

Goce KOCEVSKI*

The Parliament of North Macedonia in the Advent of Accession Negotiations with the European Union: Bystander or Actor?

ABSTRACT: *This paper analyses the role of the national parliament (Assembly) of North Macedonia in the process of the country's accession to the European Union. In 2022, North Macedonia started the opening phase of the accession negotiations. However, its closure is conditioned. The country must amend its Constitution to include the Bulgarian minority as an ethnic group. This requirement has put the Assembly under the spotlight. The integration of the country into the EU depends on enacting these amendments. Yet, the role of the Assembly does not end here. The paper describes the prerogatives of the Assembly in the context of EU accession, with a focus on the alignment of legislation and political oversight of the executive. It also analyses the specialised parliamentary bodies on EU affairs. The objective of the research is to assess to what extent the Assembly is using its constitutional prerogatives to give legitimacy to the process of EU accession that is overwhelmingly run by the executive. The author analysed data on the performance of the Assembly over the past ten years. The findings showed an overuse of the fast-track procedure for the harmonisation of legislation. The political oversight remains weak, although the special bodies within the parliament are meeting more frequently compared with the previous period. The Parliament is not part of the negotiation structure adopted by the Government, however, the chief negotiator is obliged to report to the Parliament about the progress. The role of the Parliament can be strengthened by a detailed regulation of the procedure for adopting laws for the transposition of EU law and by more frequent hearings in the specialised parliamentary bodies.*

KEYWORDS: North Macedonia, Parliament, Enlargement, Accession negotiations, Alignment of legislation, Parliamentary oversight.

* PhD Student in Constitutional Law, Faculty of Law Iustinianus Primus – Skopje, North Macedonia, goce.kocevski@gmail.com.

1. Introduction

In July 2022, after being a candidate for 17 years, North Macedonia started the opening phase¹ of the accession negotiations with the European Union (EU).² The postponement has largely been determined by politics rather than the policy of EU enlargement.³ However, the conclusion of the opening phase of the negotiations is conditioned.⁴

The country must amend its Constitution by the inclusion of Bulgarians as a separate ethnic group⁵ to proceed with the negotiations.⁶ Since the constitution-making powers are vested in the Assembly, and the required constitutional amendments are embedded in the negotiation framework, its role has inevitably received attention. Particularly, since the Government's proposal for amending the Constitution⁷ from July 2023 has not passed the phase of first reading due to a lack of qualified majority. For the second time in four years, the Assembly is required to amend the Constitution of the country to settle a bilateral problem⁸ with unpopular amendments⁹, such as a requirement for continuing on the path to the EU. So, the Assembly undoubtedly plays a central role when it comes to constitutional amendments for issues relevant

1 The first intergovernmental conference at the ministerial level on the accession of North Macedonia took place on 19 July 2022.

2 North Macedonia applied for EU membership in March 2004 and was granted EU candidate status in December 2005. The European Commission first recommended opening accession negotiations with North Macedonia in October 2009. Despite the consistently positive assessment of the EC that the country is ready to start the negotiations the Council of the EU has refrained from making the decision, insisting first on the resolution of the dispute with Greece over the country's name. About the path towards EU membership of North Macedonia see: Mojsovska, 2021, Milchevski, 2013; Gabidzashvili, 2021; Kostoska, 2018.

3 Mojsovska, 2021, p. 572.

4 Conclusions of the Council of the EU, 18 July 2022. Points 4 and 6.

5 This requirement is an element of the French EU Presidency's negotiation framework for North Macedonia's EU accession that aimed at unblocking the start of the accession negotiations that were hindered by the veto from Bulgaria due to bilateral dispute. About the framework see: Vangelov, 2023, pp. 160–172.

6 The name of the Parliament of North Macedonia is Assembly (Собрание).

7 Government of Republic of North Macedonia. Proposal for acceding to an amendment of the Constitution of Republic of North Macedonia. 18.07.2023.

8 In 2019 the Assembly amended the Constitution and changed the name of the country from Republic of Macedonia to Republic of North Macedonia, as required with the "Prespa Agreement" that the country signed with Greece. About the Prespa Agreement and the subsequent constitutional amendments see: Maatsch and Kurpiel, 2021, pp. 53-75; Chrysosgelos and Stavrevska, 2019 pp. 427–446.

9 Velinovska, 2023, p. 11.

to integrating into the EU, even when they are not related specifically to the *acquis* or transferring sovereignty.

However, aside from this, what are the other functions of the Assembly in the EU accession process? To what extent does the Assembly have an active role in the process of aligning national legislation with EU law, or does it confirm the bills coming from the executive? Does the Assembly use its constitutional prerogatives for political oversight over governmental actions related to the EU accession of the country, and does it hold the Government accountable for stalling the process? This paper attempts to provide an answer to these questions. It describes and analyses the past and current role of the Assembly in the EU accession process. It focuses on two key functions: the alignment of legislation with EU law and the political oversight of EU-related affairs. The paper aims to assess the impact that the Assembly has reached so far in the EU accession process and its prospective role in the recently started EU negotiation process. The paper strives to assess whether the Parliament in the current constitutional and legal settings and the current political and social context is ready to take over the demanding tasks of a Parliament of an EU Member State. This is particularly important, as the involvement of national parliaments in EU affairs has developed significantly since the Lisbon Treaty, and EU matters are increasing in complexity, demanding more attention and specialised knowledge of EU policies.¹⁰

Although significant literature exists on the relationship between national parliaments (of Member States) and the EU¹¹, that is not the case for the parliaments of EU candidate countries. Research on this issue has been done concerning Montenegro¹², Kosovo¹³ and Serbia¹⁴ but it is either focused on specific functions (e.g. harmonisation of legislation) or it is focused on the EU accession process *per se*. With regard to North Macedonia, the work of Ristova–Asterud is a valuable contribution to the role of the Assembly in the EU accession process.¹⁵ In setting up the theoretical framework, the author took into consideration the well-studied difference between the structural potential for parliamentary participation in EC/EU policy-making or in the perspective of an EU candidate country, the accession negotiations (the ‘legal constitution’) and the use of the constitutional rules and other relevant legal acts in reality (the ‘living constitution’).¹⁶ Whether the gap between these two will be narrow or wide, depends on the specific patterns of interaction between the executive, the majority

10 Auel and Christiansen, 2015, p. 289.

11 See: Heffler et al., 2015; Aue and Christiansen, 2016; Winzen, 2022; Sprungk, 2015.

12 Marović and Sošić, 2011.

13 Shala, 2019.

14 Orlovic, 2011.

15 Ristova-Asterud, 2011.

16 Maurer and Wessels, 2001, p. 17.

parties and the opposition parties.¹⁷ The new functions of national parliaments, once the candidate countries become EU member countries, are significant because of the political sensitivity and technical complexity of the EU's decision-making procedures.¹⁸ The literature shows that the role of the legislative branch relative to the executive in the process of joining an intergovernmental international organisation or *sui generis* political union of sovereign States is in an inferior position. The European Union, in particular, seems to have the effect of weakening both parliaments and interest groups in favour of the executive within its Member States.¹⁹ The consolidation process has automatically brought about the strengthening of the executive.²⁰ A recent review concluded that in the last decade, there has been growing policy specialisation in the institutional position of national parliaments at the European and national levels, while the causes and consequences remained largely unstudied.²¹

The author has reviewed primary data on law-making processes as well as the work of the working committees of the Assembly. He has reviewed the relevant constitutional provisions and laws, and has consulted secondary sources of information and literature. The methodology also reflects the structure of the article, which is divided into three parts. The first part focuses on a description of the constitutional prerogatives of the Assembly and its position in the political system. The second part focuses on the past role of the Assembly in the EU accession process. The third part focuses on two key functions of the Assembly in the context of EU accession: the harmonisation of legislation and political oversight.

2.

The Assembly of North Macedonia: Legal v. Living Constitution

2.1. The Assembly in Law

The Assembly (*Собрание*) of North Macedonia is a unicameral representative body that has exclusive competence for the enactment of laws. The Assembly is composed

17 Auel and Benz, 2005, pp. 372–393.

18 Zajc, 2008, p. 5.

19 Mauer and Wessels, 2001, pp. 19–22.

20 Olson and Ilonszki, 2011, p. 247.

21 Winzen, 2022.

of 120 representatives²², elected by a proportional representation (using the *D'Hondt method*) from six electoral districts and a 5% electoral threshold. The representatives are elected for a four-year term, and they enjoy a free mandate that cannot be revoked. The organisation and functioning of the Assembly are regulated by the Constitution²³ and by the Assembly's Rules of Procedure²⁴. Similarly to other national parliaments in Europe²⁵, the Assembly has the power to adopt laws, budget, amend the Constitution, ratify international treaties, exercise political oversight over the executive, elect public officials and has other constitutional prerogatives. The Assembly elects the Government and possesses the power to a motion of no confidence as well as the power to initiate a procedure for determination of liability of the President of the Republic²⁶ for violation of the Constitution and the laws in exercising his/her rights and duties (impeachment procedure).²⁷

The constitutional setting of the Assembly has certain specificities that differentiate it from other national parliaments in Europe. The Assembly cannot be dissolved by holders of the executive power (as is the case in the parliamentary systems in Europe). It can be dissolved only if the majority of the total number of MPs vote for dissolution.²⁸ It elects the Government both as a collective body and as individual members. The Prime Minister cannot decide upon the resignation of any Government member and cannot change the composition of the Government without the approval of the Assembly. According to some authors, the effect of these specificities is the increase of the power of the Assembly beyond that of the Government.²⁹ Lastly, there are the elements of consociational democracy introduced with the Ohrid Framework Agreement.³⁰ A double majority is required for specific laws³¹ as well as for the elec-

22 The Constitution defines the minimum (120) and the maximum number of representatives (140). See Article 62 paragraph 1 from the Constitution of North Macedonia. The Electoral Code limits the number to 123 from whom 120 are elected from the six electoral districts while the remained three are elected from three electoral districts for citizens living abroad. However, in the early parliamentary elections in 2016 and in 2020 the necessary electoral threshold has not been met and these three seats remained vacant.

23 Constitution of Republic of North Macedonia. Articles 61–78.

24 Assembly of the Republic of North Macedonia. Rules of Procedure. OJ No. 91/08, 119/10 and 23/13.

25 With the exception of Cyprus and to a lesser extent France, Portugal and Ireland, legislatures in the member states of EU are characterised by a relatively similar level of institutional prerogatives. See: Hefftlar et al., 2015, p. 5.

26 The President of the Republic is the head of state, elected on a direct election for a term of five years with limited executive prerogatives.

27 Shkarikj, 2014, pp. 315–319.

28 Constitution of Republic of North Macedonia. Article 63 paragraph 6.

29 Shkarikj, 2006, p. 449.

30 Treneska – Deskoska et al., 2023, pp. 132–138.

31 The laws that directly affect culture, use of languages, education, personal documents, and use of symbols, the Law on Local Self-Government and specific amendments to the Constitution.

tion of public officials³². These decisions are adopted by a majority vote of the MPs attending, within which there must be a majority of the votes of the MPs attending who belong to minority communities of the country.

2.2. *The Assembly in Practice*

Next, the author will look at how the Assembly works in practice. The author will focus on several key elements. The legislative dynamics, the use of the shortened procedure in the adoption of laws, the most common proposer of bills, the public trust and the level of political dialogue. Based on Table 1, a significant discrepancy can be observed in the number of laws adopted each year. From the peak in 2015 (606 laws adopted or two laws per day), in just two years, the legislative activity has fallen to 42. This shows the vulnerability of the Assembly to the political context and the impact of elections.

Table 1. Adopted laws in the period 2013–2022.³³

Number of adopted laws	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total number of adopted laws	349	357	606	366	42	267	196	67	213	109
In regular procedure	215	147	234	101	8	175	66	23	113	42
In shortened procedure	97	194	339	238	24	71	104	33	81	57
In urgent procedure	3	0	1	1	1	0	0	0	0	0
Ratifications of international treaties	34	16	32	26	9	21	26	11	19	10

Another relevant indicator, particularly for the culture of debate and building consensus, is the number of laws adopted in shortened procedures. This procedure limits the time for deliberation and discussion in both standing committee sessions and in plenary sessions. The data shows that in the ten years studied, in over seven of them, the majority of laws were adopted in shortened procedures. This practice, on more than one occasion, has been characterised by the European Commission³⁴ as undemocratic and limiting inclusiveness and transparency.

32 Ombudsman, three members of the Judicial Council and three judges of the Constitutional Court.

33 Source: Annual Reports of the Assembly of Republic of North Macedonia.

34 EU Progress Reports, 2014, 2016, 2018, 2020 and 2022.

Figure 1: Comparison of laws adopted in regular procedure with laws adopted in summarised procedure.³⁵

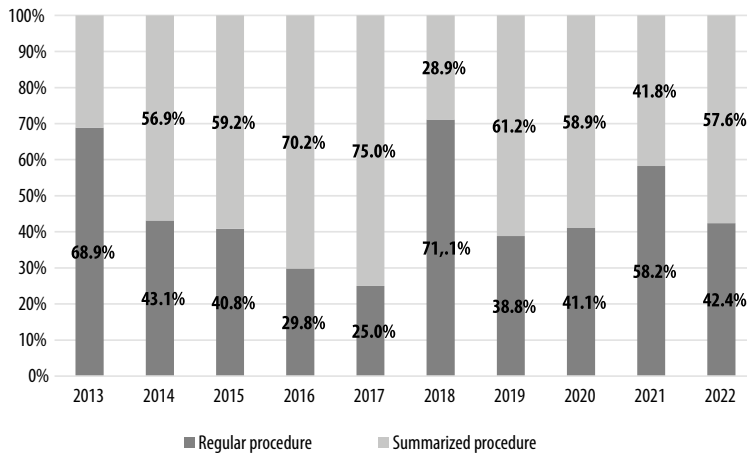
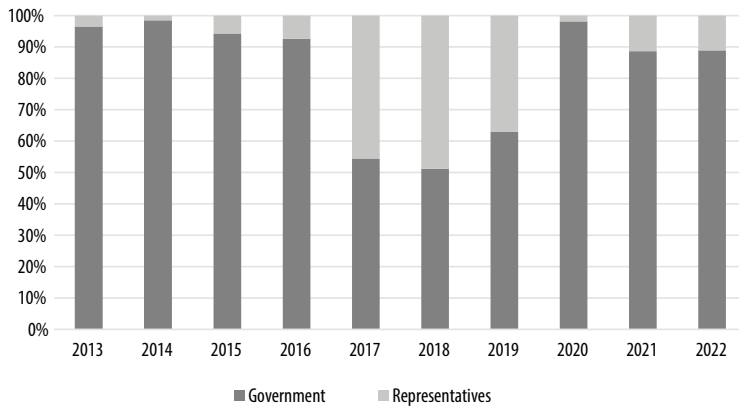


Figure 2 shows another specificity of the national parliamentary system. In an overwhelming number of cases, the bills were introduced by the Government, while the MPs are proposing laws more rarely.³⁶ However, a significant outlier is the period between 2017 and 2019 when over 1/3 of all laws adopted were proposed by the representatives. These years were characterised by the overall democratisation of the society following the previous 'captured State' period.³⁷

35 Source: Annual Reports of the Assembly of Republic of North Macedonia.

36 According to the Constitution, 10.000 citizens can also propose legislation but the number of such proposals is negligible.

37 Auerbach and Kartner, 2023, p. 545–547.

Figure 2: Comparison of bills introduced depending of their proposers.³⁸

The public trust in the Assembly is low and is in decline.³⁹ The country has an extensive history of boycotts in the Assembly which has negatively influenced the political system and the stability of the country. In the past, a significant number of laws were amended or adopted without the presence of the opposition. This contributed to dividing the population into left-wing and right-wing political supporters and has negatively affected the public perception of political parties. The party system of North Macedonia also mirrors the internal divisions of its bifurcated society. Ethnic parties dominate the political spectrum.⁴⁰ Ongoing political crises and boycotts in the country have led to the development of a new unique culture of moving the political negotiations outside the Assembly and to greater involvement of the international community in resolving crises. Boycotts derive from the lack of political dialogue, insufficient nurturing of the multi-ethnic culture and the lack of courage to implement the country's strategic goal, Euro-Atlantic integration.⁴¹

38 Source: Annual Reports of the Assembly of Republic of North Macedonia.

39 According to a recent survey, the score for the trust in the Assembly (on a scale from 1 to 10) in 2022 was 3.4 which is lower by 0.6 points compared with 2021. See: Reçica, 2023, p. 92

40 Egeresi, 2020, p. 118.

41 'Parliamentary Boycotts in the Western Balkans: Case Study Macedonia', 2019, p. 107.

3.

The Assembly and the EU Accession Process

3.1. Engagement of the Assembly in the Key Milestones of the EU Accession Process

The first step towards EU integration happened in December 1995⁴² when the two parties established diplomatic relations, though some level of political dialogue between the Assembly and the European Parliament had already begun.⁴³ The Assembly ratified the first agreement between the parties in 1997.⁴⁴ To declare political support for EU membership, in 1998 the Assembly issued a declaration in which, for the first time, it listed EU membership as a strategic objective of the country and it pledged for, among other things, an approximation of the legislation, transparency of the process and engagement of both, the legislative and the executive branches of the Government in the EU accession process.⁴⁵ In the same year, the Assembly established the first specialised body, the Committee for European and Euro-Atlantic Integrations.

In 2000, the Assembly reiterated the pledge from 1998⁴⁶ and endorsed the Government's efforts to sign a Stabilisation and Association Agreement (SAA) that was signed in April 2001 and ratified the same year. In 2003, the Assembly adopted another declaration specifying its role in the parliamentary dimension of the SAA process.⁴⁷ The SAA process was important for the Assembly for two main reasons: it required the start of the process of harmonisation of national legislation, and it enhanced the interparliamentary cooperation with the European Parliament. For

42 Although the Euro-Atlantic Integration has been determined as a strategic objective of foreign policy since the independence of the country in 1991, the process was delayed due to the objections raised by Greece with regards to the country's name which impeded the process of international recognition of the country.

43 On November 17, 1994, the European Parliament established a Delegation for Relations with Southeast Europe (SEE), which was responsible for inter-parliamentary relations with five countries from the region: Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Republic of Macedonia.

44 Cooperation Agreement between the Republic of Macedonia and the European Communities and the Transport Agreement.

45 Declaration for Development of the Relations of Republic of Macedonia with the European Union. Official Journal No. 7/1998.

46 Declaration for Elevating the Level of Relations of Republic of Macedonia with the European Union. Official Journal No. 99/2000.

47 Declaration on the Role of the Assembly of Republic of Macedonia in the Parliamentary Dimension of the Stabilization and Association Process. Official Journal No. 39/2003.

that purpose, the Committee for European Affairs as a specialised working body of the Assembly was established in 2004.

A significant milestone of the process occurred in March 2004, when the country applied for membership in the EU. The Assembly also unanimously recommended to the Government to apply for membership.⁴⁸ In December 2005, the country was granted EU candidate country status, based on the decision of the Council of EU⁴⁹, endorsed by the European Council but without a date for starting the negotiation process. After acquiring the candidate country status, the Assembly took the formal status of the national parliament in COSAC. In 2007 and 2008, the Assembly demonstrated a proactive attitude. It issued resolutions for the priorities in the accession process⁵⁰ and established a National Council for European Integration. In October 2009, the EC concluded the country's Progress Report with the recommendation that negotiations for EU membership be started. However, the European Council (December 2009) did not decide to launch the accession negotiations. The Assembly amended its Rules of Procedure and introduced a specialised, fast-track procedure for harmonisation of legislation.⁵¹

In the years that followed, the Commission continuously recommended opening accession negotiations, while the Council consistently postponed the decision. Between 2011 and 2017, the process of EU accession stalled due to the threat of a veto by Greece and the internal deterioration of democracy and the rule of law.⁵² During this period, in the context of other Western Balkans countries, the country regressed from the position of frontrunner in 2004/2005 to that of laggard in 2014.⁵³

In 2017, the process was relaunched, with the Assembly issuing a declaration to speed up the reform and integrative processes. In June 2018, following the signature of the Prespa Agreement with Greece, the Council of the EU (General Affairs) adopted the conclusion that the Member States set out the path towards accession negotiations with North Macedonia (and Albania) in June 2019.⁵⁴ The Assembly adopted the constitutional amendments stemming from the Prespa Agreement, although the Referendum held (which was not mandatory) was not successful since the census

48 Declaration for Submitting Application for Membership of Republic of Macedonia in the European Union. Official Journal No. 7/2004.

49 Conclusions of the Council of the EU, 15–16 Dec 2005.

50 Resolution on the Priorities in the Accession Process of Republic of North Macedonia in the European Union and opening negotiations for membership in the European Union. Official Journal 145/07. Resolution for priorities in 2009 for accessing of the Republic of Macedonia in the European Union. Official Journal 155/08.

51 Assembly of the Republic of North Macedonia. Rules of Procedure. Official Journal No. 119/10 and 23/13.

52 Dabrowski and Myachenkova, 2018, pp. 20–21.

53 Kacarska, 2014, p. 69.

54 Conclusions of the Council of the EU, 26 Jun 2018

was not met. However, in 2019, despite the previous year's pledge, the Council of the EU did not decide to start negotiations for EU membership in North Macedonia.

In September 2022, the Government of North Macedonia adopted a decision to set up a structure for negotiations for accession to the European Union.⁵⁵ The structure for negotiations is composed of chief negotiators, deputy negotiators, different working bodies, the Mission of RNM in Brussels and the Secretariat for Negotiations. According to the structure, the burden of the negotiations will be born solely by the executive. The negotiation positions will be adopted by the Government and not by the Assembly. The only reference of the Assembly concerns the obligation of the chief negotiator to report to the Assembly quarterly about the negotiations and the determined negotiation positions. The National Council for European Integration may provide opinions and directions for the negotiation positions, but they are not mandatory in the current institutional setting. Yet, by using the regular mechanisms for parliamentary oversight described below, the Assembly can fight its way to a more proactive role in the process.

3.2. Parliamentary Structures on European Affairs

3.2.1. Committee on European Affairs

The Committee was established in 2004 as a working body of the Assembly. It has a president, fourteen members and their deputies. It is a relevant working body for all laws for alignment of legislation with EU law. The Committee monitors the implementation of the National Strategy for the Integration in the EU. It also monitors the fulfilment of the obligations arising from the agreements with the EU and the realisation of the programs and other acts of financial assistance. It has an active role in the process of harmonisation of the legislation. With regard to political oversight, it follows the activities of the Government and State administration bodies in connection with the admission of the country in the EU. It may also carry out activities aimed at informing the public about the processes of European integration. The data shows limited engagement in organising public debates and hearings. The work of the body is reduced to passing bills from the Government and having discussions on EU reports on the progress of the country without a proactive stance.

55 Decision for Establishing a Structure for Negotiations for Accession of Republic of North Macedonia to the European Union. Official Journal No. 200/2002.

Table 2: Overview of the work of the Committee on European Affairs.⁵⁶

Committee on European Affairs	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Sessions	17	12	15	6	7	17	28	7	17	21
Topics on the agenda	26	18	18	6	9	25	56	11	38	47
Reviewed legislative proposals	22	11	9	1	3	20	32	15	22	30
Public debates	0	1	5	3	1	1	1	0	0	1
Supervisory hearings	1	0	0	0	0	0	0	0	0	0

3.2.2. National Council for European Integration

In 2007, the Assembly established a National Council for EU Integration, completing the process of internal reorganisation to set up the institutional framework for the EU accession process.⁵⁷ It was envisioned as a broad platform, under the auspices of the Assembly, that would enable the inclusion of all social factors in the creation, debate and follow-up of the European integration of the country. The Council's task is to develop common positions and coordinate action in the process of obtaining membership in the EU. The Council monitors and evaluates the course of activities for obtaining membership and gives opinions and directions regarding the preparations for starting the accession negotiations as well as regarding the negotiating positions. In addition, it reviews information about the negotiation process and evaluates the activities of individual members involved in the negotiation teams. If necessary, it gives opinions on the harmonisation of national legislation with EU law. The manner of work of the Council is regulated by its Rules of Procedure.⁵⁸

The composition of the National Council for European Integration reflects the different political, ethnic, religious and interest groups in Macedonian society that are united towards a common aim. The Council has a president, a vice president and 15 members. Nine members (and nine deputy members) are elected from the MPs in the Assembly, and six members are from specific institutions.

The Assembly is represented by three members from the ruling parties, three from the opposition and three ex-officio members (the president of the Committee for European Affairs, the president of the Committee for Foreign Affairs and the co-president of the Joint Parliamentary Committee between the Assembly and the

⁵⁶ Source: Annual reports of the Assembly of North Macedonia.

⁵⁷ Ristova-Asterud, 2011, p. 17.

⁵⁸ Rules of Procedure of the National Council on EU Integrations. 2011.

European Parliament. The other six members are the deputy of the Prime minister in charge of European integration, representatives from the Cabinet of the President of the Republic, the Prime Minister from the Macedonian Academy of Sciences and Arts, the Community of Local Self-Government Units and the Association of Journalists of Macedonia. These members participate in the work of the Council without voting rights. The President of the Council is appointed from the representatives of the opposition.⁵⁹

The National Council for EU Integration bears the responsibility for securing a broad consensus on the EU agenda. On average, it has three sessions per year. However, the work of the Council has been affected by party-political differences.⁶⁰ Because of this, the NCEI strives to meet its *raison d'être*, i.e. ensuring broader societal support and consensus for key reforms necessary for further EU integration in the country. A peek into the reports of the NCEI in the past ten years makes it clear that it was unable to build a joint and unanimous consensus on key issues, such as ensuring an independent and impartial judiciary, an effective fight against corruption, reforms towards a functional public administration and other important issues. The sessions of the NCEI had the same pattern through the years. They were either related to reviewing EC reports, the status of the realisation of the program for alignment of legislation, or discussion upon the priorities of the different Member States that chaired the Council of the EU. Although these topics are important, what is lacking is the more assertive role of the NCEI in conducting political oversight and seeking accountability for the failures encountered by the executive in the EC accession policy.

4.

The Assembly's Key Functions in the Context of EU Accession:

4.1. Alignment of National Legislation with EU law

4.1.1. Planning of the Alignment

The alignment of legislation is a process of drafting and adopting legal measures aimed at gradually achieving consistency between the legislation of a third country and the EU *acquis*. North Macedonia took a formal obligation to align its legislation

⁵⁹ Decision for Establishment of a National Council on Euro-integration No. 140/07 and Art. 3.

⁶⁰ European Commission. Country Progress Report for the Former Yugoslav Republic of Macedonia. 2013.

in certain specific areas with the Stabilisation and Association Agreement.⁶¹ Since 2001, though, as the country progressed on its EU accession path, the areas have been broadened to include all 35 chapters of the *acquis*. Similarly, as in the other countries⁶², the preparatory activities for harmonisation, the process of drafting the proposals is within the competence of the executive, in the national context within the competence of the Government and the competent Ministries. The planning of the harmonisation is done by regular updates of a National Program for Adoption of the Law on European Union. The Program was prepared by the Secretariat for European Affairs and adopted by the government. The Program establishes a detailed plan and schedule for harmonising the national legislation with the European legislation, and the competent institutions and bodies for its preparation and implementation are also defined. The Rules of Procedure of the Government also impose an obligation to the competent Ministries that the legislative proposals must contain statements of compatibility and tables of concordance.⁶³ The materials also must have an EU flag (here EU flag procedure).⁶⁴

4.1.2. The Procedure for Adoption of Laws for Harmonisation with EU Law

The Assembly bears the responsibility for the alignment of national legislation in accordance with the *acquis*. The procedure for adopting laws is regulated by the *Rules of Procedure of the Assembly*.⁶⁵ The Rules introduced for the first time specific references related to the role of the Assembly in the harmonisation process. They require that any legislative proposal tabled for the purpose of harmonisation of the legislation must contain a set of mandatory elements (reference to the EU act with full title and statement for compliance signed by the competent Minister).⁶⁶ The Rules do not contain more specific requirements for validation of the statement, i.e. to assess whether the proposal is actually related to harmonisation or not.

The Rules set out three different procedures: regular, summarised and urgent procedures. They define the criteria for determining which procedure will be used for a specific legislative proposal. The type of procedure is indicated by the proposer of the law, but the President of the Assembly has the authority to reject the proposal

61 Stabilisation and Association Agreement between the European Communities and their Member States, and the former Yugoslav Republic of Macedonia.

62 Hefftl et al., 2015.

63 Rules of Procedure of the Government. Art. 66 par. 2.

64 Ibid. Art. 73.

65 Rules of Procedure. Official Journal No. 91/08, 119/10 and 23/13.

66 Ibid. Art. 135 par. 4.

if the criteria are not met.⁶⁷ The regular procedure is intended as a common avenue for the adoption of laws. It encompasses three readings. The urgent procedure may be used for legislative proposals when they are necessary for preventing and removing major disturbances in the economy or when the interests of the security and defence of the Republic require it or in cases of major natural disasters, epidemics or other extraordinary and urgent needs. The shortened procedure may be used in three cases: (1) when the proposal is not a complex and extensive law, (2) for repealing a law or specific provisions of a law and (3) where the amendments are not related to complex or extensive harmonisation with the law of the European Union.

Though colloquially known as 'EU flag Procedure' the Rules do not set up a special procedure for the adoption of a law for harmonisation of the legislation with the EU law. Instead, the amendments to the Rules from 2013⁶⁸ introduced a specific provision regarding the legislative procedure before the working bodies for, among others, the laws for harmonisation of the legislation with the EU *acquis*.⁶⁹ The three key specificities⁷⁰ are:

In the first reading, the duration of general deliberation is limited to three working days, and the total time for discussion of MPs is limited to a maximum of 20 minutes for each MP, 30 minutes for coordination of the MP's group and 15 minutes for the proposer.

The second reading is limited to three working days. In this phase, MPs can only speak once and for no longer than 10 minutes, while the coordinator of a group can do so for 15 minutes. The deliberation for laws that are tabled in summarised or urgent procedures can last a maximum of two working days.

For the legislative proposals that are processed in a summarised and urgent procedure, the deliberation can last two working days. An MP can only discuss the proposed amendments, only once for 10 minutes, while the coordinator of the MP's group only once for 15 minutes.

Though the Rules are not sufficiently specific, the bills for the alignment of legislation are reviewed solely by the Committee on European Affairs and the Committee on Legislation. They are not reviewed by any other thematic working body.

67 Rules of Procedure of the Assembly. Art. 136.

68 Rules amending the Rules of procedure of the Assembly of Republic of North Macedonia. OJ No. 23/13.

69 These exemptions also apply to legislative proposal related to laws in competences of the standing committees on finances and budget and on the economy.

70 Rules of Procedure of the Assembly. Art. 171-a–171-d.

4.1.3. The Alignment in Numbers

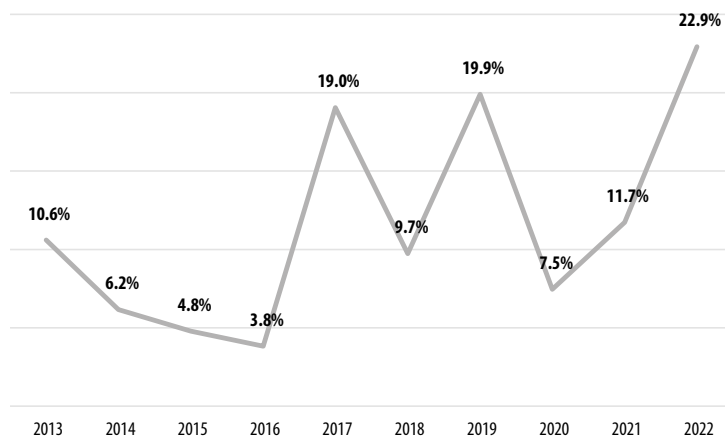
According to the data shown in Table 2, the overall number of laws adopted in the specialised 'EU flag' procedure is low compared with the total number of adopted laws as shown in Table 1.

Table 3: Number of laws for harmonisation with EU law.⁷¹

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total number of laws	37	22	29	14	8	26	39	5	25	25
Regular procedure	20	18	17	5	1	15	32	4	17	13
Shortened procedure	9	0	3	1	5	5	4	0	6	11
Urgent procedure	8	4	9	8	2	6	3	1	2	1

However, when looking at the percentage from the total number of adopted laws, their number shows an increasing trend.

Figure 3: Laws adopted for harmonisation with EU law, expressed as a percentage of the total number of adopted laws.



71 Source: Annual Reports of the Assembly of Republic of North Macedonia.

4.1.4. *The 'EU Flag' Procedure – An Avenue for Efficient Alignment or Surpassing Debate*

Some authors have claimed that the rules of parliament have been shaped to enable Government parties not only to favour Government bills but also to discourage opposition bills and discussion, thus increasing the success of governments in gaining parliamentary approval of their legislative proposals.⁷² One of the 'side effects' of introducing a streamlined and shortened procedure is the potential risk for misuse, particularly since it significantly limits the time and space for debate and dissent. Whenever the Government needs to adopt specific legislation for which either there is a lack of public support, or there is a risk of filibustering by the opposition, the option of attaching the EU flag to the bill can be attractive. Calls about the misuse of this procedure have been raised on multiple occasions by scholars, opposition, NGOs and the media. However, in 2021 for the first time, the European Commission explicitly reiterated that "The use of 'EU flag' needs to be coherent and linked to laws, a large part of which aim at being aligned with the EU *acquis*".⁷³ The same message was reiterated in 2022⁷⁴ while in 2023, it was pointed out as an "excessive and inappropriate use of the EU flag procedure" and on one occasion even as the "abuse of EU flag procedure continued". Since 2021, over 10 bills⁷⁵ have been proposed; a larger proportion of them were adopted, though they contained deficiencies and did not meet the criteria for an 'EU flag procedure'. The deficiencies included a lack of indication of the specific EU legal act with which the law was harmonised, lack of table of concordance or inadequate filling of the table, and the bill was not planned in the national program for harmonisation of legislation. Very commonly, as a means to legitimise a proposal, some sections of the bill were related to harmonisation, but at the same time, other novelties were introduced that required a more thorough scrutiny and debate. The 'EU flag' procedure was used, among other things, to amend the Criminal Code by introducing lower penalties for crimes of corruption and to amend laws on labour relations, expropriation, urban planning, construction, and highways to be built (notably road corridors VIII and X-d), even though the amendments did not generally concern the alignment of existing legislation with the EU *acquis*.

72 Olson and Ilonszki, 2011, p. 237.

73 European Commission. Report on North Macedonia, 2021. p. 14.

74 European Commission. Report on North Macedonia, 2022. p. 13.

75 Laws for Amending the Law on Games of Chance and Entertainment Games, February 2023, Academy of Judges and Public Prosecutors in the shortened procedure, March 2023; Controlled and Psychotropic Substances, August 2021; Accounting, December 2021; Civil Procedure, August 2021; Financial companies, January 2023, Court expertise, November 2023. Agency for Intelligence, December 2020; Labor Relations, Expropriation, Urban Planning, Civil Engineering, Corridors 8 and 10-d, May 2023. Criminal Code, August 2023.

4.2. Political Oversight over EU Accession Affairs

The political oversight function on the activities of the Government in issues related to EU accession is carried out with the constitutional mechanisms of individual or collective responsibility of the Government (i.e. vote of no confidence), interpellation, parliamentary questions and setting up special inquiry commissions. Aside from this, the Assembly also has the power to organise supervisory hearings. Besides these general tools, the Assembly introduced new, specific mechanisms for political oversight related to EU affairs, including quarterly Government reports on the situation of European integration, annual plenary sessions on the situation of European integration, quarterly reports on the realisation of the program for alignment of legislation; opinions and recommendations from the Committee on European Affairs to the Government.⁷⁶ Since 2005, there has been only one case for (unsuccessful) interpellation of a Government minister for failure in the accession process and failure to provide information to the Assembly on the process. No Government official was held accountable for failure to submit a legislative proposal without adequate supporting documents.

As for the current parliamentary composition, a total number of 12 questions have been asked, either regarding the accession process or the relations with the EU in general. Questions have been raised about the reason for not starting the negotiations, the impact of the problem with Bulgaria, alignment with EU foreign policy, etc. All questions have been answered. Compared with the total number of parliamentary questions, those related to the EU are insignificant.

Table 4: Overview of the number of parliamentary questions related to the European Union.⁷⁷

Parliamentary composition	2008- 2011	2011-2014	2014-2016	2016-2020	2020-2024
Number of parliamentary questions related to the EU	8	5	0	7	12
Total number of parliamentary questions	648	671	587	713	969
Initiated interpellations for EU-related issues	1	0	0	0	1
Total number of initiated interpellations	8	3	2	8	8

Interpellation for issues related to EU accession has been initiated twice, again by former Vice Prime Ministers for European affairs (in 2010 and 2020), both for alleged stalling of the EU integration process. The debates were in a highly politicised setting.

⁷⁶ Ristova-Asterud, K. (2011) *Position and Functions of National Parliaments in the European Union – Recommendations for the EU Integration of the Assembly of the Republic of Macedonia*. Skopje: Progress Institute. 2011. p. 17.

⁷⁷ Source: www.sobranie.mk.

Both initiatives were rejected. Only one supervisory hearing was organised in 2013 for the use of the fund for the Instrument for Pre-accession Assistance.

5. Conclusions

Statistical and other data demonstrate that the Assembly has yet to fully utilise all of its available resources to participate in the process of EU accession negotiations. The EU accession negotiations of the Republic of North Macedonia in the current legal and political setting are overwhelmingly in the grip of the executive. Although it may be explained by the quite technical nature of the negotiation process, the Assembly still needs to have a more proactive role in legitimising the process and building consensus between the different divisions of the parties in the country, including on ideological lines as well as on interethnic lines. The Assembly demonstrated a lack of capacity to prevent the overuse of documents and, in some cases, the misuse of the fast-track procedure, which, instead of harmonisation of the legislation, has been used for enacting laws that are either controversial, lack popular support or require a much more thorough debate and the inclusion of all stakeholders. The Assembly possesses the power not to deliberate upon a bill that did not meet the necessary criteria; however, that has not been utilised accordingly. This shortcoming has been identified by the European Commission and may have a negative impact on the negotiation positions of the country.

The lack of effective political oversight is transferred to EU affairs as well. A highly divisive political culture prevents the Parliament from effectively using its institutional structures for greater engagement of the public and scrutinising the work of the executive on the EU accession process.

The Assembly needs to accelerate its internal modernisation. This is necessary to ensure that it is prepared to participate in the European Union's decision-making process. It is also clear that the Assembly, with limited expert knowledge on specific technical areas, has concentrated mostly on acquiring information with the possibility of engaging the government in debate, although in the end, it has usually confirmed all positions or has only slightly amended them. North Macedonia, in the final stages of the negotiations, will need to amend its national Constitution before becoming a member of the European Union to transfer aspects of its sovereignty to the EU. This will return the spotlight on the Parliament that, according to the Constitution, is the sole Constitution-maker. Parliament needs to substantially improve its performance as a forum for constructive political dialogue and representation. The focus needs to be on the active participation of all parliamentary parties, proper consultation and impact assessment prior to the enactment of legislation.

Bibliography

- Auel, K. and Benz, A. (2005) 'The Politics of Adaptation: The Europeanisation of National Parliamentary Systems'. *The Journal of Legislative Studies*, Vol.11, No.(3/4), pp.372–393.; <https://doi.org/DOI: 10.1080/13572330500273570>
- Auel, K. and Christiansen, T. (2015) 'After Lisbon: National Parliaments in the European Union.' *West European Politics*, volume 38, issue (2),. pp. 261–281. p. 289.; <https://doi.org/DOI: 10.1080/01402382.2014.990693>
- Auel, K. and Christiansen, T. (eds) (2016) *After Lisbon: National Parliaments in the European Union*. Routledge. 2016; DOI: <https://doi.org/10.4324/9781315674995>
- Auerbach, K. R., Šand Kartner, J. (2023) . 'How Do Political Parties Capture New Democracies? Hungary and North Macedonia in Comparison.' *East European Politics and Societies*, 37(2), pp. 538–562.; <https://doi.org/DOI: 10.1177/08883254221075841>
- Chrysosgelos, A. Šand Stavrevska, B. Elena. (2019) 'The Prespa Agreement Between Greece and North Macedonia and the Discordancies of EU Foreign Policy.' *European Foreign Affairs Review*, Volume 24,(Issue 4) (2019) pp. 427 – 446.; DOI:<https://doi.org/10.54648/eerr2019036>
- Dabrowski, Marek. and; Myachenkova, Yana. (2018): 'The Western Balkans on the road to the European Union'. *Bruegel Policy Contribution*, No. 2018/044, Bruegel, Brussels. pp. 20 – 21.Available at: https://www.bruegel.org/system/files/wp_attachments/PC-04_2018.pdf.
- Dahl, B., (2001) Securing democracy and legitimacy – the role of the national parliaments in the European structure (report at the International Conference of the Presidents of European Parliaments, Stockholm).
- Egeresi, Z. (2020) 'North Macedonia: Disputed State and Bifurcated Society' in Dúró, J. Šand Egeresi, Z. (eds.) *Political History of the Balkans (1989–2018)*. Budapest: Dialóg Campus. pp. 107 - 122118.
- Gabidzashvili, I. (2021) 'The EU Enlargement to the Western Balkans: Accession Negotiations with North Macedonia and Albania'. *European Policy Review*, Vol. 4, No. (1), ISSN 2753-9199;.
- Heffttler *et all.* (eds). (2015) *The Palgrave Handbook of National Parliaments and the European Union..* London: Palgrave Macmillan.; <https://doi.org/DOI: 10.1007/978-1-137-28913-1>
- Kacarska, S. (2014) 'The EU in Macedonian Party Politics: Consolidating And Dividing' in Stratulat, C. (ed) *EU integration and party politics in the Balkans*. European Policy Center. p. 69–82.
- Kostoska, O. (2018) 'Macedonia's Stalled Bid for EU Membership: Is the Solution in Sight?' *18, Romanian Journal of European. Affairs.* 5418(2), pp. 54 – 76. .
- Maatsch, A. and Kurpiel, A. (2021) 'Between collective and particularistic interests.: Ratification of the Prespa Agreement by national parliaments in Greece and

- North Macedonia', *Southeast European and Black Sea Studies*, 21:(1), pp. 53-75; DOI: 10.1080/14683857.2021.1877911
- Marović, J. and Sošić, M. (2011) *The Montenegrin Parliament in the process of EU integration - Just watching or taking part?*. Institute Alternativea. 2011.
 - Mauer, A. Wolfgang, W. (eds) (2001) *National Parliaments on their Ways to Europe: Losers or Latecomers*. Baden-Baden: Nomos. Verlagsgesellschaft.
 - Milchevski, I. (2013) 'A requiem for a dream: the name issue and the accession of Macedonia to the EU'. *International Issues & Slovak Foreign Policy Affairs*. Issue No: 04. XXII/2013. pp. 40-59.
 - Mojsoska, S. (2021) 'North Macedonia: Politics versus Policy of EU Integration.' *Comparative Southeast European Studies Comp. Southeast Europ. Stud.* 2021; 69 (4), pp. 561-574. De Gruyter Oldenbourg. Berlin/Boston; <https://doi.org/DOI: 10.1515/soeu-2021-0072>
 - Olson, D. & Ilonszki, G. (2011) 'Two Decades of Divergent Post-Communist Parliamentary Development,' *The Journal of Legislative Studies*, 17:(2), pp. 234-255, DOI: 10.1080/13572334.2011.574028.
 - Orlovic, S. (2011) 'National Assembly of Serbia and European Parliament - A Constitutional-Law Comparison.' *Zbornik Radova: Pravni Fakultet u Novom Sadu* 45 Zbornik Radova 497 45 (3). pp. 497-515. DOI: 10.5937/zrpfns11034970
 - Oxford Analytica (2022), "Anger at EU North Macedonia deal may unseat government", Expert Briefings.
 - Ristova-Asterud, K. (2011) *Position and Functions of National Parliaments in the European Union - Recommendations for the EU Integration of the Assembly of the Republic of Macedonia*. Skopje: Progress Institute. 2011.
 - Reçica, V. (2023) *Parliament Watch: Citizen Perceptions of the Work of the Assembly of the Republic of North Macedonia - 2023*. Skopje: Institute for Democracy 'Societas Civilis'. p. 92
 - Shala, S. (2019) 'The Potential of National Parliament in the EU Legal Alignment Process: The Case of Kosovo'. *Journal of Comparative Politics* 12 (4-18), pp. 4-18..
 - Shkarikj, S (2006) *Constitutional Law*. Skopje: Matica Makedonska. p.449.
 - Shkarikj, S (2014) *Scientific Interpretation – Constitution of Republic of North Macedonia* Skopje: Kultura. pp.315-319.
 - Sprungk, K. (2015) 'A New Type of Representative Democracy? Reconsidering the Role of National Parliaments in the European Union' *Journal of European Integration* 35 (5) pp. 547-563. DOI: in Representation and Democracy in the EU. Routledge. 2015. 10.1080/07036337.2013.799944
 - Treneska – Deskoska et al. (2023) *Political System*. Skopje: Friedrich Ebert Stiftung.
 - Vangelov, O.gnen. (2023) "'The French Proposal: A Turning Point in the Balkans or a Dead End?'" *Foreign Policy Review* 16.(1) (2023): pp. 160-172;

- Vehar, P. (2007) 'The National Assembly of the Republic of Slovenia and EU affairs before and after accession', in O'Brennan, J. & Raunio, T. (eds) *National Parliaments within the Enlarged European Union From 'victims' of integration or competitive actors?* London & New York: Routledge. pp. 241 – 254.
- Velinovska, V. (2023) *Europe in Crisis – Consequence on the Public Opinion in North Macedonia*. Skopje: IDSCS.
- Westminster Foundation for Democracy (2019) 'Case Study Macedonia' in *Parliamentary Boycotts in the Western Balkans: Case Study Macedonia* (2019). Westminster Foundation for Democracy. p. 107. Available at: <https://www.wfd.org/sites/default/files/2022-05/wfd-wb-boycotts.pdf>
- Winzen, T. (2022) 'The institutional position of national parliaments in the European Union: developments, explanations, effects,' *Journal of European Public Policy*, 29:(6), 994-1008,. DOI: 10.1080/13501763.2021.1898663.
- Zajc, D. (2008) 'National Parliaments of the New Member Countries in the EU – Adaptation of the Slovene National Assembly to the New Challenges'. *Politička misao*, Vol. XLV,15 (5) (2008.), No. 5, pp. 3–22.