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No. 382 Report of a working visit to North Macedonia by a delegation from the standing committee on European Affairs on 9 and 10 February 2020

Adopted on 21 February 2020

On 9 and 10 February 2020, Mr **Anne Mulder**, the rapporteur for the Western Balkans, paid a working visit on behalf of the standing committee on European Affairs to the capital of North Macedonia, Skopje. The purpose of the rapporteur’s working visit was to gain greater insight into the preparations that North Macedonia is making for the start of accession negotiations, about which the Council of the European Union is set to make a decision later this year. North Macedonia has been a candidate for membership of the European Union since 2005 and the European Commission has been recommending that the Council begin accession talks since 2009. The working visit took place against a backdrop of the new EU enlargement methodology presented by the European Commission in the previous week (document number COM(2020) 57), the upcoming European Council meeting on 26-27 March 2020, which is expected to include discussions about the opening of accession negotiations with Albania and North Macedonia and the EU summit in Zagreb on 7 May 2020, which will focus on the Western Balkans.

The rapporteur was accompanied on the working visit by the committee chair, Mr **Hayke Veldman**, and the clerk of the committee Mr **Jeffrey van Haaster**.

**The previous working visit**

The working visit was a follow-up to a previous visit by the rapporteur on 7 and 8 May 2019. In the report of that visit (see Parliamentary Document 23 987, no. 360), the rapporteur noted that North Macedonia had made considerable administrative, political and judicial reforms in order to meet the criteria for initiating accession negotiations. Moreover, North Macedonia had changed its name in order to resolve the naming dispute with Greece. Backed by a positive referendum mandate, the Parliament had approved changes to its constitution with a two-thirds parliamentary majority in order to implement the so-called Prespa Agreement with Greece. Achieving this required a great deal of courage and statesmanship on the part of the citizens and politicians of North Macedonia. At the same time, the rapporteur noted that there were still several issues that had not been effectively addressed: the continuation of the Special Prosecutor’s mandate and investigations, possibly as part of the general public prosecutor’s office for organised crime and corruption, and the reorganisation of the national security services.

Finally, the rapporteur noted that each candidate member state should be judged on its own merits, calling for Albania and North Macedonia to be treated separately in the decision­making on opening accession negotiations.

Since then, the General Affairs Council and the European Council have had repeated discussions on the subject of EU enlargement and North Macedonia and Albania in particular, but failed on each occasion to reach anonymity on a decision. In light of the discussion in the European Council of October 2019, the European Commission has reviewed the current EU enlargement methodology and proposed reform. The subject of EU enlargement/the Western Balkans will again be on the agenda for the European Council meeting on 26­27 March.

**Discussions**

The programme for the rapporteur’s working visit to North Macedonia earlier this month included discussions with various representatives of government, Parliament and civil-society organisations. The aim was to gain as comprehensive a picture as possible of the status of reforms in North Macedonia and views on the prospects of EU accession. During the visit, the rapporteur spoke to Mr **Bujar Osmani**, Vice-Premier for European Affairs, Mr **Nikola Dimitrov**, Minister of Foreign Affairs and Ms **Renata Deskoska**, Minister of Justice. He also visited the *Sobranie*, the North Macedonian Parliament, for talks with the Parliamentary Speaker **Talat Xhaferi**, and with a wide delegation of MPs from the European Affairs Committee, chaired by Mr **Artan Grubi**. The perspective of civil society came in the form of the National EU Integration Council, which also includes representatives of the business community, and talks with representatives from the academic community, world of journalism and some NGOs. Finally, the rapporteur also had conversations with representatives of the international community in Skopje.

**Findings with regard to the Public Prosecutor’s Office**

Since the last working visit, the mandate of the Special Prosecutor was terminated in September 2019 and the cases she was working on have been transferred to the general Public Prosecutor’s Office, ensuring that they will be prosecuted. At the time of this month’s working visit, the key issue in North Macedonia was the adoption of new legislation on the Public Prosecutor’s Office (the so-called *PPO Law*). This new legislation will put in place a regular organisational structure ensuring that criminal offences will be investigated and prosecuted in the future. For the Netherlands, this is a crucial condition that North Macedonia must meet in order to enable accession talks with the EU to be opened. The legislation must provide sufficient safeguards to ensure that the Chief Public Prosecutor and his staff can operate effectively, independently and without discrimination.It must not be allowed to include any ‘hidden amnesty’ that might enable certain (former) politicians to evade scrutiny. The rapporteur enquired about this in all of his discussions; he saw no indications that there has been any horse-trading with the mandate of the Public Prosecutor’s Office. What did emerge is that the parliamentary discussions about the bill involved a compromise on the status of (reports of) illegal telephone taps conducted in the context of the large-scale wire-tapping scandal that plagued North Macedonia for several years: these can now serve only as an indicator to initiate an investigation or legal proceedings, but not as independent evidence in a court case.

The parliamentary discussion of the bill concerning the Public Prosecutor’s Office proved difficult and time-consuming. This was partly because the bill required a two-thirds parliamentary majority in order to be passed and partly because the government and opposition parties in North Macedonia remain highly divided. During the rapporteur’s working visit, the internal negotiations on the final, definitive version of the bill were still very much underway. The government was eager to get the bill through Parliament before its dissolution in view of the upcoming elections. In the end, the bill was passed with exactly a two-thirds majority on Sunday, 16 February 2020, the final day of the parliamentary session before dissolution. The rapporteur compliments North Macedonia for this impressive result, but finds it regrettable that no consensus could be reached on such an important proposal, which unfortunately illustrates how politics in North Macedonia remains polarised.

**Other findings**

The rapporteur notes that North Macedonia has made great progress in adapting national policy and legislation in line with EU community law (referred to as the *acquis communautaire*). According to national statistics, some 51% of the EU rules in regulations and directives on competitiveness have been implemented in national legislation. For justice and home affairs, that figure is 34% and it is 26% for agriculture. For EU implementation legislation, designated by means of an EU flag on the cover sheet of a bill, North Macedonia has introduced an accelerated legislative process. As a result, bills of this kind are given priority by the North Macedonian Parliament. Put another way, there has already been a great deal of convergence towards EU rules.

In response to the rapporteur’s question as to why so much effort is being made towards EU harmonisation when no accession negotiations are yet in progress, the authorities responded that they wish to move towards the (higher) EU standards in any case, irrespective of the prospect of EU accession. This intrinsic motivation would suggest that the authorities’ firm conviction that the changes and reforms will be permanent is plausible. Besides that, North Macedonia will also benefit in any negotiations from the fact that much of the EU rulebook has already been implemented. Nevertheless, there is still a considerable amount of work to be done in most policy areas.

The rapporteur also notes that, compared to last year’s report, there have also been improvements in terms of public supervision of the security services. A reorganisation of the security sector has been successfully completed, with increased focus on transparency, objectivity and integrity. Less progress is visible with regard to the transparency of senior official appointments and the professionalisation of public administration. This is and will remain a gradual process, something of which the politicians in North Macedonia are fully aware.

A worrying development in North Macedonia is that many talented and ambitious young people are emigrating to the EU, and particularly the north-west of Europe, in order to find a job and make a life there. Some highly educated young people are studying in the EU and are also staying and living there after graduation. These young people often cite uncertainty about the country’s future as reasons for not returning home. This is a cause for concern, not only for a country’s vitality, but also because young people are a key factor in catalysing reforms, which are best initiated from the grass roots in society rather than being imposed from above.

**Consequences of the tighter EU enlargement methodology**

In the European Commission communication published earlier this month, it outlined how it intends to tighten the EU enlargement methodology for candidate member states. Firstly, there will be greater emphasis on fundamental reforms in the political, legal and economic system; negotiations on justice, fundamental rights and the rule of law, democratic institutions and economic policy will be the first to begin and the last to end.

The negotiation chapters will also be clustered and the negotiations opened and (provisionally) closed on a cluster-by-cluster basis. Before opening and (provisionally) closing negotiation clusters, benchmarks will be set for each candidate member state in advance, and these will be assessed by the European Commission.

Member states will play a more important role throughout the negotiation process. The European Commission will monitor progress on an annual basis, proposing corrective measures where necessary. Member states will be invited to share their expertise in the negotiations and, where desirable, to participate in the process of monitoring with the European Commission. This will make EU enlargement no longer a technical, semi-automatic process, but one where the involvement and contribution of EU member states is factored in.

Finally, but no less important, conditionality will be strengthened: candidate member states will decide the pace of negotiations and their accession to the EU themselves. If they introduce more reforms and do so more rapidly, they will also be able to integrate faster into the EU. If the pace of reforms slows, the speed of accession negotiations will also be reduced. In addition, and for the first time, if reforms stagnate or take a step in the wrong direction, this can also set negotiations back, as a result of which negotiation clusters that have been provisionally closed will be reopened. In the worst case, negotiations can even be halted or interrupted. Put briefly, negotiations on EU accession will no longer be an irreversible process.

The authorities in North Macedonia have responded positively to this change in policy: they believe that the new method rewards good students like North Macedonia who have done their homework (and punishes poor students who perform badly). Civil-society organisations in North Macedonia see it as an additional incentive to keep the authorities on task once the accession negotiations have been initiated. According to these organisations, the strict and stable structure offered by the negotiation process will help the political and democratic reforms already introduced in North Macedonia to become permanent.

**Recommendation**

The rapporteur notes that, since the last visit in May 2019, North Macedonia has made further progress towards opening access negotiations, as the starting point in an open-ended process that will only lead to actual EU membership when all accession conditions have been met. The European Commission will shortly be publishing its new progress report on North Macedonia that will serve as a basis for the European Council discussions expected in late March.

At the same time, the authorities realise that there are some EU member states that are still linking decision-making about North Macedonia with decision-making about Albania. The authorities in North Macedonia say that, should the advocates of this link persist in this view, the EU member states could consider refining the negotiation procedure. This would involve the European Council being able to take the *formal decision* to open negotiations with both Albania and North Macedonia at the same time. After that, the EU could again separate the negotiations and associated planning with both countries from each other. First of all, the European Council would decide on a separate EU negotiation framework for each of the candidate member states. After that, a date would need to be set for a so-called Intergovernmental Conference for each candidate member state. It is at this conference that the actual negotiations start. The EU could then make the date dependent on more detailed screening by the European Commission in terms of preparedness for each negotiation cluster and the EU negotiation framework. This would require unanimous approval by the European Council.

Basically, this three-stage process would make it possible for the *actual start* of negotiations to be different for North Macedonia and Albania. As a result, the principle of merit as a basis for a credible EU expansion policy would be maintained. The rapporteur notes that the last time that the European Council decided on the formal opening of accession negotiations (with Serbia, on 28 June 2013), an interim stage was included in the procedure between the formal decision and the actual start of negotiations.

**In closing**

The rapporteur would like to offer his sincere thanks to the people he spoke to in North Macedonia for their cooperation and candour. He would also like to thank the Dutch ambassador, Mr **Dirk Jan Kop**, for the hospitable welcome and his expert and pleasant assistance during the working visit. Finally, the rapporteur would like to thank fellow members of the standing committee on European Affairs, under whose mandate he completed this working visit. The rapporteur trusts that his report will be of use to members in discussing the theme of EU enlargement/the Western Balkans in Parliament.

The rapporteur,

Anne Mulder