

THROUGH
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Accession Negotiations Structure



This project is financed by
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- This document is available only online

This publication was produced with financial support of the European Union.
Its contents are the sole responsibility of the authors and do not
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Accession Negotiations Structure

INTRODUCTION

A few months before the first intergovernmental conference on the Republic of North Macedonia's accession in the European Union, this paper has three goals. Its first goal is to recap the events leading to the opening of accession negotiations. Second, it aims to present the negotiating structure established by the Government of the Republic of North Macedonia by means of decisions taken in July 2019. Finally, the paper's third goal is to acknowledge the new reality and impact of the new methodology for accession negotiations on the negotiating structure already in place.

The paper does not propose solutions, nor does it point to aspects that need to be improved. In particular, it provides an overview of all bodies within the negotiating structure, as presented by the Chief Political Negotiator and the Chief Technical Negotiator at several briefings held with journalists. Furthermore, this paper acknowledges the public dilemma around appointment of Chief Political Negotiator and Chief Technical Negotiation, and which of these two is actually in charge. Later, it tracks the structure in place by reviewing each of these bodies in respect to three aspects: 1) composition; 2) mandate; and 3) hierarchy. To complete the overview, this paper reflects on the new methodology, by indicating several key points where the methodology affects the negotiating structure in place, while addressing points where this structure goes beyond structures within the Government of the Republic of North Macedonia and anticipates involvement of other institutions, i.e. the broader society.

By the end, the paper reflects on the situation after appointment of the new government and overviews current state-of-affairs in respect to appointment of Chief Political Negotiator and Chief Technical Negotiator.

BEFORE THE OFFICIAL START OF NEGOTIATIONS

Unable to reach a consensus to open the negotiations with our state, the European Union Council, on 26 June 2018, during the Bulgarian EU Presidency, established a framework for opening the accession negotiations within a period of one year, i.e. by June 2019^[1] the latest.

Immediately afterwards, on 17 July 2018, then incumbent Commissioner for Enlargement and Accession Negotiations, Johannes Hahn, visited the country and attended the 79th thematic session of the Government, dedicated to EU integrations. At this session, then incumbent Deputy Prime Minister Responsible for European Affairs, Bujar Osmani, was appointed Chief Political Negotiator, while then current Special Advisor for Euro-Atlantic Affairs in the Prime Minister Cabinet, Bojan Marichikj, was appointed Chief Technical Negotiator. The decision for appointment of both negotiators was announced the same day, at a joint press-conference held by Prime Minister Zaev and Commissioner Hahn. From the same podium, the Prime Minister announced the third conclusion adopted at this session, which anticipated that “draft concept for the negotiating structure and relevant acts” will be developed “by the end of July 2018”.^[2]

[1]The Council agreed to respond positively to the progress made by the former Yugoslav Republic of Macedonia and Albania, and set out the path towards opening accession negotiations with both countries in June 2019.

[2]<https://vlada.mk/node/15224>

Within the anticipated deadline, on 1 August 2018, i.e. one day prior to celebration of Ilinden, both negotiators, Osmani and Marichikj, held a briefing with journalists[3] to present the concept for the negotiating structure. One year later, in expectation of decision to open accession negotiations in October 2019, the two negotiators held another briefing with journalists, this time on 10 July 2019, at which they presented the acts that regulate the negotiating structure.[4] The acts for establishing the structure for accession negotiations were published in the Official Gazette of the Republic of North Macedonia on 1 August 2019.[5]

In June 2019, the EU Council yet again failed to secure a consensus for opening the negotiations with our state. Hence, the final decision was left to the European leaders, but the European Council agreed to extend the deadline for such decision by October 2019, announcing another Summit, the last summit of the then current composition of the European Commission, and expressing their decisiveness to open the negotiations. In the wake of this summit, then incumbent European leaders, Donald Tusk and Jean-Claude Juncker, together with the newly elected President of the European Parliament, David Sassoli, and then candidate for President of the European Commission, Ursula von der Leyen, addressed the heads of states and governments from EU Member States with a single appeal: “[We believe that] now is the time to open accession talks with North Macedonia and Albania”.[6] However, the October Summit again failed to reach a consensus for opening the negotiations, followed by numerous statements of disappointment over the Union’s serious mistake and failure to adopt the decision.[7]

In response to the Union’s indecisiveness, Prime Minister Zaev called for early elections, with 12 April 2020 set as the date for these elections at the leadership meeting held under auspices of President Pendarovski. Pursuant to the agreed date for elections, on 3 January 2020, Prime Minister Zaev resigned from office, while a technical government assumed responsibility to lead the state and to organize the elections. However, the new 2020 year and the pandemic of the novel coronavirus, COVID-19, have contributed to the election date being postponed several times, and the elections finally took place on 15 July 2020.

In the meantime, amidst the pandemic and under lockdown measures, the European Commission presented the new methodology[8] for accession negotiations. On 24 March 2020, during the Croatian Presidency, at a virtual summit[9], the Ministers of European Affairs from EU Member States adopted the decision to open accession negotiations.[10] Presentation of the negotiating framework[11] by the European Commission in June this year, and the decision to start the negotiations, opened numerous debates about the course of the negotiations and about the expectations of EU Member States. However, main expectations shared by vast majority of involved parties imply that the first intergovernmental conference will take place by the end of 2020.

Priorities of the German EU Presidency will focus on coping with the crisis caused by the coronavirus pandemic, reviving the affected economy in Europe and, of course, Brexit. Immediately after assuming the presidency, Germany’s Minister of State for Europe, Michael Roth, stated that he hopes

[3]<https://meta.mk/osmani-pregovorite-so-eu-ke-bidat-tezhok-dolgotraen-i-skap-protses/>

[4]<https://vlada.mk/node/18516>

[5]<http://www.slvesnik.com.mk/Issues/298cdc15d12e4c5486658a6eae6de1d7.pdf>

[6]<https://www.consilium.europa.eu/media/40906/20191003-accession-talks-appeal-signed.pdf>

[7]<https://www.euractiv.com/section/future-eu/news/skopje-on-fire-as-meps-slam-eu-leaders-failure-to-open-accession-talks/>

[8]https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181

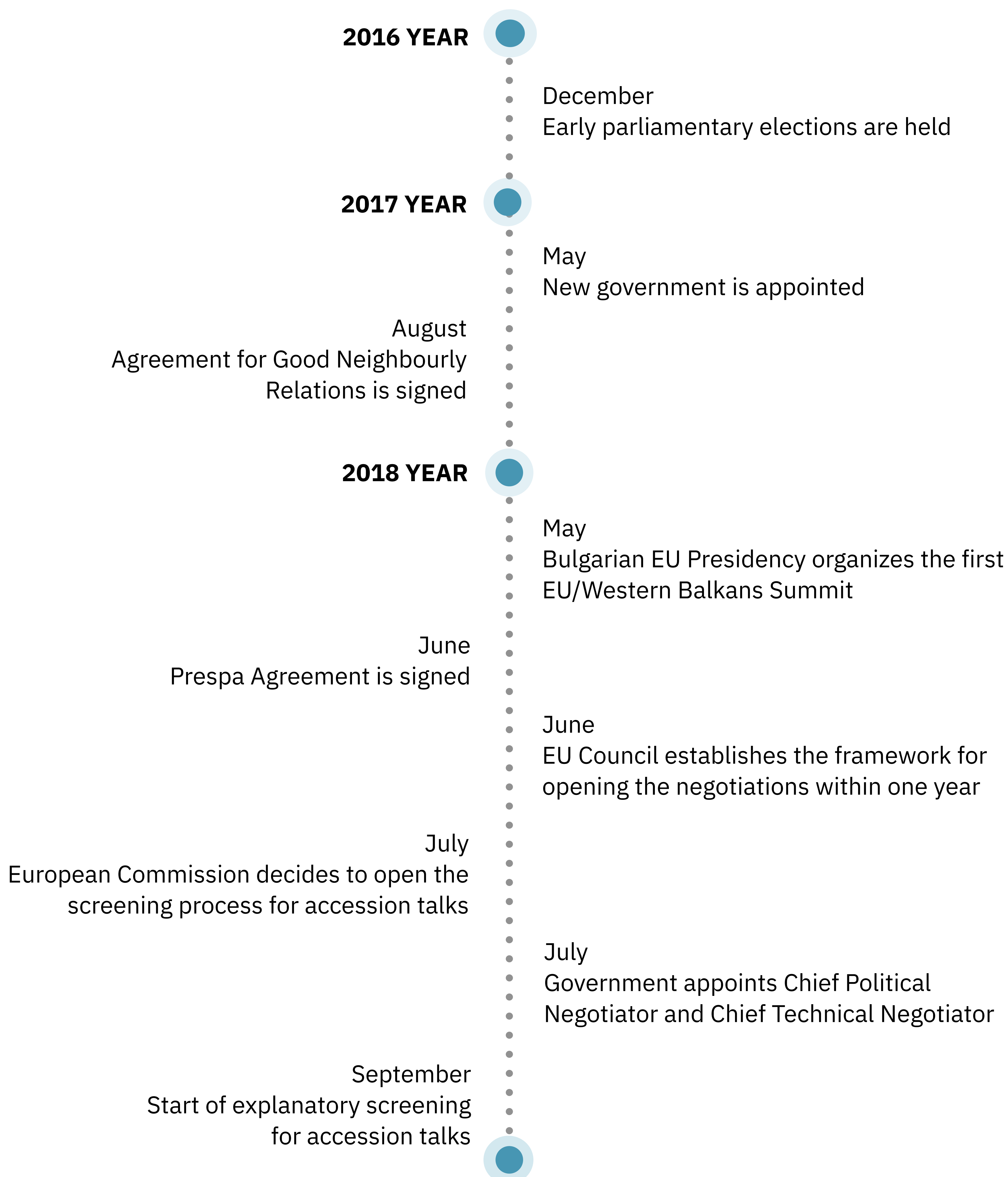
[9]<https://www.consilium.europa.eu/en/meetings/gac/2020/03/24/>

[10]<https://www.consilium.europa.eu/en/press/press-releases/2020/03/25/council-conclusions-on-enlargement-and-stabilisation-and-association-process/>

[11]https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1021

for official “start of the negotiations, with the first intergovernmental conferences during the German Presidency, maybe in the fall”.[12] However, expectations are that the Union will wait for the European Commission’ autumn report before the official start of negotiations. Knowing that the report will be published in late October or early November this year, it could be expected for the first intergovernmental conference to take place one month later.

CHRONOLOGY OF EVENTS AROUND AND LEADING TO THE OPENING OF ACCESSION TALKS



[12] <https://www.slobodenpecat.mk/rot-se-nadevame-prvata-meguvladina-konferenczija-so-skopje-i-tirana-da-se-odrzhi-naesen/>

2019 YEAR

- February
Prespa Agreement and constitutional amendments enter into effect
- May
European Commission's annual report is published
- June
EU Council delays the decision for opening the negotiations
- July
Government establishes the structure for accession negotiations with the EU
- October
European Council fails to reach consensus to open the negotiations
- November
Agreement is reached to hold early parliamentary elections

2020 YEAR

- February
European Commission publishes the new methodology for accession negotiations
- March
EU Council takes decision to open the negotiations
- June
European Commission presents the negotiating framework to Member States
- July
Early parliamentary elections are held
- August
Chief Political Negotiator moves to new public office
- August
Chief Technical Negotiator moves to new public office



WHAT IS NEW IN THE METHODOLOGY?

The newly adopted methodology for the enlargement policy aims **to build trust among all actors, and to enhance and make the accession process more effective**. Actually, this was already underlined by Commissioner Varhelyi on several occasions, presenting the document which the European Commission addressed to the European Parliament, the Council, the Economic and Social Committee and the Committee of Regions. This document introduced several novelties and was previously subject to a series of other analyses.[13] As regards the negotiating structure, 4 points from the document are of key importance:

- 01 A more dynamic process:** mainly coming from grouping negotiating chapters into clusters and establishing timeframe for each cluster. According to the European Commission, the negotiating chapters are grouped into 7 clusters, and each cluster, under conditions of exceptionally committed governments, would be negotiated one year at most. Hence, the entire process could last 7 years in total.
- 02 A stronger political steer:** mainly coming from the obligation of both sides to assume responsibilities and deliver results, which - in the case of the European Commission - means speeding up the process. However, the main tool to ensure political commitment will be regular political and policy dialogue at ministerial level and at the level of heads of states and governments, as well as expected participation of political leaders in the negotiations.
- 03 Fundamentals first:** representing continuation of the previously established practice by the Commission and DG Enlargement, now elevated to the level of formal policy. In that, this “novelty” will mainly be manifested by the approach to opening and closing accession negotiations as a whole, and by monitoring success of reforms under the first cluster.
- 04 Continuation of SAA structures:** is chiefly related to EU/North Macedonia joint bodies established under the Stabilization and Association Agreement, which serve as additional tool to ensure the process’s dynamics and to guarantee political commitment.

Having in mind these novelties, and the purpose of this paper, it could be expected for the new methodology to affect organization of the working groups and competences of the Negotiating Group. Also, it could be expected for the new methodology to impact the role assigned to the Coordination Body, especially the position of the Prime Minister and his cabinet within the overall structure, but also the scope of work and, accordingly, the role assigned to the Ministry of Justice.

By reviewing the negotiating structure, this paper addresses each of these key novelties, with specific indication of expected changes to the structure in place.

HOW IS THE STRUCTURE ORGANIZED?

The structure for accession negotiations established pursuant to decisions published in the Official Gazette of the Republic of Macedonia merges existing working bodies within the Stabilization and Association Agreement with tasks pertaining to accession negotiations. In that, it partially follows lessons learned in states from the immediate neighbourhood, to finally transform into bodies and

[13] <https://idscs.org.mk/wp-content/uploads/2020/03/Final-Commentary-Dragan-Tilev.pdf>

individuals the visions shared by the two negotiators in respect to the manner in which accession negotiations with the European Union should proceed.

The negotiating structure established by the decisions published in the Official Gazette is based on two pillars: the first of which is comprised of new or reconstructed bodies, while the second covers all individual members whose appointment is anticipated by the relevant acts adopted. Hence, according to these acts, the structure, under its first pillar, anticipates or regulates establishment, i.e. reconstruction of:

- 01** Working Committee for European Integrations (Working Committee)
- 02** Coordination Body for the Republic of North Macedonia's Accession Negotiations with the European Union (Coordination Body);
- 03** State Delegation of the Republic of North Macedonia for Accession Negotiations with the European Union (State Delegation);
- 04** Negotiating Group for the Republic of North Macedonia's Accession in the European Union (Negotiating Group);
- 05** Chief Technical Negotiator Office for the Republic of North Macedonia's Accession the European Union (CTN Office);
- 06** Secretariat of the Structure for the Republic of North Macedonia's Accession Negotiations with the European Union (Secretariat); and
- 07** Working Groups for development of the National Programme for Adoption of the EU Acquis and development of negotiating positions for accession in the European Union (working groups).

Additionally, under the second pillar, the structure includes:

- 08** Head of State Delegation and Chief Political Negotiator;
- 09** Head of Negotiating Group and Chief Political Negotiator;
- 10** Secretary of Accession Negotiations;
- 11** Members of the Negotiating Group and negotiators; and
- 12** Chairs of working groups.

WHO IS THE CHIEF OF ALL CHIEFS?

There are no rules in place for organization of structures for accession negotiations with the European Union. However, each state from the accession process has organized its respective structure according to own deliberations. In that, key importance is given to acknowledgement of general affairs in the state. Hence, the structure should anticipate social and economic conditions, but also the situation in respect to balance of political powers. Taking into account internal affairs in the state, a government that has vision about how it wants to lead the process will build the negotiating structure on existing capacities and will use it as instrument for unification of all societal groups. Having in mind the chronology of events around and leading up to accession negotiations, the negotiating structure for EU accession was evidently built on appointments of the Chief Political Negotiator and the Chief Technical Negotiator.

Due to the fact that both positions use the term “chief negotiator”, those incognizant of the negotiating structure and those less familiar with the accession process in the European Union are left confused by the overall structure and these appointments. For the common public, these titles invoke pompousness, but the essence of matters shows they also imply a multitude of obligations and enormous responsibility. Nevertheless, the key question of any regular citizen concerns the fact who is actually the chief of chiefs?

The answer to this question could be sought in several directions. First, we can look at experiences of other states, i.e. analyse relevant structures in states from the region currently negotiating (Serbia[14] and Montenegro[15]) or those that have completed the negotiations (Croatia[16]) or even reconsider relevant structures of Member States from the last three enlargement waves.[17] Of course, we could also examine the Government’s decisions, especially the one establishing the State Delegation for Accession Negotiations with the European Union and the one establishing the Group for Accession Negotiations with the European Union. Finally, having in mind the new methodology, we should be duly aware of the requirement for greater political commitment and the Union’s expectations for full participation in the process, assuming responsibilities and delivering results.

Article 5

Decision on establishing the State Delegation for the Republic of North Macedonia’s Screening Process and Accession Negotiations with the European Union

The Head of State Delegation shall lead the delegation, oversee and guide the accession talks in all areas that are subject of negotiations, and shall represent the Republic of North Macedonia at the intergovernmental conference.

In the case of his absence or inability to attend the intergovernmental conference, the Head of State Delegation shall be replaced by the Minister of Foreign Affairs in the capacity of Deputy Head of State Delegation, who also performs the duties of Chief Political Negotiator.

Article 2

Decision on establishing the Group for the Republic of North Macedonia’s Screening Process and Accession Negotiations with the European Union

The Chief Technical Negotiator of Negotiating Group shall led the accession negotiations between the Republic of North Macedonia and the European Union for all chapters and in all stages of the negotiations at technical level, and shall also oversee implementation of commitments assumed under the negotiations and shall care for the overall dynamics in respect to adoption of laws in the context of EU accession.

[14]<https://www.mei.gov.rs/eng/documents/negotiations-with-the-eu/accession-negotiations-with-the-eu/>

[15]<http://www.eu.me/en/accession-negotiations/negotiating-structures>

[16]<http://www.mvep.hr/en/croatia-and-the-european-union/negotiation-process/negotiation-structure/>

[17]<http://eurothink.mk/gridfs/data/id/5000f0ee219ece88d30f6a24>

Members of the Negotiating Group shall oversee work by the working groups for development of the National Programme for Adoption of the EU Acquis and for development of the negotiating positions for accession in the European Union, and based on aligned materials obtained through the Secretariat for European Affairs, they shall determine the negotiating positions and present them to the Chief Political Negotiator, who shall propose them for adoption by the Coordination Body for the Republic of North Macedonia's Screening Process and Accession Negotiations with the European Union, i.e. the Government of the Republic of North Macedonia.

The Chief Technical Negotiator and the Negotiating Group shall perform duties referred to in paragraphs 1 and 2 of this article pursuant to the negotiating framework and negotiating positions adopted by the Government of the Republic of North Macedonia and according to guidelines provided by the Head of State Delegation, i.e. Chief Political Negotiator.

Each of these directions would likely yield the same result. The Chief Political Negotiator or the Head of State Delegation, as commonly known within the structures of other states, holds a political mandate as the first state representative presenting the positions, participating in political and policy dialogue, and delivering the political statement to open the intergovernmental conference. Hence, he is the chief of all chiefs. Even the analysis of existing regulations that govern the structure in North Macedonia, shows that the Chief Political Negotiator is evidently the main chief. Key provision in that respect is found in Article 2, paragraph 2, where it is stipulated that: *“shall perform matters... pursuant to the negotiating framework and negotiating positions... and guidelines provided by the Head of State Delegation and Chief Political Negotiator”*.

The comparative analysis with other states in the region through the prism of the new enlargement methodology is irrelevant. Actually, the new methodology was adopted in March this year. Nevertheless, that analysis provides certain arguments to resolve the dilemma about the chief of chiefs. Namely, in the case of states from the region, by the virtue of their current mandate, the position of chief negotiators implies active alignment of positions between the two sides, but also in-country alignment and building societal consensus around commitments assumed. Hence, due to the weight of work and general competences and process coordination, the technical negotiator is actually the key figure. In that, none of analysed states has undermined the political mandate and leadership of the Head of State Delegation, i.e. Chief Political Negotiator, as named within our structure. But, in all states the relevant structures included one chief negotiator, while - by the nature of his mandate – this person is the Chief Technical Negotiator within the structure in the North Macedonia.

This approach, to great extent, could be seen in the decisions of the Government from July 2019. The decision on establishing the Group for the Republic of North Macedonia's Screening Process and Accession Negotiations with the European Union, under Article 6, but also under Article 9, precisely establishes competences of the Chief Technical Negotiator and the manner in which they

are executed. In that, competences of the Chief Technical Negotiator can be grouped into three categories: 1) competences related to coordination of the working groups; 2) competences related to coordination with the Negotiating Group and development of reports, opinions, positions and analyses in respect to the negotiations; and 3) competences related to coordination and preparation of work by the State Delegation, Coordination Body and Government of the Republic of North Macedonia. As was the case in respect to competences, methods for implementation of competences assigned to the Chief Technical Negotiator can also be grouped into three categories: 1) communications with EU institutions and Member States; 2) communications with institutions in the state and other stakeholders, and 3) communications with the general public and dissemination of information on the status of accession negotiations.

WHERE EUROPEAN INTEGRATIONS STOP AND ACCESSION STARTS?

The applicable legal framework on relations between North Macedonia and the European Union, among other documents, includes the Stabilization and Association Agreement. According to the new methodology, existing capacity and exchange of information between the European Union and North Macedonia, as established by this agreement, should continue in the future. In particular, this refers to structures created by the agreement, like the Stabilization and Association Council and its subcommittees.

Taking into account implementation of the legal framework in effect, this process is far from complete. Most certainly, given the speed under which the Union creates new policies and legal acts, and having in mind provisions contained in the agreement, evident is that this work would not end. Hence, keeping the structure under the Stabilization and Association Agreement seems reasonable. A deeper analysis of the new methodology shows that the European Commission has clear vision about how this novelty is linked to the new dynamism of the process and the grouping of chapters into clusters.

On the other hand, an initial analysis of the national structure does not clarify the role assigned to the Working Committee for European Integrations under conditions when the accession negotiations are underway. According to Article 2 of the Decision on establishing the Working Committee for European Integrations, tasks of this committee, inter alia, include: to oversee implementation of the Stabilization and Association Agreement and to oversee and coordinate work of all subcommittees and the special working group on public administration reform, all formed as part of the Stabilization and Association Committee (body within the SAA structure), which seem rather acceptable tasks and competences when reconsidered against the purpose for its establishment.

As part of its new methodology, the European Commission keeps structures under the Stabilization and Association Agreement because they are linked to clusters of negotiating chapters, and acknowledges their contribution to the policy dialogue. However, the Working Committee still holds competences that pertain to regular tasks that naturally belong to the Negotiating Group or the Coordination Body, i.e. the Government, in respect to monitoring implementation of the overall financial cooperation with the EU and Member States, as well as coordination of the Departments for European Integrations. All this instils additional confusion and opens space for conflict of competences, giving legitimacy to the question about when European integrations stop and accession starts?

STATE DELEGATION

Except for the Working Committee for European Integrations, all other bodies formed by the last set of decisions of the Government from July 2019 are directly linked to the accession negotiations and naturally belong to the negotiating structure. However, the State Delegation should be in place to lead negotiations or represent the state at the intergovernmental conference. Hence, there is a logical need for its composition to be determined and for its mandate and hierarchy to be stipulated.

On that account, the Decision on establishing the State Delegation for the Republic of North Macedonia's Screening Process and Accession Negotiations with the European Union is necessary and exceptionally important. More specifically, the decision establishes that the State Delegation shall be comprised of: 1) Deputy Prime Minister Responsible for European Affairs and Chief Political Negotiator, in the capacity of Head of State Delegation; 2) Minister of Foreign Affairs, in the capacity of Deputy Head of State Delegation; 3) Chief Technical Negotiator; 4) Head of the Republic of North Macedonia's Mission to the European Union in Brussels; and 5) Secretary of Negotiating Group, who is also the Secretary of State Delegation. According to the decision, the State Delegation's mandate is established under the provision that reads: *"shall present the official negotiating positions and shall lead the negotiations within that framework"*. Hence, the State Delegation is the main body which, during the negotiations, delivers the political statement for opening and for closing each chapter, and consequently for opening and closing the negotiations.

Finally, the State Delegation has clear hierarchy, having in mind that it is led by the Head of State Delegation who, according to the decision, is the Deputy Prime Minister Responsible for European Affairs and Chief Political Negotiator, and by the Deputy Head, i.e. the Minister of Foreign Affairs. In terms of outward hierarchy, i.e. within the overall negotiating structure, the State Delegation is directly linked to the Coordination Body and the Government of the Republic of North Macedonia. Namely, Article 3 of the Decision stipulates that: *"The State Delegation shall be held accountable before the Coordination Body and the Government of the Republic of North Macedonia"*, while Article 2, paragraph 2 establishes that the State Delegation *"shall lead the negotiations according to views and negotiating positions adopted by the Government"* and shall present the Government with detailed report for each intergovernmental conference within a deadline of 15 days after the conference.

NEGOTIATING GROUP

Having in mind the essence behind the accession process, i.e. accession talks, including their contents, obligation for alignment with and application of the EU acquis, establishment of deadlines and planning of resources available and needed, the structure needs to include a negotiating team. According to the decisions of the Government from July 2019, the structure in North Macedonia includes the Negotiating Group, i.e. the Group for the Republic of North Macedonia's Screening Process and Accession Negotiations with the European Union. The Negotiating Group is an expert body within the Government and is comprised of: 1) Chief Technical Negotiator; 2) at least four deputies of the Chief Technical Negotiator (*one proposed by the Deputy Prime Minister Responsible for European Affairs, one proposed by the Minister of Foreign Affairs, and two proposed by the Chief Technical Negotiator*); 3) members responsible for individual negotiating chapters, i.e. negotiators; 4) Head of the Republic of North Macedonia's Mission to the European Union and representative from the Chief Technical Negotiator Office to the European Union in Brussels; and 5) Secretary of Negotiating Group.

Based on provisions from the Decision, it could be concluded that the Negotiating Group, although formed as expert body within the Government, is a supporting structure to the Chief Technical Negotiator. Evidence in support of this conclusion is found in Article 2, paragraph 1, wherein it is stipulated that: “*Chief Technical Negotiator, together with the Negotiating Group, shall lead the negotiations*”, i.e. shall oversee “*implementation of obligations assumed under the negotiations and shall care for the overall dynamics in respect to adoption of laws in the context of EU accession*”. In that, there are no other provisions that provide precise description of competences assigned to the Negotiating Group, although the same decision establishes precise competences for the Chief Technical Negotiator, as elaborated above.

As regards the hierarchy within the Negotiating Group, it is equally straightforward as that of the State Delegation, maybe even more evident having in mind the above elaborated. Namely, the Negotiating Group is chaired by the Chief Technical Negotiator, who coordinates processes, performs all tasks and communicates on behalf of the Negotiating Group. All members of the Negotiating Group work in support to the Chief Technical Negotiator, while his deputies help coordinate processes within the Negotiating Group and replace him in case of inability to attend. As regards its outward hierarchy, the Negotiating Group is held accountable before the Coordination Body and the Government, while in respect to implementation of competences, it acts upon guidelines from the Chief Political Negotiator.

According to the methodology adopted, especially the novelty related to new dynamism for the process, it could be concluded that the Negotiating Group’s structure could mirror the structure of negotiating chapters. That could be achieved through members who, by the effect of the government’s decision from July 2019, are described as “*responsible for particular negotiating chapters – negotiators*”. Having in mind responsibility for nomination of these members which, according to the decision, lies with the Chief Technical Negotiator, they can be appointed in a manner that will ensure that each of them coordinates a group of chapters forming particular cluster. In that, there are no limitations in place that require negotiators to be nominated by state institutions or to represent certain institutions.

An exception from such open regulation in regard to provenience of negotiators nominated, according to the methodology adopted, is the novelty that addresses the principle of **fundamentals first**. Having in mind the opening and closing of negotiations as a whole, as well as monitoring the success of reforms under the first cluster, it becomes evident that one negotiator, i.e. the first among equals, does not only need to be expert in the areas covered by the first cluster, but also a representative from the Ministry of Justice.

WORKING GROUPS

The working groups will carry the burden of key work related to accession negotiations with the European Union. According to the decision of the Government from July 2019, the working groups have a long list of established tasks and competences, as follows:

- planning activities and setting priorities for translation and alignment with the EU acquis;
- developing the National Programme for Adoption of the EU Acquis (NPAA);
- assessing costs and resources needed for capacity-building to implement obligations assumed under the negotiations;

- monitoring and updating NPAA;
- assessing resources needed (human, material, technical, etc.) for capacity-building to implement the legislation;
- reporting to the Working Committee and the Negotiating Group on implementation of the National Programme for Adoption of the EU Acquis;
- making recommendations to the Secretariat for European Affairs and the Negotiating Group for proposed laws and by-laws that will ensure alignment with the EU acquis;
- developing draft negotiating positions and submitting them to the Negotiating Group, as well as to the Chief Political Negotiator and the Chief Technical Negotiator for further action; and
- conducting expert consultations in respect to terminology used for development of the national version of the EU acquis.

The long list of competences for working groups should not come as surprise, especially having in mind that they serve as extended hand of the Negotiating Group and work on development of all materials, analyses, opinions, positions and proposals. Additionally, working groups are the point in which societal consensus is created. Hence, they include representatives from institutions, regulatory authorities, judicial authorities, local self-government units, business community and economic chambers, trade unions, academic community and the civil society. The rule says that the broader involvement of stakeholders, the greater acceptance of negotiating positions and support for the accession process are.

Pursuant to provisions from the Decision, working groups are formed for each negotiating chapter, and for the political, economic and administrative criteria, and for expert consultations around terminology from the EU acquis. Given that there are 35 negotiating chapters, it seems that the decision has effectively formed 39 working groups. In that, individual institutions are assigned as lead within working groups and they are entitled to nominate the chair, deputy chair and deputy secretary of respective working groups.

Provisions from the Decision are straightforward in respect to the hierarchy within working groups, i.e. they are managed by respective chairs and their deputies. Outwardly, the negotiating structure's hierarchy indicates that working groups account for their work before the Chief Political Negotiator, Chief Technical Negotiator and head of the lead institution, while their work is monitored by the Negotiating Group, based on reports submitted by the working groups. Additionally, their link to the Negotiating Group is further enhanced under Article 9, wherein it is stipulated that *“work of the working groups shall be closely regulated under the rules of procedure adopted by the Negotiating Group...”*, and the presence of “negotiators”, i.e. members of the Negotiating Group responsible for individual chapters.

The working groups will not remain unaffected by the methodology adopted. In that, the novelty related to new dynamism for the negotiating process, and the novelty concerning continuation of the structure under the Stabilization and Association Agreement, directly concern the working groups. The impact of these two novelties is seen in the need to establish links, at personnel level, between the Stabilization and Association Council and its subcommittees with these working groups. If the Commission links these two processes and thereby guarantees equal performance, it would be reasonable for the Government to follow this approach and use them as instrument to improve institutional coordination.

COORDINATION BODY

At the top of this mini pyramid that represents the negotiating structure is the Coordination Body for the Republic of North Macedonia's Screening Process and Accession Negotiations with the European Union. The Coordination Body is formed as the highest working body within the Government, responsible for coordinating the screening and accession processes. Such high position of the Coordination Body is linked to its position against other bodies within the negotiating structure, its composition, and its competences.

As elaborated above, all bodies established within the negotiating structure are held accountable before the Coordination Body and the Government, or before another body formed by the decisions from July 2019. Hence, the Coordination Body sits at the top of the negotiating structure.

According to Article 3 of the Decision, the Coordination Body is chaired by the President of the Government, and it also includes all Deputy Prime Ministers, as well as Ministers of Interior, Finance, Justice, Economy, Minister of Environment and Spatial Planning, Minister of Agriculture, Forestry and Water Economy, Minister of Information Society and Administration, and the Chief Technical Negotiator. Having in mind that the Coordinator Body is the only body chaired by the Prime Minister and the only body comprised solely of government members, it could be concluded that it represents the government's highest working body for coordination of this process.

Finally, Article 2 of the Decision establishes that the Coordination Body shall reconsider and determine draft negotiating positions prior to their adoption. In that, the Coordination Body discusses and adopts positions on the most important issues from the negotiating process. Hence, the main alignment of views around negotiating positions and negotiations takes place within the Coordination Body, confirming its status as the government's highest working body.

The new methodology will have seriously impact on the Coordination Body, as well as on other bodies within the negotiating structures. In particular, that concerns internal procedures, information and involvement, but also the potential for this body to take part in political dialogue. Namely, by referencing **a greater political steering**, the new methodology enlists several tools to ensure political commitment, the main among them concerning regular dialogue by means of which political leaders will express clear commitment, while ministers will be able to participate in policy dialogue. Hence, the Government will have to recognize this novelty and equip the Coordination Body with organization that mirrors the negotiation clusters, while its members should have the mandate to participate in regular ministerial conferences. Finally, having in mind this novelty, it would be exceptionally important for the Prime Minister and his cabinet to remain the central point of this process, thereby assuming fully responsibility for the accession negotiations.

SUPPORTING STRUCTURES

Overall support to the negotiating structure and individual bodies established by decisions of the Government from July 2019 is provided by the Secretariat for European Affairs, Chief Technical Negotiator Office and Ministry of Foreign Affairs' Department for European Integrations. Although they maintain their inherent independence and competences, for the purpose of the negotiating processes and pursuant to the decision for performance of work related to the Republic of North Macedonia's accession negotiations with the European Union, these bodies also comprise the so-called Secretariat for Accession Negotiations. This secretariat is managed and coordinated by the Secretary of Accession Negotiations, who is also the Secretary of State Delegation and of Negotiating Group, but not the Secretary of Working Committee.

To understand the Secretariat for Accession Negotiations' structure and operation, we need to reconsider individual competences of these bodies and establish its direct links with the negotiating structure. Hence, the Secretariat for European Affairs has direct legally established link to the Chief Political Negotiator, who is also the Deputy Prime Minister Responsible for European Affairs, and provides support to the State Delegation. In addition to the State Delegation, the Secretariat for European Affairs also supports the working groups, as well as the Coordination Body. The Chief Technical Negotiator Office is formed by means of a separate decision and is directly linked to this secretariat. Hence, this office provides support to the Chief Technical Negotiator and the Negotiating Group. Additionally, the Chief Technical Negotiator Office assists the Coordination Body. Finally, the Directorate for European Union does not have direct links to any negotiator, but to the Deputy Head of State Delegation. Moreover, the Ministry of Foreign Affairs and the Directorate both represent the state in communications with EU institutions, but also with institutions in EU Member States. Hence, it is more than evident that the Directorate provides direct support to the State Delegation and leads the overall external communications related to the accession negotiations.

The new methodology would likely impact supporting structures, i.e. the so-called Secretariat for Accession Negotiations. Several novelties have prominent role in that respect, although the final result should be reflected in personnel links between the Stabilization and Association Council and its subcommittees with these supporting structures, with a view to improve institutional coordination.

EUROPEANIZATION OF THE SOCIETY

After almost three decades of independence and “dedicated” work for attainment of the state’s strategic interests, even the least informed citizen is already aware that it is not the Government that joins the European Union. The moment of transformation from an acceding country into member state is neither final nor the single result of this process. The effect from EU accession must be the society’s Europeanization. This gives validity to the statement that the broadly set the structure, the greater consensus and acceptance of reforms are.

The negotiating structure established by decisions from July 2019 remains solely within the Government. It does not take into account participation of the broader civil society, although the decision (as regulated) leaves space for such involvement. Nevertheless, it is more important to define the Parliament’s role in this process and the possibility for the general public to monitor and participate, even indirectly, in the debate about accession negotiations and negotiating positions. It could be expected for the main role in respect to negotiations to be carried by existing working bodies at the Parliament, i.e. Committee for European Affairs and National Council for EU Integration, together with adherent enforcement of the Parliament’s Rules of Procedure. That, however, does not provide sufficient guarantees for a broad consensus, and even less for the society’s Europeanization. Therefore, the main task before the start of negotiations and preparations for the first intergovernmental conference should be precise regulation of the Parliament’s role.

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ROTATION OF PUBLIC OFFICES

After the elections and appointment of the new government, conclusions from the 79th thematic session held on 17 July 2018 concerning appointment of Chief Political Negotiator and Chief Technical Negotiator are no longer valid. Namely, the former Chief Political Negotiator, Bujar Osmani, now holds the office of Minister of Foreign Affairs in the current government. This new public office gives him a new role within the negotiating structure, that of the Deputy Head of State Delegation. The new Deputy Prime Minister Responsible for European Affairs, and consequently new Chief Political Negotiator and Head of State Delegation, is Nikola Dimitrov. In the previous government he performed the office of Minister of Foreign Affairs. Hence, these two ministers have reversed their roles within the structure.

In the new government, the Chief Technical Negotiator was given new public office, i.e. he was appointed Minister of Justice, which guarantees him seat in the Coordination Body and head position at the Ministry of Justice, i.e. head of the working group for chapter 23: judiciary and fundamental rights.

In conclusion, tasks to be completed before the expected first intergovernmental conference and opening of the accession talks are numerous, but the time for waiting has long passed.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION 1

The change of government in June 2017 meant the start of new democratic transformation and political leadership that managed to put North Macedonia back on track from long years of isolation. Such turnaround was mainly due to foreign policy efforts of the Government and resolution of outstanding disputes with the neighbours. At the same time, clear priorities, adherence thereto and trend of reform processes enhance the discourse of successful transformation, which should be confirmed with the start of accession negotiations.

CONCLUSION 2

The existing structure for accession negotiations with the European Union strikes an interesting balance between the Cabinet of the President of the Government of the Republic of North Macedonia, the Secretariat for European Affairs and the Ministry of Foreign Affairs. At the same time, the structure in place is mainly contained within the governmental organization at the General Secretariat and the Secretariat for European Affairs, line ministries and bodies within ministries, leaving great space for additional involvement of other parts of the society towards attainment of the accession negotiations' goal, i.e. achievement of overall societal consensus and Europeanization of the society.

CONCLUSION 3

The elections from July 2020 have brought about changes to leadership within the negotiating structure, by exchange of positions between ministers Osmani and Dimitrov, and appointment of the former Chief Technical Negotiator as Minister of Justice. Additionally, replacement of other ministers in the government, and rotation of other ministries to different positions will obviously lead to additional changes in relevant compositions of different bodies within the negotiating structure.

RECOMMENDATION 1

In the period ahead, when the start of negotiations with the European Union is expected, the governing coalition's main priority should be a clear focus on state priorities and continued delivery of unambiguous political will for accession in the European Union, sustainable reform process and the society's Europeanization.

RECOMMENDATION 2

In respect to the negotiating structure, the Government will have to maintain the balance among the three political leaders, i.e. the Prime Minister, the Deputy Prime Minister Responsible for European Affairs and the Minister of Foreign Affairs. If it follows the new enlargement methodology, then the negotiating structure will keep and even strengthen the Prime Minister's position as political leader whom the Union expects to demonstrate due commitment to the process.

RECOMMENDATION 3

The Government will have to open the negotiating structure for outside bodies to include the Parliament and the opposition, and to guarantee attainment of overall consensus in the society.

RECOMMENDATION 4

The Government will have to find ways to guarantee that the Chief Negotiator, especially the Chief Technical Negotiator, but also members of the Negotiating Group and chairs of the working groups, are leading the process from its start to finish, thereby ensuring success for the state and fast accession in the European Union.

