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APPROXIMATING MACEDONIAN LEGISLATION TO THE EU'S *ACQUIS*

ABSTRACT The Republic of Macedonia has to a large extent adapted its legislation to EU requirements. In the framework of the High Level Accession Dialogue, the country continues further activities in that regard in order to meet the political and economic criteria of EU accession. Apart from respecting the Copenhagen criteria, Macedonia's goodneighbourly relations with all the EU Member States have proved an important factor, hence the necessary strengthening of its regional cooperation and bilateral relations with Greece and Bulgaria.

Key-words: Macedonia, EU accession standards, approximation of law, stabilisation and association process, enlargement

1. INTRODUCTION

The European Union is an international organisation semi-open in nature, which means that new countries may accede to it, provided they meet some specific criteria.¹ They are set out in Article 49 of the Treaty on European Union (hereinafter the "TEU")² and can be formal or material. Thanks to the use of a specific procedure, the former serve to ensure that EU expansion takes place with the consent of not just the Union but all its Member States and their nations expressed by the national parliaments or directly by means of a referendum. The material conditions specified in Article 49 of the

¹ P. Czubik, B. Kuźniak, *Organizacje międzynarodowe*, Warszawa 2002, p. 7 (*Skrypty Becka*).

² 'Treaty on European Union, consolidated version', *Official Journal of the European Union*, C 326/1 (2012).

TEU, in turn, allow for the Union's enlargement by European countries³ which respect the values indicated in Article 2 of the TEU such as: human dignity, freedom, democracy, equality, rule of law and human rights, including those of persons belonging to minorities. The provisions of the TEU reflect the political criteria agreed by the 1993 European Council held in Copenhagen.⁴ Further, Article 49 of the TEU allows for the establishment by the European Council of additional conditions meeting of which makes EU accession possible. Apart from the required political conditions to be met, the Copenhagen European Council also adopted some economic criteria: the "existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union" in EU candidate countries. The practical result of the establishment of such requirements enumerated above is the obligation of the EU candidate country to adopt the Union's *acquis*, i.e. the entire body of EU legislation including its primary and secondary laws as well as the jurisprudence of the Court of Justice of the European Union, the union's policies, customs and values on the basis of which the EU functions⁵. During the first stage of accession negotiations, the adjustment of national legislation of the country aspiring to become an EU Member State is subject to a process of detailed assessment (screening) performed by the European Commission (EC), a starting point for further arrangements. In the latest report from the EC, it is concluded that Macedonia "has achieved a high level of alignment with the EU regarding legislation".⁶

The objective of this article is to find out, analysing EU law, official documents of the EC, the Council and the European Council as well as Macedonian legislation, what the main legal changes have been on the strength of which Macedonia can be deemed meeting the criteria for its EU entry in some selected areas and to what degree the law adjustments guarantee that country's accession to the Union.

³ Europeanness should be understood not as a purely geographical criterion but one that is supposed to ensure cultural homogeneity making integration possible. R. Ostrihansky, 'Rozszerzenie Wspólnot Europejskich i Unii Europejskiej' in J. Barcz (ed.), *Ustrój Unii Europejskiej*, Vol. 1, Warszawa 2010, p. I-44 (*System Prawa Unii Europejskiej*).

⁴ European Council, 'European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency', 22 June 1993, DOC/93/3, p. 14, at <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf>.

⁵ S. Biernat, 'Źródła prawa Unii Europejskiej' in J. Barcz (ed.), *Prawo Unii Europejskiej. Zagadnienia systemowe*, Warszawa 2003, p. 182.

⁶ European Commission, 'Report from the Commission to the European Parliament and the Council: The Former Yugoslav Republic of Macedonia: Implementation of Reforms within the Framework of the High Level Accession Dialogue and Promotion of Good Neighborly Relations', Strasbourg, 16 April 2013, COM(2013)205 final, at <http://ec.europa.eu/enlargement/pdf/key_documents/2013/mk_spring_report_2013_en.pdf>.

2. STABILIZATION AND ASSOCIATION PROCESS

The policy pursued by the Union⁷ as regards Western Balkan countries is known as the stabilization and association process. It was launched in 2000 as a result of the decisions taken at the Feira summit and confirmed in 2003 during the Thessaloniki European Council.⁸ The policy in question includes: the conclusion of stabilization and association agreements, which are supposed to: enable Western Balkan countries to join the EU once they have met the Copenhagen criteria, ensure the development of economic relations between EU countries and the region as well as within the region of Western Balkans, democratisation, the development of civil society, education, efficient administration as well as cooperation with the Union in the fields of justice and the interior.⁹ The EU supports such reforms financially: between 1996 and 1999 under the OBNOVA programme¹⁰, in the years 2000-2006 under CARDS (Community Assistance for Reconstruction, Development and Stabilization),¹¹ and in the 2007-2013 financial perspective replaced with the Instrument for Pre-Accession Assistance¹² (IPA) implemented in the current programming period of 2014-2020 in the form of the IPA II programme.¹³ Priorities and key requirements and principles ap-

⁷ As regards five countries of the region: Bosnia-Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Albania and the Federal Republic of Yugoslavia which become Montenegro and Serbia, including Kosovo (according to resolution 1244 of the United Nations Security Council) the EU has been conducting already since 1996 a policy the goal of which is to support the implementation of the Dayton/Paris and Erdut peace agreements and to create an area of political stability and economic prosperity by: establishing and maintaining democracy and the rule of law; ensuring respect for minorities and human rights; reviving economic activity. M. Djuric, 'Process of Cooperation – The European Union and Western Balkans', *Quality of Life*, Vol. 4, No. 1-2 (2013), pp. 31-40.

⁸ 'The Thessaloniki agenda for the Western Balkans – Moving towards European integration' in *General Affairs and External Relations*, 2518th Council meeting, *External Relations*, Luxembourg, 16 June 2003, 10369/03 (Presse 166), at <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/76201.pdf>.

⁹ R. Panagiotou, 'FYROM's Transition: On the Road to Europe?', *Journal of Southern Europe and the Balkans*, Vol. 10, No. 1 (2008), p. 60, at <<http://dx.doi.org/10.1080/14613190801895904>>.

¹⁰ 'Council Regulation (EC) No. 1628/96 of 25 July 1996 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia', *Official Journal of the European Union*, L 204/2 (1996).

¹¹ 'Council Regulation (EC) No. 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, repealing Regulation (EC) No. 1628/96 and amending Regulations (EEC) No. 3906/89 and (EEC) No. 1360/90 and Decisions 97/256/EC and 1999/311/EC', *Official Journal of the European Union*, L306/1 (2000).

¹² 'Council Regulation (EC) No. 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)', *Official Journal of the European Union*, L 210/82 (2006).

¹³ 'Regulation (EU) No. 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)', *Official Journal of the European Union*, L 77/11 (2014).

plied in the case of the reforms undertaken by the Western Balkan countries have been defined in legal acts adopted in the context of partnership for membership.¹⁴ The relations between the EU and Macedonia are then part of a wider context. On 9 April 2001, Macedonia signed in Luxembourg the Stabilization and Association Agreement – SAA.¹⁵ Like the other Western Balkan countries, Macedonia was defined as a prospective EU candidate at the Thessaloniki European Council in 2003 and then – after it had applied for membership on 22 March 2004 and received a positive response from the EC¹⁶ – the European Council of the 16 December 2005 considered the country to be an EU candidate.¹⁷ The priority areas of the partnership for membership where concerted effort on the part of Macedonia is particularly expected have been specified in two Council decisions.¹⁸

Macedonia has not started its accession negotiations yet despite five positive opinions issued by the European Commission – the first one adopted on the 1 October 2009¹⁹ – since the EU Council has not taken a positive decision on the matter.²⁰ As underlined by the European Commission: currently, “in the absence of the negotiation process, the main fora for discussion and monitoring of reforms are the bodies established under the Stabilization and Association Agreement²¹ as well as the High Level

¹⁴ ‘Council Regulation (EC) No. 533/2004 of 22 March 2004 on the establishment of European partnerships in the framework of the stabilization and association process,’ *Official Journal of the European Union*, L 86/1 (2004).

¹⁵ ‘Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part,’ signature 09/04/2001: Luxembourg, entry into force 01/04/2004, *Official Journal of the European Union*, L 84/1 (2004).

¹⁶ ‘Communication from the Commission – Commission Opinion on the application from the former Yugoslav Republic of Macedonia for membership of the European Union,’ Brussels, 9 November 2005, COM/2005/0562 final, at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0562>>

¹⁷ Council of the European Union, ‘Brussels European Council 14/15 December 2006, Presidency Conclusions,’ Brussels, 12 February 2007, 16879/1/06 REV 1, at <http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/ec/92202.pdf>.

¹⁸ ‘Council Decision 2008/212/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2006/57/EC,’ *Official Journal of the European Union*, L 80/32 (2008); ‘Council Decision 2006/57/EC of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with the former Yugoslav Republic of Macedonia and repealing Decision 2004/518/EC,’ *Official Journal of the European Union*, L 35/57 (2006); ‘Council Decision 2004/518/EC of 14 June 2004 on the principles, priorities, and conditions contained in the European Partnership with the former Yugoslav Republic of Macedonia,’ *Official Journal of the European Union*, L 222/20 (2004).

¹⁹ M. Risteska, *The Macedonian Accession to the European Union*, Centre for Research and Policy Making, at p. 12 <<http://www.europeum.org/doc/pdf/860.pdf>>.

²⁰ Council of the European Union, ‘Council conclusions on Enlargement and Stabilization and Association Process,’ General Affairs Council meeting, Brussels, 17 December 2013, at <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140142.pdf>, point 35.

²¹ ‘Stabilization and Association Agreement between the European Communities and their Member States...’

Accession Dialogue (HLAD)²² established in 2012.”²³ And so EU accession remains Macedonia’s strategic goal indicated in the Work Programme of the Government of the Republic of Macedonia for the period 2011–2015.²⁴

3. MACEDONIA’S ACHIEVEMENTS AND FURTHER CHALLENGES IN THE PROCESS OF LAW APPROXIMATION TO COMPLY WITH EU REQUIREMENTS

3.1. Institutional set-up

Since the adoption of the *Strategy bases of the Republic of Macedonia for acquiring associative EU member status* in September 1997²⁵, a dedicated system has been operating in Macedonia to manage the European integration process served by an institutional set-up including the following actors: 1. Committee for Euro-Atlantic Integration – a decision-making body in matters related to EU integration constituted, *inter alia*, by Prime Minister and his Deputies; 2. Working Committee for European Integration of the Government of the Republic of Macedonia – an interministerial body chaired by the Deputy Prime Minister of the Government in charge of European Affairs. Its task is to define methods for implementing decisions of strategic importance in view of Macedonia’s EU accession and monitoring their implementation; 3. The Deputy Prime Minister of the Government in charge of European Affairs – who manages the work of public administration bodies and other institutions preparing Macedonia for EU entry and coordinates their work as well as ensures its complementarity; 4. The Ministry of Foreign Affairs – Sector for the European Union – in charge of cooperation and exchange of information with EU bodies aided by the Mission of the Republic of Macedonia in Brussels.

Some others bodies have also been set up in Macedonia charged in particular with the approximation of national legislation to EU law, the most important being: 1. the Committee of Working Groups for Approximation of Legislation; 2. the Secretariat for Legislation – which assesses the approximation of national legislation to EU law; 3. the

²² The High Level Accession Dialogue is led by the Prime Minister of the Government of the Republic of Macedonia and the Commissioner for enlargement Štefan Füle.

²³ European Commission, ‘Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2013-2014’, Brussels, 16 October 2013, COM(2013)700 final, at <http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf>.

²⁴ *Програмата за работа на Владата на Република Македонија за периодот 2011-2015 година*, at <<http://www.konkurentnost.mk/StrateskiDokumenti/ProgramaVlada20112015.pdf>>, 10 April 2014.

²⁵ Currently – Measures and activities for realisation of the main priorities of the Accession Partnership. *Мерки и активности за реализација на главните приоритетите за пристапување во ЕУ*, Скопје, март 2008 година, Влада на Република Македонија, at <[http://www.sep.gov.mk/data/Merki_i_aktivnosti_z_a_realizacija-na_glavnite_prioriteti_za_pristapuvanje\(1\).pdf](http://www.sep.gov.mk/data/Merki_i_aktivnosti_z_a_realizacija-na_glavnite_prioriteti_za_pristapuvanje(1).pdf)>, 10 April 2014.

General Secretariat within the Government (verifying the execution of the provisions of the Rules of Procedure of the Government)²⁶ as regards the approximation of Macedonian to EU law);²⁷ 4. the Assembly of the Republic of Macedonia and its Commission for European Issues (adopting laws in the field of European integration).²⁸

3.2. Legislation approximation

The work focused on the approximation of Macedonian legislation to EU requirements is done following the National Programme for Adoption of *Acquis Communautaire*²⁹ updated in 2013. As the programme includes a detailed plan for the approximation of national legislation to the EU *acquis* as well as indicates specific institutions charged with implementing actions, it takes into consideration the division of the themes covered by the accession negotiations into 35 subject areas.³⁰

The changes introduced into Macedonian law in order to approximate it to the EU *acquis* shall be presented using the example of three selected areas which pursuant to the 2013 EC report³¹ are of priority importance for Macedonia's future EU membership next to such areas as electoral law reform, freedom of expression and the media, rule of law and fundamental rights.

²⁶ 'Деловник за работа на Владата на Република Македонија (пречистентекст)', *Сл. весник/година*, No. 36 (2008).

²⁷ 'Закон за Владата на Република Македонија, 22.07.2000', *Сл. весник/година*, No. 59 (2000).

²⁸ C. Flores Juberías, M. Atanaskova, 'Macedonia y su camino hacia la integración europea: Avances, obstáculos e implicaciones para la región balcánica', *Revista CIDOB d'Afers Internacionals*, No. 96 (2011), p. 151; A. Azizi, 'European Union Integration Of Macedonia: Negotiation for Membership', *International Journal Of Social Sciences And Humanity Studies*, Vol. 5, No. 1 (2013), p. 3; 'Accession to the EU Process Management System', Government of the Republic of Macedonia, Secretariat for European Affairs, at <<http://www.sep.gov.mk/en/content/?id=3#.U0ZwM53wH5p>>, 10 April 2014.

²⁹ *Национална програма за усвојување на правото на Европската Унија – ревизија 2013*, Скопје, декември 2012, Влада на Република Македонија, at <<http://www.sep.gov.mk/data/file/NPAA/NPAA2013NarativenDel.pdf>>, 8 April 2014, and *Национална Програма за Усвојување на Правото на Европската Унија – ревизија 2014-2016*, at <<http://www.sobranie.mk/WBStorage/Files/00npaa2014narativenobjavuvanje.pdf>>, 10 April 2014.

³⁰ Chapters of the *acquis* include: 1. Free movement of goods; 2. Freedom of movement for workers; 3. Right of establishment and freedom to provide services; 4. Free movement of capital; 5. Public procurement; 6. Company law; 7. Intellectual property law; 8. Competition policy; 9. Financial services; 10. Information society and media; 11. Agriculture and rural development; 12. Food safety; 13. Veterinary and phytosanitary policy; 14. Fisheries; 15. Transport policy; 16. Energy; 17. Taxation; 18. Economic and monetary policy; 19. Statistics; 20. Social policy and employment; 21. Enterprise and industrial policy; 22. Trans-European networks; 23. Regional policy and coordination of structural instruments; 24. Judiciary and fundamental rights; 25. Justice, freedom and security; 26. Science and research; 27. Education and culture; 28. Environment; 29. Consumer and health protection; 30. Customs union; 31. External relations; 32. Foreign, security and defence policy; 33. Financial control, Financial and budgetary provisions; 34. Institutions; 35. Other issues.

³¹ European Commission, 'Report from the Commission to the European Parliament and the Council: The Former Yugoslav Republic of Macedonia...'

3.2.1. Inter-ethnic relations

One of the conditions for Macedonia's accession to the Union was the transposition into Macedonian law of the provisions of the Ohrid Framework Agreement (OFA)³² signed on 13 August 2001. To this end, some changes were made in the Macedonian constitution.³³ For example, some excerpts were removed from its preamble which could imply that ethnic minorities are second-class citizens. The new preamble refers to the "citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others". The term "minority" was changed to "community" or "communities not in the majority".³⁴ Changes were also made as regards a possible introduction of the language of a national minority which accounts for more than 20% of the population in particular municipalities as official.³⁵ Other modifications made in the Macedonian constitution pertained to equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life. OFA implementation also required changes in legislation, one example being the passing of the Law on Territorial Organization of the Local Self-Government in the Republic which offered a number of rights to national minorities, mainly the Albanian one, as part of territorial self-government e.g. in education, health and development. The act also reduced the number of communes from 123 to 84.³⁶

Another example of OFA implementation is the Law on the University of Tetovo which converted the illegal Albanian-language school into a state university.³⁷ The constitutional provisions on language found more precision in the Law on the use of nation-

³² 'Рамковен договор' (Охридски рамковен договор), 13.08.2001, at <http://www.siofa.gov.mk/data/file/Ramkoven_dogovor_mk.pdf> ['Framework Agreement' (Ohrid Framework Agreement), 13 August 2001, at <<http://www.ucd.ie/ibis/filestore/Ohrid%20Framework%20Agreement.pdf>>].

³³ J. Steele, 'Macedonia to Alter Constitution for Albanians', *The Guardian*, 28 March 2001. On 15 October 2001 15 constitutional amendments were adopted; 'Amendments to the Constitution of the Republic of Macedonia' IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII AND XVIII, 16 November 2001 (*Official Gazette*, No. 91 (2001)).

³⁴ Amendment XI.

³⁵ Amendment V.

³⁶ 'Закон за територијалнта организација на локалната самоуправа Република Македонија. 16.08.2004', *Сл. весник/година*, No. 55 (2004). The referendum asked voters to vote for or against keeping the current 123 municipalities as determined by the 'Law on Territorial Division of the Republic of Macedonia and Determination of the Areas of Local Self-Government Units' (*Official Gazette of the Republic of Macedonia*, No. 49, (1996)) and the 'Law on the City of Skopje' (*Official Gazette of the Republic of Macedonia*, No. 49 (1996)). If successful, the referendum effectively nullifies the law enacted by Parliament in August 2004. For the referendum to pass, a voter turnout threshold of 50% (plus one) had to be met and a majority of those votes had to be "yes". As the referendum turnout was a mere 26.3% of the population Law on Territorial Organization was not repealed.

³⁷ 'Закон за основање на Државен универзитет во Тетово, 23.02.2004', *Сл. весник/година*, No. 8 (2004).

al minority languages adopted in August 2008.³⁸ It provides, for example, for the possibility of using an official language other than Macedonian by MPs in the Parliament, during work in parliamentary bodies, and even in the case of chairing sessions.³⁹ The right is limited to Members of Parliament whose minority is larger than 20% of the Republic's population, the condition currently met only by the Albanian community.

The institution charged with coordination of work related to OFA implementation and monitoring⁴⁰ is the Secretariat for the implementation of the OFA (SIOFA). Issues related to national minorities are also dealt with by the Agency for the Protection of Minorities. The Commission has made no reservations as to OFA implementation, stating in its 2013 report that inter-community dialogue "continued at all levels".⁴¹

3.2.2. Administrative capacity

The first strategy and action programme aimed at making the Macedonian administration more efficient was adopted already in 1999. At present, legislative reforms are undertaken on the basis of a strategy passed in 2010 (*Strategy for public administration reform 2010–15*) and renewed in October 2012.⁴² Its implementation should result in improved budget management and public finance control, professional planning, employee training and development in the public sector,⁴³ strengthening e-administration and combating corruption. To that end, the Law on Civil Servants has been amended on numerous occasions⁴⁴ and the Agency for Civil Servants (now the Agency of Administration) was established. In addition, the Law on Public Servants⁴⁵ was adopted in April 2010 providing special treatment for all public sector employees un-

³⁸ 'Закон за употреба на јазик што гозборуваат најмалку 20% од граѓаните во Република Македонија и во единиците на локалната самоуправа, 13.08.2008', *Сл. весник/година*, No. 101 (2008).

³⁹ Article 3 of the Law on the Use of Language.

⁴⁰ *Секретаријат за спроведување на Охридски рамковен договор Извештај по однос на состојбата за имплементација на сите политики што произлегуваат од Охридскиот рамковен договор*, Скопје, 2012.

⁴¹ European Commission, 'Report from the Commission to the European Parliament and the Council: The Former Yugoslav Republic of Macedonia...', p. 6.

⁴² Стратегија за реформа на јавната администрација во Република Македонија [Government of Macedonia 1999. The Strategy for public administration reform in the Republic of Macedonia. Ministry of Law], at <http://www.rja.gov.mk/files/documents1/Strategija_RJA_mk.pdf>, 10 April 2014; *Public administration reform strategy, 2010–2015, Republic of Macedonia*, 21 December 2010, EuropeAid/127747/C/SER/MK, at <http://mioa.gov.mk/files/pdf/en/Strategija_za_RJA_en.pdf>, 8 April 2014.

⁴³ B. Dimeski, 'Public Administration Reform Process in Macedonia: Between Politics and Good Governance', *International Journal of Politics and Good Governance*, Vol. 2, No. 2.4, Quarter IV (2011), *passim*.

⁴⁴ 'Закон за државните службеници, 22.07.2000', *Сл. весник/година*, No. 59 (2000), consolidated text online at <<http://www.mio.gov.mk/?q=node/217>>, 11 April 2014 [Law on Civil Servants, at <<http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN012615.pdf>>].

⁴⁵ 'Закон за јавните службеници', 16.04.2010, *Сл. весник/година*, No. 52 (2010).

der the current general public law in the country. Furthermore, the following acts have been adopted in compliance with EU standards: Law on Public Employees⁴⁶ (2013), Law on public finance control⁴⁷ (2013) and Law on Administrative Officers⁴⁸ (2014). Work is also in progress on the modernisation of the Law on General Administrative Procedures.⁴⁹ To combat corruption, the Law on Financing of Political Parties⁵⁰ and Law on Prevention of Conflicts of Interests⁵¹ have been amended which improved the verification and enforcement powers of the relevant authorities.⁵² Additionally, the Ethical code for members of the Government and Government-appointed officials⁵³ has also been adopted.

3.2.3. Strengthening the market economy

Changes in Macedonian law regulating economic matters are linked to the necessary legislation approximation so that Macedonia could become part of the single internal market as well as face competition there. Consequently, they pertain to all subject areas concerning the functioning of the internal market.⁵⁴ That process was to be facilitated by Macedonia's conclusion of the Stabilization and Association Agreement. In the Commission's words, Macedonia "continues to fulfil its commitments under the SAA".⁵⁵ Other actions taken by Macedonia in 2012 and 2013 focused on such issues as improvements on the labour market. In October 2012, the Government adopted an Action Plan for Youth Employment and made some legislative changes so as to ensure better clarity as regards statistical findings on the actual number of unemployed

⁴⁶ 'Закон за вработените во јавниот сектор, 05.02.2014', *Сл. весник/година*, No. 27 (2014).

⁴⁷ 'Закон за финансиската инспекција во јавниот сектор, 05.06.2013', *Сл. весник/година*, No. 82 (2013).

⁴⁸ 'Закон за административни службеници, 05.02.2014', *Сл. весник/година*, No. 27 (2014).

⁴⁹ 'Закон за општата управна постапка, 26.05.2005', *Сл. весник/година*, No. 38 (2005).

⁵⁰ 'Закон за финансирање на политичките партии, 27.10.2004', *Сл. весник/година*, No. 76 (2004).

⁵¹ 'Закон за спречување судирна интереси, 05.06.2007', *Сл. весник/година*, No. 70 (2007).

⁵² 'Commission Staff Working Document: The Former Yugoslav Republic of Macedonia, Progress Report accompanying the document Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2012-2013', Brussels, 10 October 2012, SWD(2012)332 final, at <http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf>, 10 April 2014.

⁵³ 'Етички кодекс на членовитена Владата на Република Македонија иносителите на јавни функции именувани од Владата на Република Македонија, 30.04.2010', *Сл. весник/година*, No. 60 (2010)

⁵⁴ Subject areas are: free movement of goods; freedom of movement for workers; right of establishment and freedom to provide services; free movement of capital; public procurements; company law; intellectual property law; competition policy; financial services; information society and media; agriculture and rural development; food safety, veterinary and phytosanitary policy; fisheries; transport policy; energy; taxation; economic and monetary policy; statistics; social policy and employment; enterprise and industrial policy; Trans-European networks; regional policy and coordination of structural instruments; customs union; financial control; financial and budgetary provisions.

⁵⁵ European Commission, 'Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2013-2014...', p. 30.

persons. In December 2012, an Operational Action Plan for Active Programmes and Employment Measures was also adopted. To make life easier for economic operators, the Company law was amended, facilitating the leaving of the market and removal of the business from the Company Register, while some sectoral bills were harmonised with the requirements of the Law on Concession and Public-Private Partnership.⁵⁶

4. APPROXIMATION OF MACEDONIAN LAW TO THE UNION'S REQUIREMENTS AS ONE OF MANY FACTORS FACILITATING MACEDONIA'S ACCESSION TO THE EU

The European Commission maintains that Macedonia sufficiently meets the Copenhagen criteria and may open accession negotiation. According to the Commission, the HLAD "is not, and cannot be, a substitute for moving to the opening of accession negotiations" and any further postponement of the start of the negotiations could not just discourage Macedonia from further efforts towards accession but also put in jeopardy the credibility of the enlargement process itself, which should be based on clear criteria.⁵⁷ In its resolution of February 2014, the European Parliament also stated clearly that Macedonia had sufficiently met the political and economic criteria for accession talks to begin and called on the EU Council to set a date for the start of accession negotiations without delay. The EP also said that bilateral issues should not represent an obstacle to the opening of accession negotiations, although they should be solved before Macedonia's accession to the EU.

Despite such unambiguous opinions of the Commission and the European Parliament the enlargement, which is an ongoing process subject to change, depends not just on the technical fulfilment of the Copenhagen criteria but also a series of other factors. In literature on the subject one can find ones such as: the Member States' preferences, the involvement of supranational institutions, integration capacity and public opinion.⁵⁸ In the case of Macedonia, the voice of individual Member States matters a lot. Due to the economic crisis the countries of the Union are far from enthusiastic about enlargement at the moment, with some blocking Macedonia's efforts on its way towards accession. This is mainly Greece, which still questions the very name of the country.⁵⁹ In 2012, Greece's veto was supported by Bulgaria, which charged Macedonia

⁵⁶ European Commission, 'Report from the Commission to the European Parliament and the Council: The Former Yugoslav Republic of Macedonia...', p. 9.

⁵⁷ Ibid.

⁵⁸ D. Phinmore, 'The Stabilization and Association Process. A Framework for European Union Enlargement' in A. Elbasani (ed.), *European Integration and Transformation in the Western Balkans. Europeanization or Business as Usual?*, London 2013, p. 31 (Routledge/UACES *Contemporary European Studies*, 25).

⁵⁹ A. Tziampiris, 'The Macedonian Name Dispute and European Union Accession', *Southeast European and Black Sea Studies*, Vol. 12, No. 1 (2012), pp. 153-171, at <<http://dx.doi.org/10.1080/14683857.2012.661225>>.

with stealing Bulgarian history, ideology of hatred towards Bulgaria, as well as libel.⁶⁰ Additionally, the Union does show signs of “enlargement fatigue” manifested in a climate not conducive to embracing it, which is surely also related to what public opinion polls suggest.⁶¹ If the accession of countries of Central and Eastern Europe was widely regarded as an opportunity to make historic peace in Europe artificially divided during the Cold War, the Member States perceive EU enlargement by the Balkan states to be risky given the instability of the region.⁶²

5. CONCLUSION

The Union’s supranational institutions (the European Parliament and the Commission) clearly conclude that Macedonia meets the Copenhagen criteria to a degree which merits the opening of accession negotiations with the country. However, the relevant decision is of intergovernmental nature and depends on the approval of representatives of all the Member States. The latter, in turn, is not possible to secure without Macedonia’s improved relations with Bulgaria and Greece, and in particular without a compromise as to the name of the Macedonian state.

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⁶⁰ *Macedonia Not Ready for EU, Bulgarian President Tells EC*, Novinite.com, 31 October 2012, at <http://www.novinite.com/view_news.php?id=144661#sthash.x0WObF2a.dpuf>, 11 April 2014.

⁶¹ European Commission, Flash Eurobarometer, *Views on European Union Enlargement. Analytical Report*, Fieldwork: February 2009, Flash EB No. 257, at <http://ec.europa.eu/public_opinion/flash/fl_257_en.pdf>, 11 April 2014.

⁶² D. Phinnemore, ‘The Stabilization and Association Process...’, p. 33.

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