

Dialogue and Inclusion Mechanism for Involving Civil Society Organisations in the Negotiation and Approximation Process on the Common Agricultural Policy – Chapter 11



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These policy documents are developed to help the civil society organizations and, generally, the citizens, to engage in informed debate and to have access to expert knowledge, opinions and views on topics relevant for EU integrations. Areas in which the Republic of North Macedonia will lead the accession negotiations are both complex and diverse, while reforms to be taken by the country will open numerous dilemmas that require expert debates. Contents created within the project “CSO Dialogue – Platform for Structural Participation in EU Integration” are available on the website: www.dijalogkoneu.mk

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LIST OF ABBREVIATIONS

NEA – National Extension Agency

AFSARD – Agency for Financial Support of Agriculture and Rural Development

CSOs – Civil Society Organisations

URAH – Unique Register of Agricultural Holdings

EU – European Union

CAP – Common Agricultural Policy

LARD – Law on Agriculture and Rural Development

IPARD – Instrument for Pre-accession Assistance for Agriculture and Rural Development

MAFWE – Ministry for Agriculture, Forestry and Water Economy

NPAA – National Programme for the Adoption of the Acquis

NSARD – National Strategy for Agriculture and Rural Development

IACS – Integrated Administrative and Control System

Following independence, the Republic of North Macedonia is faced with a turbulent development of its agricultural policy, with too many *ad hoc* political “quick fix” decisions. Ever since acquiring the status of candidate-country in 2005, the Republic of North Macedonia embarked upon the process of approximation of its National Agricultural Policy with the Common Agricultural Policy (CAP) of the EU. Consequently, the Law on Agriculture and Rural Development (LARD) that went into force in 2008 and it consists of two parts (*one* on the regulation of agricultural markets, and the *other* on rural development) is, in fact, a gradual transition towards the CAP.

The Law on Agriculture and Rural Development[1], adopted in 2010, is an additional move towards the CAP and currently serves as a legal framework for the national agricultural policy. Apart from this law, agriculture is regulated by many other laws such as the Law on Agricultural Undertakings, Law on Agricultural Land, Law on Tobacco and Products from Tobacco, Law on Wine, Law on Cattle-breeding, Law on Pastures, Law on Organic Agricultural Production etc.

The Ministry of Agriculture, Forestry and Water Economy[2] (MAFWE) is the body competent for planning, monitoring and evaluation of the measures and instruments of the agricultural policy, while the Agency for Financial Support of Agriculture and Rural Development[3] (often known as the Paying Agency) is responsible for implementing and controlling the agricultural policy measures as an independent body of the public administration. The policy is funded from the General Budget, but also from donations and contributions from other sources such as the Budget of the EU.

The main strategic document for the agricultural policy is the National Strategy on Agriculture and Rural Development (NSARD) 2014 - 2020[4]. Additional documents accompanying the Strategy are the Multi-annual National Programme on Agriculture and Rural Development (drafted for a period of five years) and the Multi-annual Programme for the Use of IPARD Funds (2014 - 2020)[5]. Important for the implementation of the Agricultural Policy are also the Annual Programmes for Financial Support of Agriculture and the Annual Programmes for Financial Support of Rural Development.

In addition, the Agricultural Policy of the country is based on five goals defined in the first Law on Agriculture and Rural Development (2007) and in the NSARD (2014 - 2020):

01	Securing stable production of quality and accessible food and providing sufficient quantities of foodstuffs for the population;
02	Increasing the competitiveness of Agriculture;
03	Providing stable income for agricultural holdings;
04	Sustainable development of rural areas, and
05	Optimal use of natural resources, abiding by the principles of protection of natural resources and the environment.

[1] Law on Agriculture and Rural Development, consolidated text, can be found on: <https://bit.ly/3tJbknr>

[2] Official web-site of MAFWE on: <http://www.mzsv.gov.mk/>

[3] Official web-site of the Agency: http://www.ipardpa.gov.mk/Root/mak/default_mak.asp

[4] National Strategy on Agriculture and Rural Development 2014 - 2020, can be found on: <https://bit.ly/3pfsCoy>

[5]IPARD Programme 2014 - 2020, can be found on: <https://bit.ly/3aOuhh1>

The goals of the Agricultural Policy, according to the planned, should be achieved through four sets of instruments and measures: *regulation and support of agricultural markets; direct payments; rural development, and State aid as an additional form of support of agriculture*. Within the set of mechanisms for regulating the market, the measures of intervention (support for purchase and storage) are directed towards wheat, as a strategic product, while subsidies for the consumption are available for fresh fruits, vegetables, milk, and dairy products of national origin. Direct payments are provided per unit price per product per agricultural holding, agricultural area, or cattle head. The application is conditioned upon the request for cross-compliance (that are introduced gradually and in line with CAP-regulations), to secure the production of safe and healthy food and to protect the environment.

The Rural Development Policy, on the other hand, is much more harmonized with the CAP-principles. It covers four priority areas and instruments for their support: increasing competitiveness of agricultural and forestry undertakings; protection and improvement of the environment and rural areas, improving the quality of life and encouraging diversification of economic activities in rural areas, and support of local development.

IPARD – Instrument for Pre-accession Assistance and Rural Development

The rural development, to some extent, is funded by the EU as well through the Instrument for Pre-accession Assistance for Rural Development (IPARD). The general objective of the IPARD-programme is improving the competitiveness of the agricultural holdings and the foodstuff industry in order to achieve the EU-standards, while securing sustainable environment and socio-economic development of rural areas by increasing economic activities and employment opportunities.

Rural Development Component (IPARD) is the fifth component of IPA. As such, it especially contributes to sustainable adaptation of the agricultural sector and the rural areas, as well as for preparing candidate-countries for the implementation of the EU acquis in the field of the Common Agricultural Policy (CAP) and related policies. The rural development component supports candidate-countries in policymaking, as well as in the preparations for implementation and management of CAP of the EU. The objectives of the IPARD component are[6]:



The specific measures for supporting agriculture and rural development within the framework of IPARD and investment group activities per individual measures are defined in the Programme for Absorption of Funds from the Instrument for Pre-accession Assistance for Rural Development of the European Union (IPARD) for the period 2007-2013[7] and in the Programme for Absorption of Funds from the Instrument for Pre-accession Assistance for Rural Development of the European Union (IPARD) for the period 2014-2020[8]. The measures are focused on the improvement of competitiveness of the economic sustainable agricultural holdings and the foodstuff industry in the selected sub-sectors, through the policies for investing in the extension of the technological and market infrastructure, applied for the purpose of increasing the added value of agricultural products

[6] Secretariat for European Affairs, Component V – Rural Development, found at: <https://bit.ly/2MZmwLT>

[7] IPARD programme 2007-2013, found at: <https://bit.ly/2Ok9x7Q>

[8] IPARD programme 2014-2020, found at: <https://bit.ly/3d4qP3g>

and harmonizing the standards for quality, hygiene and safety of foodstuffs, animal welfare and environmental protection. Beneficiaries of the measures of the IPARD-programme are: agricultural holdings; agricultural associations; food industry; economic operators; entrepreneurs and the rural population. In the period 2009-2013 a total of 8 public calls were announced, resulting with the signing of 178 agreements between the Agency for Financial Support of Agriculture and Rural Development and the end-beneficiaries. Only 15% of a total of 80 million Euros available have been used within the framework of IPARD I.[9] On the other hand, from the IPARD II programme, at the end of 2019, 37% of the available funds have been absorbed i.e., 1,017 agreements have been concluded with the total value of 29,5 million Euros.[10]

What needs to be stressed in the upcoming period in the sector agriculture and rural development are two future significant processes: the development of the new strategy on agriculture and rural development for the period 2021-2027, as well as the programming of the new IPARD III programme. This opens up the issue of how it can be possible to come up with an effective programme, and then to increase the involvement of civil society organisations in the process of creating programme goals of these two important documents that will contribute to the processes of better understanding of the negotiation and approximation to the Common Agricultural Policy, i.e., Chapter 11 – Agriculture and Rural Development.

In the practices of including civil society organisations in the consultation process, but also in the direct participation of the civic sector in policymaking and decision-making observed so far, one can conclude that minimum engagement is happening, and it refers to already drafted documents, policies and programmes. Many of the bodies and mechanisms that secure civil society involvement are either not established at all or operate for the sake of operating, while the other civil society organisations that are not included in the sector do not even receive information on the conclusions or the proposals that come about because of their work. Regarding the EU-processes in the sector, the fact is that the Sector Working Group was established without CSO representatives, except for their involvement in plenary sessions. On top of everything these organisations are not directly involved in the sector.[11] These are the key issues or gaps that this policy paper will address and provide recommendations to overcome such shortcomings.

What is Chapter 11?

The Chapter Agriculture encompasses many compulsory rules, regulations that are directly applicable.[12] The right application of these rules by an efficient public administration is key for the functioning of the Common Agricultural Policy. The laws that regulate the management system that include the paying agencies and the Integrated Administration and Control System (IACS) are part of this legal framework. EU membership demands integrating the whole scope of agricultural products, including crops, sugar, animal products and special crops, in the common organization of the market.

Administrative structures

The implementation, management and control of the Common Agricultural Policy demand creativity, changes and/or strengthening of the appropriate administrative structures (for example, the paying agency and IACS). In some cases, the legislator gives detailed specifications on the required administrative structures. For other elements, the *acquis* of the Common Agricultural Policy simply uses terms such as “competent body”, thereby notifying the required administrative

[9] Green Exchange: Up-to-date use of IPARD programme 2007 - 2013 is 15%, <https://bit.ly/3rNoazd>, last visit: 30.10.2020

[10] Official announcement on web-site of Paying Agency, found at: <https://bit.ly/376k0dP>

[11] MED and Eurothink are the two organisations of the Sector Working Group in Agriculture and Rural Development.

[12] European Commission, DG for Agriculture and Rural Development, “Agriculture and Enlargement”: <https://bit.ly/2MM8AVH>

Every Member-State decides for itself which institution will be responsible for the successful implementation of the laws and policies and designated as the “competent body”. The *acquis* however, determines the objectives and functions that need to be operated by the administrative body of the member-state.

What can/cannot be negotiated in the acceding process with the European Union?

Negotiation talks for the chapter on agriculture are mainly focused on the conditions and the timeframe for the adoption, implementation, and application of the *acquis* by the acceding country. Every candidate-country must accept the rights and obligations of membership which means that these rules, as such, are not subject to negotiations. Therefore, the negotiations are focused on procedural matters for future direct payments, on the support of rural development or on the need for transitional measures that would facilitate the integration within the EU, bearing in mind the specific circumstances of the agricultural sector of the acceding country's process.

What does the draft-model for involving CSOs in the negotiation talks involve as developed by the CSOs themselves?

In the process of drafting the acts by the Secretariat for European Affairs, the Office of the Prime Minister of the Government, the Ministry of Foreign Affairs and the Legislative Secretariat covering the operation and competences of the bodies from the negotiation structure, the Council of the Government for Cooperation with/and the Development of the Civil Society Sector developed a draft-model for involving CSOs in negotiation talks that has the purpose to contribute to the regulation of the work and competences of the working groups as part of the negotiation structure, as well as to represent the opinions and attitudes of the civil society sector about its involvement in the acceding process.

The participation of the civil society sector in the negotiation talks shall include the following phases and manner of participation:[13]

Analytical review of the EU legislation (screening) – the proposal suggests that civil society organisations should be included in the monitoring the analytical review (screening) of EU legislation that should be enabled by the Government of the Republic of North Macedonia, by live streaming of the presentations of the European Union that will take place in and out of the country. In this process, the Government will include the CSOs registered in the electronic register as described in this model in accordance with the appropriate chapters. The screening is a formal and technical operation undertaken by the European Commission to start the preparations for negotiation talks and represents an analytical presentation of the legislation of the EU and that of the candidate-country. More specifically, as a process, it aims at introducing the candidate-countries familiar with the legal framework of the European Union thereby to prepare them for the talks, but also to enable the European Commission and its Member-States to evaluate the degree of preparedness of the candidate-countries, to be informed about their plans and to get preliminary ideas about the issues that will be most important in the negotiations. The screening is done per chapter, except for Chapter 34 – Institutions and Chapter 35 – Other Issues, which are subjects to negotiations at the end of accession. First, explanatory meetings are organized and representatives from the Commission present EU Law in details, followed by bilateral meetings with every country. At the end of both phases, the Commission drafts a screening report and presents it to the Council. After the screening of the given chapter, the Council decides on starting negotiation talks, following a recommendation by the Commission. Considering the European Council from June 2018,

[13] Draft-model for involving CSOs in negotiation talks with the European Union, Council for Cooperation with and Development of the Civil Society Sector, Unit for Cooperation with Civil Society Organisations – General Secretariat, 2019.

followed by a clear perspective given for the start of accession talks in June 2019, the Republic of North Macedonia embarked upon the explanatory screening phase that started 27th September 2018 and lasted until December 2019.[14] The latest developments in the enlargement process resulted with the adoption of a new methodology[15] according to which the talks will be structured in clusters. The new negotiation framework for the Republic of North Macedonia is still not adopted by the Council so that the first Intergovernmental Conference marking the start of accession talks can take place.

Working Groups – the proposal is to have civil society organisations directly included in the working groups, at the same level as the other representatives from the public administration, State bodies, academic community, economic chambers, and other expert public. In addition, it is proposed for civil society organisations to participate in the working groups on chapter-level, area, and sub-area in accordance with the structure of the governmental negotiation teams established for accession talks of the Republic of North Macedonia within the European Union and, in accordance with the identified capacities of the CSOs and their representatives selected by the Council of the Government for Cooperation with and Development of the civil sector. One representative of the civil society will be selected for every chapter and that organization will act as the coordinator for the specific chapter.

Regarding the Sector Working Group on Agriculture and Rural Development, as one of the mechanisms where the EU integration of the sector is reviewed, and where civil society organisations have the opportunity to contribute, one should mention that the group was established in 2015, while the institution competent for coordinating the work of the group is the Ministry for Agriculture, Forestry and Water Economy in cooperation with the Secretariat for European Affairs. The SWG has a Rulebook[16], that regulates the involvement of civil society organisations. In the report on the work of the sector groups[17], within the framework of the project “Dialogue for EU” the author points out that the SWG had 3 plenary sessions with representatives from CSOs, as well as 10 thematic meetings. On the part of the CSOs, the Macedonian Environmental Society, the Association of Agro-economists and Eurothink – Centre for European Strategies are members of the group. The Sector Working Group works according to the NPAA[18] and, according to the information available so far, the SWG is focused to contribute to the programming process and monitoring the implementation of the IPARD programme. What can be noticed however, if one looks at its composition, is that there is still lack of sufficient involvement of CSOs since in the current group there are only three civil society organisations, out of which two agriculture and rural development is not the primary area of intervention of two of those organisations. Transparency, openness and access to information, documentation, Minutes from the sessions of the working group are also identified as areas where significant improvements can be made because they are currently not publicly available thereby making it difficult to monitor the results of the working group, especially by the CSOs that are not part of the SWG. The selection process of CSOs and the criteria based on which the CSOs were selected are also not publicly available, neither the information how and whether at all new CSOs can get involved and contribute to the work of the SWG. The documentation related to the work of this SWG, starting from the Rulebook, documents reviewed on sessions, all the way to the Minutes and Conclusions of the meetings and plenary sessions are not available even in electronic form on the website of the Ministry of Agriculture, Forestry and Water Economy. In addition, the SWG does not have a

[14] Screening, Secretariat for European Affairs <https://bit.ly/3rOae85>, last visit 30.11.2020

[15] *360 Degrees*, analysis, New Methodology and Duration of Accession Talks, <https://bit.ly/3d3y9vW>, last visit 30.11.2020

[16] Rulebook of SWG- Agriculture and Rural Development, found on: <https://bit.ly/3a8zZtx>, last visit 30.11.2020

[17] Shadow Report – Agriculture and Rural Development, found at: <https://bit.ly/374eZlU>

[18] National Programme for the Adoption of the Acquis, found at: <https://bit.ly/3rK1Vdj>

representative from the social and economic partners of the MAFWE, although they are all relevant civil society organisations that can get involved in policymaking and decision-making process through this mechanism. By means of a telephone consultation with these CSOs (until 2018, there were 21 organisations[19] on the list), it proved that none of them knew about the existence of the SWG, let alone its work.

Monitoring accession talks – it is suggested that civil society organisations to be involved in the process of monitoring accession talks overlooking the entire process. A representative from the civil society, on the level of chapters, should be able to monitor accession talks by being personal present during the talks. The way of selecting the representative monitoring the accession talks is described in this draft-model.

Independent monitoring – a proposal has been made for civil society organisations, depending on their expertise and strategic goals, to undertake activities that lead to independent external monitoring of the overall accession process. Their evaluation should be an impartial view of the accession talks.

Civil society organisations should be included in all established working groups, depending on their identified capacity and expressed interest for participation in the process of registration and nomination of representative from civil society organisations.

Note: The draft-model was developed in the period before the adoption of the new methodology for the negotiations framework for North Macedonia and used to present the opportunities and possibilities of how to include the civil society organisations in the accession talks. According to the latest developments, this model will undergo change. This is the last version drafted by the Council for Cooperation with and development of CSOs and therefore included in this document.

What are the legal forms and mechanisms in the sector agriculture and rural development that secure the participation CSOs in public policymaking?

In Chapter III of the Law on Agriculture and Rural Development, under the title Partnership[20], legal forms and mechanisms are determined to include civil society organisations in the policymaking and decision-making processes.

First of all, to be able to get involved and give their contribution in policymaking and decision-making, civil society organisations become social and economic partners to the Ministry of Agriculture, Forestry and Water Economy. What does that mean?

Social and Economic Partners

The Ministry keeps records on the social and economic partners with whom it has established partnerships. The social and economic partners for whom the Ministry keeps records are:

a) **Social partners – associations of citizens** established for advancing social interest in the area of:

- Environmental protection, argo-environment and agro-biodiversity;
- Protection of natural, cultural and traditional heritage of rural areas;
- Protection of the interests and role of young agricultural producers or female producers;
- Promotion of the role of rural women in the development of agriculture and rural areas;

[19] List of social and economic partners of MAFWE, found at: <https://bit.ly/3qcclCc>

[20] Article 18, Law on Agriculture and Rural Development, found at: <https://bit.ly/370KCfZ>

- Protection of the interests of the population from rural areas and improving the quality of their life, and
- Protection of the interests of workers in the agricultural production.

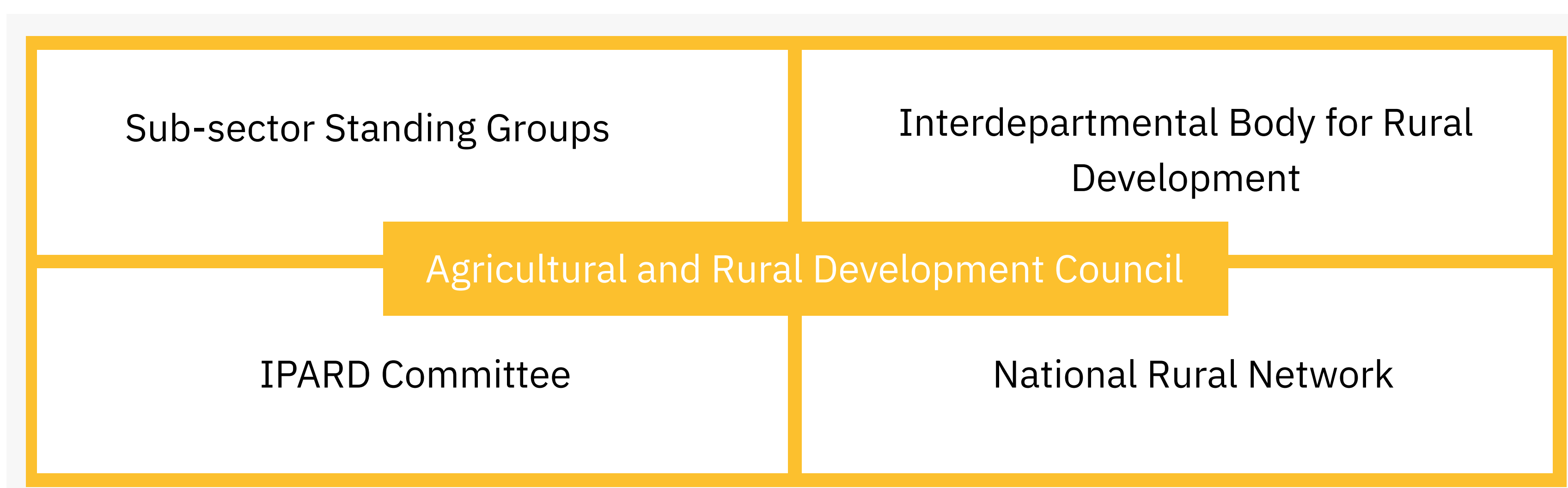
b) **Economic partners – associations of citizens** that have been established for the purpose of improving the economic interests of agricultural producers, processors of agricultural products or traders of agricultural products, cooperatives and unions in the field of agricultural production and groups within economic chambers dealing with agricultural activities and processing agricultural products.

To be registered by the Ministry, the economic partners should fulfill the following **additional conditions** for:

- Associations of agricultural producers – the number of members to be at least 1,000 agricultural holdings recorded in the URAH;
- Associations of processors or traders of agricultural products – the number of members to be at least ten legal entities whose main activity is processing or trading agricultural products;
- Cooperatives and unions from the field of agricultural production – to make annual income from the sales of agricultural products of at least 6,000,000 denars to members of the cooperative, and
- Groups within economic chambers dealing with agricultural activities – to have ten legal entities that work with agricultural activities, processing and/or trading agricultural products.

The records of the social and economic partners of the Ministry are publicly available. In the course of any significant process and consultations within the institution, communication is carried out with representatives from the partners, members are nominated for working groups etc.[21] Registering on the List of Social and Economic Partners is the first and basic step that citizen’s associations should do in order to receive information from the Ministry on regular basis. That is also a precondition for proposing their members in various working groups or consultation processes initiated and led by the Ministry. By becoming a social or economic partner of the Ministry, one secures their participation in the working groups and in the other consultative mechanisms established with the Law on Agriculture and Rural Development. The only note here is that the first and only public call for applications for social and economic partners was launched in 2018, and that was the last update of the List of Social and Economic Partners publicly accessible on the Ministry’s website.

In terms of working bodies and consultative mechanisms, including the civil society organisations in the policymaking and decision-making processes, that is made possible through the following working bodies:[22]



Graph 1: Mechanisms for involving CSOs in policymaking in the field of agriculture and rural development

[21] Records – social and economic partners can be found on: <https://bit.ly/3ufWnJK>

[22]Ibid

Agricultural and Rural Development Council

The Government, upon the proposal of the Ministry for Agriculture, Forestry and Water Economy, established an Agricultural and Rural Development Council, as one of the highest and key bodies that encompasses all stakeholders in the sector, including the civil society organisations. The Council is a consultative mechanism for developmental policies in the sector, especially in the parts regulating agricultural markets, including monitoring the state of affairs and recommendations from the academic and expert community concerning the process of implementation of the agricultural policy. In addition, this body is one degree higher in relations to the sub-sector groups because that is where their work is united and the annual programmes are adopted[23].

The meeting of the Council took place in 2012[24] with a total of 19 members, out of which – as members from the civil society – three of them were from the **three biggest associations** in the sector agriculture and rural development, one was a representative from the association for environmental protection and one from the associations that deal with tourism. This body meets at least once per annum however regularity is not its strong side i.e., it was established in 2012, and then again in 2019, indicating that there is no continuity in the work and activities of this Council. According to the Ministry for Agriculture, Forestry, and Water Economy, the Council has not developed a Rulebook, while the fruits of its work such as Minutes from meetings etc. are not publicly available. An additional limiting thing is the legal regulation according to which they must be recorded by the Ministry of Agriculture, while at the same time there is no information how to register. The places in the Council for agricultural associations are known in advance and reserved for the three biggest associations according to their membership but this is only valid for individual farmers thereby neglecting the networks or coalitions of a larger number of associations where the members are not individual farmers but citizen's associations. Another important feature about this body and the Ministry of Agriculture in general is that the number of members of the-organisations is not updated thereby creating an obstacle for new organisations to become part of the Council since there are no other criteria based on which an association can become a member of the Council.

Regarding the transparency of the work of this body, the members of the Council have no obligation stemming from whatever kind of secondary legislation act to inform regularly and transparently the wider public about their work, to share the conclusions, the Minutes of the meetings etc. The civil society organisations that are part of the Council do not share information about the conclusions adopted by the Council, nor do they consult other CSOs to build consensus and joint positions bearing in mind the fact that the most important decisions and policies related to the sector are discussed in this body. Each civil society organization is representing itself exclusively, and not the sector nor the agricultural branch it advocates for. This in itself talks about the need of increasing the transparency and accountability of the operation of the Council – not only towards its constituency, but for the wider public since that is the highest decision-making body with representatives from all stakeholders in the sector – farmers, associations, businesspersons, chambers etc.

Sub-sector Standing Groups

The Sub-sector Standing Groups are established by the Minister of Agriculture for the purpose of working on the regulations of agricultural markets of specific agricultural products or groups of products. The meetings focus on issues of interest of the farmers or processors that are current or influence their rights and obligations towards the State, the buyers, institutions etc.

[23] Article 21, Law on Agriculture and Rural Development, found at: <https://bit.ly/3rIKWrY>

[24] Information on the first meeting of the Agricultural and Rural Development Council, found at: <https://bit.ly/2NZeZwE>

These sub-sector groups are considered as consultative mechanisms for policymaking, drafting plans and programmes for developing agricultural markets per specific agricultural product or groups of products in which case the purpose and functions of these bodies are clearly determined. They are established for 10 different sectors (fruits, vegetables, wheat, milk etc.), and by means of a decision by the Minister, they can cover other agricultural areas which not part of the stated, should such a need arise.

Having regard to these sub-sector groups, the same – as bodies – support the process of ongoing communication between the participants of agricultural markets of specific agricultural products or groups of products in terms of demand and supply and the prices of the agricultural products. However, the last public call for members of the sub-sector groups was published in 2018 under the pressure of the agricultural manufacturers and associations. In addition, some of the legal obligations of the members of these groups are to come up with solutions to overcome market imbalances between the demand and supply or pricing, and their opinions and attitudes are expressed in the form of conclusions, but the conclusions are not publicly available, and even the those who are still members of the groups do not have access to their own conclusions.[25]The Sub-sector Standing Group consists of *voting members* and of *members with a consultative role, without voting rights*. The voting members are nominated by associations from the agricultural manufacturing, processing, and trading field, while non-voting members who are only consulted, are representatives from higher education institutions, associations of consumers and the Agency for Development of Agriculture. A president chairs each sub-sector group who has a term of one year without the right to a consecutive re-election. Each of the groups has a secretary who convenes the sessions of the Sub-sector Standing Group upon its own initiative or upon the request of the president. The secretary oversees the implementation of the conclusions.

The sub-sector groups, especially after the selection of the members in 2018 which was implemented through a public call for the very first time, secure the participation of civil society organisations, organizing their work in accordance with the latest developments in the sector thereby trying to build consensus or joint positions for the most important issues in the sector. What is missing however, is transparency towards the public and the other civil society organisations that are not part of the groups. These groups as well are most often composed of associations that are social and economic partners of the MAFWE, which means that this criterion should be changed (i.e., not to be the only precondition for becoming a member of the sub-sector group), or the transparency of the procedure for acquiring the status of economic/social partner of the institution should be increased. Another weakness is the fact that the work of such sub-sector groups should be implemented on the basis of an annual programme drafted until 30th November in the current year for the upcoming year, however that kind of practice, unless it is an *ad hoc* funded project, has not been established as a regular practice in the Ministry therefore the meetings are organized *ad hoc* due to the urgency of the situation, and not on basis of previously defined programme with clearly defined activities.

Interdepartmental Body for Rural Development

For the purpose of rural development integrated policymaking, the Government, upon the proposal of the Minister, established an Interdepartmental Body for Rural Development.

Ministry's State Secretary is in charge of the Interdepartmental Body for Rural Development.

The Interdepartmental Body for Rural Development has one member from these organisations[26]

[25] Final Report on Monitoring the Ministry of Agriculture for the period 2013 - 2016, found at: <https://bit.ly/3kkANPO>

[26] Article 25, Law on Agriculture and Rural Development, found at: <https://bit.ly/3kn2qrd>

1. Ministries of:

- Agriculture, Forestry and Water Economy;
- Finance;
- Economy;
- Local Government;
- Culture;
- Labour and Social Policy;
- Education and Science;
- Environment and Urban Planning, and
- Transport and Communications.

2. Secretariat for European Affairs

3. Agencies of:

- Financial Support of Agriculture and Rural Development, and
- National Extension.

Note: This interdepartmental body, although a legal obligation, has not been established yet by the Ministry of Agriculture, Forestry and Water Economy.

Committee for Monitoring the Multi-annual Programme for Using the Funds from the Instrument for Pre-accession Assistance for Agriculture and Rural Development of the European Union (IPARD Committee)

For the purpose of monitoring the efficiency and quality of implementation of the multi-annual programme for use of funds from the pre-accession assistance for agriculture and rural development of the European Union, the Government -upon the proposal of the Minister – established a Committee for Monitoring the Multi-annual Programme for Use of Pre-accession Assistance for Agriculture and Rural Development.

The provisions on the composition and the number of members of the Committee, as well as its rules and procedures are determined in line with the international agreements concluded on the use of pre-accession assistance of the European Union. Members of the Committee are representatives from the Ministry of Agriculture, Ministry of Economy, Ministry of Environment, Ministry of Local Government, Ministry of Culture, Ministry of Transport and Communications, Ministry of Labour and Social Policy, SEA, National Extension Agency, the Food and Veterinary Agency, and the Agency for Entrepreneurial Support. The other representative – in, more or less, the same number – come from civil society organisations and the chambers.

The Committee meets at least twice a year and discusses all the reports related to the progress made in implementing the IPARD programme, as well as the reports of the European Commission on the progress made by the country. The role of the Committee is to monitor the efficiency and effectiveness of the implementation of the Instrument for Pre-accession Assistance for Agriculture and Rural Development of the European Union, the IPARD programme 2014-2020 as part of IPA II. A special website has been setup with all available documentation, public calls and other consultative processes related to the IPARD programme. There is a separate part dedicated to the work of the Committee itself and all decisions, Minutes and documents adopted by this body are accessible. On the meetings of the Committee, all changes coming from the European Commission are elaborated, especially those from DG AGRI connected with EU-programming in the sector

agriculture and rural development. The meetings are well prepared in advance, the members of the Committee receive the material minimum ten days before the meeting so that they can prepare well and the meetings are always followed by representatives from DG AGRI –Directorate General for Agriculture and Rural Development in Brussels. The members of the civil society organisations in the Committee is quite diversified, enabling direct involvement in the monitoring process of the implementation of the IPARD programme, but also in the consultations for planning the funds and accreditation of measures within the programme on national level. That way the civil society organisations have an opportunity to get involved in one of the most important consultative processes, but also to contribute to that process with their own participation.

This is one of the mechanisms that fully transparently publishes the documentation from its work and enables timely involvement of civil society organisations. Here, like with the other mechanisms for involving civil society in the consultation process with the institutions, one can note insufficient level of transparency in the selection process of civil society members in the Committee. Again, this is connected with the obligatory registration of social and economic partners of the MAFWE, but also with another segment – the political influence in terms of the number of members and institutions from where these Committee members come from which is also in direct relation with the fact who is appointed Minister of the institution. Subsequently, every appointment of a new Minister of Agriculture, new members are added to the Committee. Even the management of the Committee is political since the State Secretary of the Ministry is in charge and that too is a political appointment. Therefore, to have equal access to information about becoming a member of the Committee, greater transparency is required in the selection process of civil society organisations. On the other hand, since 2016, the public knows much more about the work of the Committee compared to the forms of mechanisms that secure participation of civil society organisations in the policymaking and decision-making processes on national level.

National Rural Network

The National Rural Network is a platform for establishing partnerships with all stakeholders active in rural areas for the purposes of planning, monitoring, and implementing the National Rural Development Programme.

The establishment, organization, membership, and work of the National Rural Network is regulated by the Government upon the proposal of the Ministry. The Ministry secures administrative and technical support for the work of the National Rural Network.

The costs for the establishment and operation of the National Rural Network are covered from the funds for implementation of the National Rural Development Programme and/or from the Multi-annual Programme for use of Pre-accession Assistance for Agriculture and Rural Development of the EU.

Comment: The previous text is just part of the Law on Agriculture and Rural Development (Article 26-a), as a text put on paper since such a body *has not been established at all,* although the process of its establishment and operation was initiated by the European Union as part of the IPARD 2 programme. Such a network should increase the absorption capacity (which is quite low currently), above all of the National Rural Development Programme, but also IPARD 2 programme. Research in the agricultural sector, confirmed by the research of the Rural Coalition shows that from a total of 800 farmers, 572 have still not applied in the programme, and out of the 228 that did apply, only 17[27] were associations. This is an indication of how little stakeholders know the National Rural Development Programme and its measures.

[27] Final Report from Monitoring the Ministry of Agriculture for the period 2013-2016, found at:

In the course of 2015, with the support of the EU, the project for setting up the National Rural Network was implemented as an introduction to the new IPARD measures (LEADER and Advisory Services), that are part of the IPARD 2 programme. Within the framework of the project, as preparation for establishing the network, four regional consultative meetings were organized covering the 8 regions in the country to gather data, opinions, experience, and proposals from the civil society organisations in the country. On these regional gatherings, CSOs gave their opinions and recommendations in setting up the NRN through thematic working groups – each group was dealing with one of the given topics such as the Vision, Mission, Motto and Structure of the NRN, etc. Many proposals and suggestions came out of the regional meetings regarding the structure of the Network, its goals, vision, mission, plans, programme etc. The final conference took place 25th June 2015, while the establishment of the Network was expected for September 2015.[28]

Until the publishing of this policy paper however, the National Rural Network was still not established. The explanation of the Ministry is that the funds are earmarked in Measure 3 for Technical Support of IPARD-programme and the activities will continue where they stopped. The Ministry of Agriculture as the competent institution for setting up and supporting the National Rural Network does not specify any concrete reason why this body is still not in place bearing in mind its significance for informing, consulting and involving civil society organisations.

[28] Establishing a National Rural Network – project found at: <https://bit.ly/3qQIHCS>

RECOMMENDATIONS

01

Establish regular channel for information and communication with the registered social and economic partners of the MAFWE so that the CSOs can get information on time, but also to get involved in consultation and policymaking processes of the Ministry.

02

Publish regularly the open calls for members of the sub-sector groups and to abide by the legal deadlines therein, and publish all rulebooks, but also Minutes and decisions previously taken by these groups.

03

Civil society organisation should get involved in policymaking, and not only in the consultation process for already developed measures and policies. These processes should take the form of wide consultations and open information to all CSOs in the sector, and not just the registered social and economic partners.

04

Amend the Law on Agriculture and Rural Development in the part covering the criteria for participation in the Agricultural and Rural Development Council i.e., to get rid of the part stating "the three biggest national associations" and the membership process to be administered through an open public call.

05

Establish the National Rural Network as a body to secure the involvement and information of CSOs in the sector. The NRN should have its own Register of CSOs dealing with the sector agriculture and rural development, regardless of whether the same organisations have been registered as social and economic partners of the MAFWE.

06

Enable wide consultations within the Sector Group for accession talks on Agriculture and Rural Development within the MAFWE, thereby increasing the number of civil society representatives involved, but also improve transparency and available information about its operation as in the case of IPARD-Committee, with regular providing information, public access to Minutes, decisions made etc.

07

MAFWE should initiate the establishment of the Interdepartmental Body for Rural Development since it is the only body that enables links between the various institutions such as the Ministry of Environment, Ministry of Economy, Ministry of Finance etc. that are related to the sector agriculture and rural development, especially for policymaking as well as measures that demand an integrated intersectoral approach.

08

Increase the involvement of CSOs in policymaking and defining measures by establishing thematic working groups like the Gender Equality and Rural Women Empowerment Working Group that includes all stakeholders - institutional and civil society - that resulted with the creation of the first measure for economic empowerment of rural women - Measure 115 in the Rural Development Programme

09

Open the process of registration of social and economic partners of the Ministry of Agriculture by publishing regular public calls for registration, but also amend the Law on Agriculture and Rural Development to change the criteria for registration of economic partners where the association is requested to have more than 1,000 individual members, but no legal provision provides for coalitions and networks to become economic partners of the MAFWE. The Ministry should update the list on regular basis and introduce practice of regular informing.

