spring to the surface the longer the beginning of the negotiations is postponed.

Due to the fact that the last Progress Report of the Republic of Macedonia from November 2007 does not contain a recommendation for starting negotiations for EU-

membership, it will be reasonable to expect that the negotiations will be more difficult, more complex and longer – probably much more difficult compared to those of Bulgaria, and even to those of Croatia.

#### **D. Conclusion**

If the **Government of the Republic of Macedonia publicly takes up the obligation to secure a recommendation for starting EU-membership negotiations in the Progress Report for the Republic of Macedonia in 2008**, it will enhance its credibility to seek collaborators and active supporters of the reforms from the opposition, and the academic, business and non-governmental sectors. Such an aim could send out a mobilizing message to the public administration and serve as an incentive to accelerate its performance, in terms of

<sup>6</sup> This new obligation for the Republic of Macedonia stemmed from the fact that the Treaty of Amsterdam was in force when Macedonia signed the Stabilization and Association Agreement. The Amsterdam Treaty, for the first time, transferred the areas of visa, asylum and migration on the level of the European Communities (first pillar – obligatory for all Member-States).

better quality results and more professional conduct. Finally, the citizens of the Republic of Macedonia have the right to get a clear message from the Government concerning its plans for the European future of our country.

In all key stages of integration of our country within the EU, the Parliament of the Republic of Macedonia has expressed its readiness by obliging itself, within its competence, to contribute to this process by means of adopting Declarations. Three such Declarations have been adopted so far, those being: a) Declaration on the development of the relations between the Republic of Macedonia and the European Union, adopted in February 1998 following the entering into force of the Cooperation Agreement with the European Communities; b) Declaration on improving the level of the relations with the European Union, adopted in November 2000 upon the initialing and signing of the Stabilization and Association Agreement with the EU; and c) Declaration on the submission of an application for EU membership, adopted in February 2004 by which the Government of the Republic of Macedonia was given the "mandate" to submit the application for membership.

Therefore, should the **Parliament adopt a new Declaration** bearing in mind the acquired candidate-country status of our country with which it would "demand" a date for starting membership negotiations from the European Union? The Declaration will, yet again, stress our strategic aim – EU membership – and the Parliament will oblige itself to overcome the problems noted in the Progress Report for 2007, thereby insisting from the EU institutions to receive clear and specific conditions that the Republic of Macedonia has to meet to start negotiations.<sup>7</sup>

## 2. HOW TO GET A RECOMMENDATION FOR STARTING NEGOTIATION?

Obtaining a date for starting negotiations is a demanding process of continuous political dialogue, technical and administrative adaptations, endless lobbying European structures, and eternal promotion of the Republic of Macedonia in EU Member-States. Subsequently, apart from the fact that our country must to do its homework, Macedonia should – as soon as possible – find “friends”, lots of friends!

### A. Comprehensive societal process

*"...The Declaration stresses the full commitment of the political forces represented in the Parliament to act towards fulfilling the Copenhagen criteria."*  
(Declaration on the submission of application for EU membership of the Republic of Macedonia, February 2004)

The accession process of the Republic of Macedonia must involve all stakeholders and thereby determine their rights, obligations and responsibilities. The accession within the European Union is a dynamic and comprehensive societal process. The acceding- countries find themselves undergoing continuous reforms as to meet the membership criteria as their ultimate goal. This lasting process demands noting the progress made from one phase into another in an objective manner, implying: 1) political consensus; 2) fast, but good quality approximation of national legislation with the *acquis*; and 3) transparency and public involvement.

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<sup>7</sup> This Declaration should be sent to the President of the Republic of Macedonia, the Government, the Council of the EU, the European Parliament, European Commission, and to the Parliaments of the Member-States.

## **Council for European Integration<sup>8</sup>**

*"... frequent tension and problems in achieving constructive dialogue between major political actors undermined the effective functioning of the political institutions and led to a slowdown in reforms. The short-term priorities of the European Partnership have been partially fulfilled."*

(Enlargement Strategy and Main Challenges 2007-2008)<sup>9</sup>

The European Commission notes serious shortcomings in the part dealing with the political criteria of the Progress Report for the Republic of Macedonia for 2007. Such an assessment may gravely jeopardize further progress. The European Commission has given out the signal that accession negotiations of candidate-countries can be suspended if they are not able to fulfill the Copenhagen criteria. Promising to deliver the reforms will no longer suffice. On one occasion, the Enlargement Commissioner, Mr. Olli Rhen, said: "This clause is not included in the accession agreement for nothing. It is a serious clause and we will not hesitate to use it".

Following the publication of the Progress Report of the Republic of Macedonia 2007 of the European Commission, the opposition came up with several proposals for improving the accession process of our country. Undoubtedly, the opposition has a role to play if we want a recommendation for starting negotiations in the Progress Report for next year. The establishment of the Council for European Integration is a sign that the political crisis in the Republic of Macedonia can be overcome. Actually, the establishment of a Council for European Integration has been (and will be) a practice in almost all acceding countries. By rule, the opposition chairs this Council. Even the Analytical Report of the European Commission on the Republic of Macedonia for 2005, when we actually acquired the candidate status for our country, states<sup>10</sup>:

*„In March 2005 the government decided to set up a Council on EU integration, composed of members of the Parliament and representatives of civil society. While it could play a substantial role in promoting consensus on EU-related issues and reviewing the progress made, it has not yet been put in place.“*

We support the initiative to establish such a Council, but we also think that its composition should be expanded. Namely, apart from representatives of civil society, representatives from the business sector and the unions<sup>11</sup> should also be included. The first task of the Council would be to review the Progress Report for the Republic of Macedonia 2007 and provide an objective assessment of the progress made accompanied by recommendations for future action of the Government. The Deputy President of the Government of the Republic of Macedonia and Minister in charge of European Affairs, Mrs. Gabriela Konevska-Trajkovska, also stated that the Government will come up with a detailed analysis of the remarks of the European Commission and develop an action plan to implement

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<sup>8</sup> This body is called Council for EU integration within the Analytical Report for the Republic of Macedonia for 2005.

<sup>9</sup> Communication from the Commission to the Council and the European Parliament – Enlargement Strategy and Main Challenges 2007-2008; Brussels, 6.11.2007; COM(2007) 663; p.36.

<sup>10</sup> Excerpt from the Analytical Report for the Republic of Macedonia 2005, p.18. In addition, the Declaration from 1998 specifies that there is a need to establish a coordination body for parliamentary activities related to Euro-atlantic integration.

<sup>11</sup> Due to the fact that the Republic of Macedonia will participate in the Competitiveness and Innovation Programme – CIP (for innovations of enterprises) and the Community Programme "Progress" (for employment and improving social policies), the business sector and the Unions are stakeholders and they ought to be involved especially seen from the context of the Renown Lisbon Agenda of the EU.

the Accession Partnership.<sup>12</sup> It would be desirable to have this Action Plan put to the test and discussed on one of the sessions of the Council for European Integration.

### **Laws (Policies) to Fit Needs**

*“The government, in pursuit of its stated objective of having all the legislation for 2006 and 2007 adopted by the end of the summer, stepped up its efforts on legislative drafting. It managed to catch up partially, but without always giving sufficient attention to the quality and enforceability of legislation.”*

(Progress Report on the Republic of Macedonia for 2007, European Commission)<sup>13</sup>

The obstructed functioning of the institutions causes delays in the process of transposing the *acquis* into the legislation of the Republic of Macedonia. The need to make up for the lost time and reduce the number of legal acts lagging behind brought us to the other extreme. While making up for the quantity, the quality of the adopted acts, especially their applicability, was neglected completely, which was also noted by the European Commission in the Progress Report. This is a real problem in terms of the ability of taking over and implementing the *acquis* in a good quality manner.

The Republic of Macedonia adopted the National Programme for Approximation of Legislation (NPAL), as the main instrument for monitoring the process of transposition of the *acquis*. The Programme is a schedule – short and medium term – of all legal acts that need to be taken over. This Programme, by rule, is accompanied by an Action Plan of all of the *acquis* that the Republic of Macedonia needs to adopt before becoming an EU Member-State, that way, effectively incorporating EC-law into national legislation. Moreover, this Programme should enable the compliance of national legislation with the already determined European standards from relevant fields.

In order to get through quicker the legislation stemming from the NPAL, in accordance with the Action Plan, these legal acts "carry the EU flag" when they enter into the parliamentary procedure. The purpose of such notification is to ensure priority adoption of the laws related to our strategic aim – EU membership – therefore, the adoption of these laws should not be disputable. Unfortunately, such an agreed procedure proved to have a series of shortcomings. Namely, the NPAL contains legal acts that are not related to EU accession, as a result of which: (1) The Programme is overloaded and the adoption of the relevant laws is slowed down thereby the legislative institution is "manipulated" while the Members of Parliament are dealing with various legal solutions in the name of the EU such as the National Action Plan for Early Detection and Prevention of Diseases on Reproductive Organs at Women; (2) The Laws from the NPAL do not get priority treatment and are not scheduled immediately once they are sent into the Parliament. In the course of this last year, the Parliament discussed more about "some odd" draft-laws than it discussed the European laws; and (3) The timetable included in the NPAL is not sufficient, since the programme and the deadlines therein are not adhered to.

In the same token, the Progress Report, concerning the approximation of legislation, states that “the transparency of the legislative drafting process remains limited and prior consultation of stakeholders unsystematic”<sup>14</sup>. Obviously, the Parliament of the Republic of

<sup>12</sup> Statement given on national television immediately following the publication of the Progress Report by the European Commission, 7 November 2007.

<sup>13</sup> Commission Staff Working Document – Republic of Macedonia 2007 Progress Report; Brussels, 6.11.2007; SEC(2007) 1432; p. 7.

<sup>14</sup> Progress Report on the Republic of Macedonia for 2007 of the European Commission, 6 November 2007, p. 9.

Macedonia will have to contribute since it is THE institution that adopts the EU-marked laws. The European Commission will conclude that the Parliament is functioning if EU-related debates are being scheduled on regular basis, and, if possible, these debates are happening before the laws reach the Parliamentary procedure. **If the Government wants to ensure smooth adoption of the EU-related laws, it must introduce a consultation mechanism when the laws are in the governmental procedure** (in the process of law-making), while the discussions and debates must take into consideration the latest EU developments of that specific policy.

The adoption of the *acquis* must stem from a process of political planning and previous presentation of the EU policy in that given area. Inevitably, the NPAL must be "cleansed" and the deadlines specified adhered to. **The President of the Parliament must give priority to these laws and schedule them on the agenda of the Parliament.** The process of approximation of legislation must also be accelerated.

#### **Example**

**If the programme for 2008 provides for full harmonization with EU gender equality policy, and the Government deems that it must amend the Labour Code to comply with Council Directive 75/117/EEC on equal pay for work of equal value, then the discussion about the contents of this Directive, the policies it covers, and the benchmark cases from the European Court of Justice that have shaped and more clearly defined the protection of women, should be reviewed in the Parliament previously (or maybe in the Council for European Integration) by involving relevant stakeholders (in this case women's non-governmental organizations, unions and employers) so that the Members of Parliament will know which amendments should (or should not) be sought once the draft-law enters into the parliamentary procedure<sup>15</sup>.**

#### **Inclusive Policy**

*"...The Parliament shall be obliged to give its full contribution to the fulfillment of the obligations, and it will accelerate and synchronize the process of approximation of national legislation with that of the EU, on transparent basis, thereby raising public awareness about the benefits of the EU membership of the Republic of Macedonia..."*

(Declaration on improving the level of the relations with the European Union, November 2000<sup>16</sup>)

Although still significant, the support of the citizens for the accession of the Republic of Macedonia within the European Union is slowly decreasing, above all, due to the lengthy process, their limited involvement, and especially due to misinformation. Full involvement and introduction of special rules of the game according to which this process will be conducted is a requirement that must be met as to ensure participation of all stakeholders and prevent further obstacles in later stages of implementing planned activities. Therefore,

<sup>15</sup> It is deemed that this Directive has been transposed into our legislation however, the Directive cannot be seen separate from the overall gender equality policy of the EU. This means that Article 141 of the Amsterdam Treaty, and Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex must be taken into consideration. It will prove quite useful if the case law from the European Court of Justice that is relevant for the current situation in the Republic of Macedonia in order to get the real impression about this EU policy. In other words, due to the fact that the Collective Bargaining Agreements are still not signed in Republic of Macedonia, one should take into consideration that the Directive prescribes that the courts should make void or amend the provisions opposed to the principle of equal treatment incorporated into the Collective Bargaining Agreements, the internal rules of companies, or the rules applying to the independent vocations and professions thereby quoting Case 165/82 (Commission vs. United Kingdom from 1983) concluding that this shall apply to both legally binding and non-binding contracts.

<sup>16</sup> Similar is the Declaration from 1998: "... to stress the determination of the Parliament of the Republic of Macedonia to accelerate the process of approximation of national legislation with that of the EU; to provide for publicity of the decision-making process concerning the relations with the EU and raising public awareness..." as well as the Declaration from 2004.

consultation should take place before the law or the legal act reaches the final phase. For that purpose, **the Government** – and maybe the Parliament – **should adopt Minimum Requirements for Consultation** along the lines of those used in the European Union<sup>17</sup>.

The role of civil society is unquestionable when it comes to the accession of the Republic of Macedonia into the European Union, but also in promoting our country outside its borders. One of the lessons learnt from Central and Eastern Europe is that after they became Member-States in 2004 they had come to realize that their societies were not really ready for the EU. The whole intensity of the negotiations was concentrated on the level of the government thereby building the capacity of central government, but neglecting the rest of the society. When they became Member-States, the EU institutions (and other EU entities) employed a large number of employees from these countries, and – as one could have predicted – most of these employees originated from the public administrations. The countries found themselves in an adverse predicament since their institutions weakened, while the rest of their societies proved to be completely outside the European processes. This lesson Macedonia must learn on time!

To prevent this from happening, Macedonia must open up the accession process as much as possible<sup>18</sup>, and that is only feasible by involving civil society in the European integrations with appropriate financial support. Following the example of the EU Mission in Skopje, that consulted the civil society sector in the process of adoption of the Multi-annual Indicative Planning Document for the Republic of Macedonia 2007-2009, as well as the IPA Operational Programme 2007, the Government must find mechanisms to consult the sector on regular basis. In addition, the Government could develop – in consultation with the civil society – a framework for more organized action on the part of the organizations that will receive funds from European programmes for promoting the Republic of Macedonia in the EU Member-States through the partner-organizations participating in the same projects. Such a framework must provide for means of obtaining selective and comparable information (which is different from reporting) which could be built onto to produce added value.<sup>19</sup>

## **B. European Money for Lobbying Purposes**

The Government must be prudent and develop an approach that will take the Republic of Macedonia closer to its ultimate aim – EU membership. This process should evolve around two types of activities/foci: diplomatic, through our embassies in the EU Member-States<sup>20</sup>, and financial with resources planned in the budget for 2008. The budget support for these activities should be analyzed from two aspects – The Republic of Macedonia as a beneficiary of European funds (referring not only to the Instrument for Pre-accession Assistance – IPA, but also other funds coming from the Community programmes), and from

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<sup>17</sup> Communication from the Commission towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission, Brussels, 11.12.2002 (COM(2002) 704 final).

<sup>18</sup> The Communication from the Commission to the Council and the European Parliament – Enlargement Strategy and Main Challenges 2007-2008; Brussels, 6.11.2007; COM(2007) stresses the fact that “civil society is an essential element of European public life”... and that “public incentives are needed for the development of civil society organizations”, p. 7. In the same document, the Commission even states that it will “revise the Multi-annual Indicative Financial Framework for IPA, covering the period 2009-2011 to introduce a facility to further the development of civil society, notably through capacity-building and exchange projects. It will give added emphasis to programmes which support state-building, good governance, institutional reform and administrative capacity”, (page 4).

<sup>19</sup> For example, should we have some kind of a framework on how we should respond to FYROM on international conferences?

<sup>20</sup> Yet again we can see the urgent need to appoint ambassadors, but also to strengthen our embassy in Brussels with people who understand European issues and have advocacy skills.

the aspect of the Republic of Macedonia as a funder of "European projects". Both aspects are analyzed further in the text.

### **Instrument for Pre-accession Assistance - IPA**

The new Instrument for Pre-accession Assistance (IPA) of the European Union offers much greater opportunities compared to the CARDS Programme. While the use of CARDS was limited to services, works, technical assistance, twinning and grant-schemes<sup>21</sup>, IPA opens up new possibilities such as: investments, regional and horizontal programmes, budget support, participation in international missions etc<sup>22</sup>. Bearing in mind the fact that IPA 2008 for the Republic of Macedonia is being programmed now, the Government should utilize these opportunities, and not merely concentrate on technical assistance.

The Government should give priority to the assistance coming from the European Union (IPA), with special focus on the areas criticized in the Progress Report 2007. In addition, the **Government needs to direct its attention to the twinning instrument**, where appropriate of course, since the twinning "adds value" to the projects<sup>23</sup>. The European Union will interpret this strategic positioning of the Government as taking greater ownership over the projects, but also as the Government's contribution to better coordination of foreign aid<sup>24</sup>.

If one analyzes the Progress Report of the Republic of Macedonia for 2007, it becomes obvious that the reforms are producing better results in areas where European assistance was used (through projects funded by the CARDS Programme<sup>25</sup>). This is understandable bearing in mind the fact that the level of supervision (in terms of undertaking activities which are not violating the policies of the European Union) is much better in the CARDS funded projects compared to any other bilateral assistance.

Indeed, this is not to say that the Republic of Macedonia should not appreciate other bilateral or international assistance. On the contrary, it only shows that the Government is acting accordingly in the direction of: a) performing detailed analysis of the Progress Report 2007, along with the Accession Partnership, to be able to identify the areas where the least progress has been made, and to "reserve" those fields for IPA-projects, leaving the others for bilateral and international aid, and b) strategically positioning itself to make full use of the various advantages offered by the different characteristics of all of the forms of European aid, with special attention paid to the twinning and the twinning light instruments, considering the fact that these instruments apart from building institutions, also "build friendships" and develop close ties with the administrations of the EU Member-States. The example with Italy happened not long ago. Namely, the Public Prosecution of the Republic of Macedonia is implementing a twinning project with Italy. Ever since the institutional cooperation between

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<sup>21</sup> Although available, the grant-schemes were hardly used in CARDS.

<sup>22</sup> Article 8, Point 2 and 3 and Article 15, Point 1 and 3 of Council Regulation 1085/2006 (EC) dated 17 July 2006 on establishing an instrument for pre-accession assistance IPA.

<sup>23</sup> Twinning is an institutional building instrument that in effect "twins" our administration with the administrations of EU Member-States. Added value of the twinning instrument is that apart from implementing reforms, the two (or three) administrations develop very close ties. The fact that the leaders of the twinning projects are high officials from EU Member-States' administrations means that this instrument, if used wisely, can serve as an instrument for lobbying a date for starting accession negotiations.

<sup>24</sup> Commission Decision C(2007) 1853 of 30.04.2007 on a Multi-annual Indicative Planning Document (MIPD) 2007-2009 for the Republic of Macedonia, p. 9.

<sup>25</sup> An example is Customs Administration where there is a significant progress in place, in terms of legislation and on an operational level as well. The Customs Administration was (and will be) a beneficiary of many EC projects funded through the EAR. Similar is in the field of telecommunications, company law, energy sector, statistics, industrial policy, consumer protection etc.

both countries is constantly improving – thanks to the twinning project – and one can even conclude that Macedonia acquired a “good friend for lobbying” which can be seen from the fact that the Prime Minister of Italy, Romano Prodi, sent a letter to the Finnish Presidency demanding a date for starting the accession negotiations for the Republic of Macedonia<sup>26</sup>.

## **Community Programmes**

Apart from the IPA funds, the Government can apply a more strategic approach in the participation within the Community Programmes. Although the Community Programmes were opened for the Western Balkan countries on the Thessalonica Summit, June 2003, we are witnessing some kind of movement from the standstill point now, unlike Croatia that has been participating in a few for some time now. The Government has already selected the Community Programmes that the Republic of Macedonia<sup>27</sup> wants to participate in. The negotiations for some of them have been already concluded. The results from the participation of the Central and Eastern European countries in the Community Programmes are very positive. Societal integration of EU Member-States is happening through these programmes whose follow-up is usually the initiation of a new common policy.

The Community programmes have three main characteristics: a) they evolve around the areas for which the EU does not have a common policy in place (at least not yet), such as youth, culture, healthcare, tax policy etc., b) partner organisations from at least 3 different countries are eligible for these funds (in some programmes more than 6 countries participate in the projects), and c) participation in these programmes, by rule, implies co-financing from own resources which sometimes is approximately 20-50% depending on the programme or the specific call. The sheer fact that organisations from several countries participate in these projects speaks about the opportunities they hold for promoting the Republic of Macedonia in the EU Member-States on a local level, amongst the citizens of the EU, which in itself is a unique possibility for organized action.

**The Government, in cooperation with the Council for European Integration, must adopt a framework for promoting the Republic of Macedonia abroad** and in the cooperation with international organisations. The non-governmental organisations that receive co-funding from the budget shall be obliged to adhere to that specific framework when acting outside Macedonia.

## **European Investment Bank**

Another indicator that a given country is on the road to the European Union (candidate-country) is the presence of the European Investment Bank (EIB), whose purpose of establishment is to meet the needs of the Member-States and the future Member-States. EIB is almost invisible in the Republic of Macedonia. The Government, as part of its strategy to pay off foreign debt, decided to settle the outstanding debt to EIB among the first. Why is this the

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<sup>26</sup> Article titled „Prodi Demands a Date for Negotiations for Macedonia from the EU“, Dnevnik, 7 December 2006.

<sup>27</sup> For 2007, the following Community Programmes are foreseen: Seventh Framework Programme (responsible entity – Ministry of Education and Science), Competitiveness and Innovation Programme - CIP (responsible entity - Ministry of Economy), PROGRESS (responsible entity – Ministry of Labour and Social Policy), and LIFE + (responsible entity – Ministry of Environment), while for 2008, Europe for the Citizens (responsible entity - Ministry of Education and Science) Culture (responsible entity – Ministry of Culture), Lifelong Learning (responsible entity - Ministry of Education and Science), Media 2007 (responsible entity – Ministry of Culture) and Youth in Action (responsible entity - Ministry of Education and Science and Youth Agency).

case could be the topic of a future paper in some other occasion<sup>28</sup>. The fact remains however, that EIB is a bank that promotes European policies and provides support to projects directed towards the implementation of those policies. Therefore, the EIB is especially relevant for investments in sectors that not only demand financial resources, but also significant reforms in compliance with the *acquis*. EIB is particularly important now when the Republic of Macedonia will participate in the Community Programme for Competitiveness and Innovation (CIP) since the investment funds available are accessible through the European Investment Bank. The latest data of the EIB is quite disappointing for the Republic of Macedonia in terms of use of funds.

**Table 3 – Financial assistance of EIB in SouthEast Europe**

Country	Current year €	Last 5 years €
Albania	0	132.500.000
Bosnia and Herzegovina	263.000.000	331.000.000
Croatia	330.000.000	827.030.831
Macedonia	0	23.000.000
Serbia	136.000.000	861.000.000
Serbia and Montenegro	0	186.000.000
Turkey	1.497.859.957	4.572.837.834

Source: web-site of the European Investment Bank, 11 November 2007

**The Government of the Republic of Macedonia should strengthen the relations with the European Investment Bank** to position itself more strategically as soon as possible.

### **The Budget of the Republic of Macedonia - 2008**

One must be aware of the fact that EU accession has political and financial implications. Taking Bulgaria as an example, we realize that the postponed EU accession produced significant costs which cannot be ignored (most often they also decrease the public support for EU accession and the effect is usually a disincentive to perform the necessary industrial restructuring).

Therefore, the **Republic of Macedonia must reflect the process of European integration in the general budget for 2008**. The Government must devise means to secure funds, *inter alia*, for co-financing the projects that will participate in the Community Programmes. This can also be seen within the context of the critical observations made in the Progress Report for the Republic of Macedonia 2007 in the part covering the development of civil society where it clearly states that „*the activities of civil society are still hampered by lack of finance*”, and that „*the transparency of the criteria for allocating grants from the state budget to the NGOs remains to be strengthened*“. Obviously, joint action is inevitable, along with the need to establish **a separate fund for co-financing** the activities of the organizations that will dare to apply for these programmes. In this manner, the Government will be half way to ensuring a positive remark on the support of civil society in the Progress Report for 2008,

<sup>28</sup> This could be the next topic that the Macedonian Centre for European Training will focus on.

and, at the same time, utilize the activities of the non-governmental organizations to promote the Republic of Macedonia within the European Union. **The Government will need to develop transparent procedures for allocating grants** in order to support the non-governmental organizations that are active in the field of networking and connecting Macedonian organizations with European organizations. These budget appropriations must be accordingly reflected in the general budget of the Republic of Macedonia for 2008.

And, finally, the financial support of the non-governmental organizations, conditioned with an obligation to adhere to a previously adopted framework for promoting the Republic of Macedonia within the EU, will not only mean support to the development of civil society, but also creating and disseminating a positive image of our country to European organizations that will have no dilemma that we are part of the same family at the moment when EU membership of the Republic of Macedonia is decided on the European level.

The Government and the Parliament of the Republic of Macedonia should also take care to increase the level of public awareness on issues related to the European Union. The information campaigns that are being implemented – and will be implemented in the future – are very useful, but they also have limited impact. The public must be able to think critically about EU-related issues, more in terms of values and benefits, and less in terms of money and obligations. These kinds of campaigns should be financed through the budget of the Republic of Macedonia, and they should be designed in a way to allow monitoring and evaluation as to measure the results achieved.