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The Parliamentary Dimension of North Macedonia's Accession to the European Union

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The new EU legislature: What potential impact on EU enlargement to North Macedonia?

The short brief analyses the new dynamics in the new EU legislature on EU enlargement to the Western Balkans, its impact on the EU's perspective to North Macedonia, and the role of the Assembly of North Macedonia in pushing for the country's European perspective.

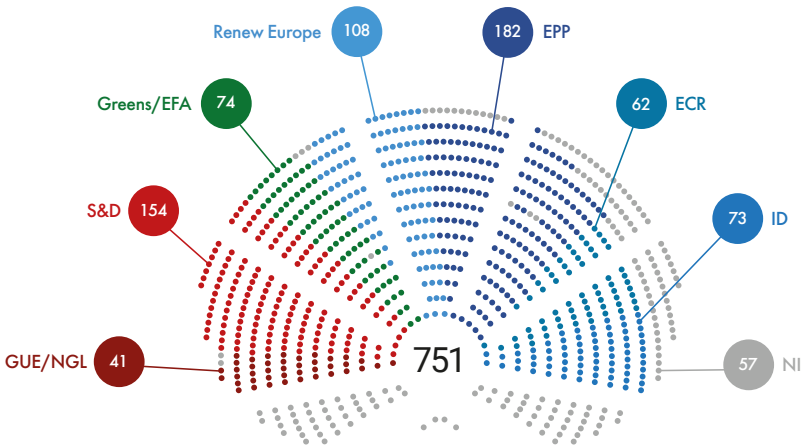
A pro-European but fragmented European Parliament

The new European Parliament (EP) has a profoundly renewed face, with only 295 Members having been re-elected in May 2019. That means that 435 Members of the EP (58% compared to 48.5% in 2014) are new.¹ This Parliament has also seen new groups gain strength, with an increase in the representation of Renew Europe and

the Greens. While this has ensured the continuation of a pro-European absolute majority in the EP, it has also meant that a grand coalition between the two main groups – the European People's Party (EPP) and the Socialists and Democrats (S&D) – is no longer enough to get through legislation. Both parties suffered losses in the European elections. With 108 Members (14 more than in 2014), Renew Europe is seen as potentially playing a rebalancing role in EP. Along with the Greens, these two parties have become key allies in a fragmented parliament where an absolute majority necessitates (depending on the configuration) at least 3 out of the 4 pro-European parties cooperating. In parallel, the EP witnessed a sharp erosion of the far left and important gains on the far right.

¹ European Parliament, [Members of the European Parliament, 2019-2024](#)

Graph1. European Parliament 2019 - 2024 Constitutive session



Political groups in the European Parliament

- **EPP** - Group of the European People's Party (Christian Democrats)
- **S&D** - Group of the Progressive Alliance of Socialists and Democrats in the European Parliament
- **ECR** - European Conservatives and Reformists Group
- **Renew Europe** - Renew Europe group
- **GUE/NGL** - Confederal Group of the European United Left - Nordic Green Left
- **Greens/EFA** - Group of the Greens/European Free Alliance
- **ID** - Identity and Democracy
- **NI** - Non-attached Members

Since 2009, according to Parliament's rules of procedure, a political group shall consist of at least 25 Members elected in at least seven Member States.

Since the nomination of the von der Leyen team, the debates on contested names of portfolios and Commissioners-designate have brought to the fore the potential diminishing returns of a fragmented EP. Moreover, the dynamics of possible coalitions and possible fragmentation across political parties have also played

out in the votes following the hearings of the Commissioners-designate.

Nevertheless, the results of the European elections are encouraging for the Western Balkan region since pro-EU enlargement parties remain in power in the new legislature. In a letter to the

candidate for the post of a new European Commission President, leader of the S&D Iratxe Garcia had asked, among other things, for support for opening accession negotiations with Albania and North Macedonia in 2019.² Since then, the S&D has also called for opening accession negotiations with the two countries at the October 2019 EU Council meeting.³ When addressing the European Council that rejected opening accession negotiations with North Macedonia and Albania, on 17 October 2019, EP President David Sassoli (S&D) also supported the European Commission recommendation to open negotiations with both countries. He stated that, “[w]hen we call on neighbouring countries to make an extra effort to change and they do so, it is our duty to make a similar effort”.⁴

Renew Europe did not include EU enlargement policy in their conditions for confirming the von der Leyen nomination in July 2019, but the Alliance of Liberals

and Democrats for Europe - ALDE party (as it was called in the previous legislature) has traditionally been in favour of EU enlargement, as has the European People’s Party. The EPP President Joseph Daul had expressed his support for the opening of EU accession talks for North Macedonia and Albania,⁵ as had EPP Chairman Manfred Weber.⁶ The divisive patterns of action of the far right when push comes to shove in EU decision-making on key EU topics means that these parties will probably not pose a threat to the Western Balkans’ EU accession path.

Members with a long experience with the Western Balkans and supporters of the European perspective of the region remain in key positions in the EP configurations. EPP Member David McAllister, recognised for his extensive knowledge and experience of EU foreign policy, including the EU enlargement process, stays on as Chair of the Foreign

² [“S&D Group asks von der Leyen to support opening of negotiations with Albania and North Macedonia in 2019”](#), European Western Balkans, 12 July 2019.

³ [“Party of European Socialists will support North Macedonia in October”](#), European Western Balkans, 19 September 2019.

⁴ [President’s speech at the European Council, European Parliament, Brussels](#), 17 October 2019.

⁵ [“European People’s Party, EPP calls for opening of accession talks for North Macedonia and Albania, Press Release, Brussels”](#), 11 October 2019.

⁶ Manfred Weber’s twitter account: <https://twitter.com/ManfredWeber/status/1185142839853879296>

Affairs Committee. In the previous legislature, he was also the Chair of the EP Delegation to Serbia. This post is now held by S&D Member Tanja Fajon, known for her support for EU-Kosovo visa liberalisation and EU enlargement, more generally. S&D Member Andreas Schieder, newly elected Chair of the EP Delegation to North Macedonia, has also supported opening EU accession talks with the country and retweeted the S&D group's strong reaction to the European Council decision: "We are outraged by total inability of European leaders to decide anything on North Macedonia and Albania in #EUCO. This damages the credibility of EU and its institutions and any leverage in the Western Balkans region and on world stage."⁷ In fact, Parliament passed a motion in its October plenary expressing deep disappointment over the failure to agree on opening EU accession talks with the two countries at the latest EU summit.⁸

EU inter-institutional dynamics on enlargement to the Western Balkans

In July 2019, Germany's Ursula von der Leyen secured European parliamentary approval with a very marginal majority⁹ to become the first female European Commission president. She won over the S&D group and Renew Europe with her vision of a greener, fairer, and rule-based Europe. With the added endorsement by her fellow EPP, it is expected that she will have the necessary legitimacy to tackle controversial issues. It is in this context that the promises made by von der Leyen should be assessed.

Already during her campaigning for votes in Parliament for the confirmation of her nomination, von der Leyen stated in a letter to the S&D group that North Macedonia was "a bright example of positive achievements" and pledged her

⁷ The S&D group's twitter account: <https://twitter.com/TheProgressives/status/1185160738408665088>

⁸ [European Parliament, Failure to open accession talks with Albania and North Macedonia is a mistake](#), Press Releases, 24 October 2019.

⁹ With 733 votes cast (one of which was not valid), 383 members voted in favour of von der Leyen (only nine more than the threshold of a simple majority vote – equivalent to 374 votes – needed to be elected). Moreover, 327 members voted against her, and 22 abstained, demonstrating how divided Parliament was on her candidacy. European Parliament, [Parliament elects Ursula von der Leyen as first female Commission President](#), Press release, 16 July 2019.

support for EU enlargement despite the well-known reservations of some EU leaders.¹⁰ In her Political Guidelines for the next European Commission, von der Leyen again committed to supporting “the European perspective of the Western Balkans” and to “stand[ing] behind the European Commission’s proposal to open negotiations with North Macedonia and Albania”.¹¹ She also explained that she saw the accession process as an opportunity to promote and share EU values and interests: “We will build the same future together”. In that light, von der Leyen continues the steps of the 2018 Strategy for the Western Balkans of the Juncker Commission, which put the enlargement perspective of the region back on the EU agenda.¹² Both she and European Commission President Juncker deeply regretted the October 2019 European Council decision.¹³

In the meantime, rumours about the future of current Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) are rightfully causing unease among candidate and potential candidate countries. Similarly, the nomination of Spain’s current Foreign Minister Josep Borrell as the next EU High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HRVP) has raised eyebrows since Spain is one of the five countries of the EU that do not recognise Kosovo.¹⁴ However, a more nuanced look at Spain’s and Borrell’s positions is needed. While arguably Spain has hardened its stance against the recognition of Kosovo or the development of bilateral relations with Kosovo, Borrell – a hard opponent to Catalan independence – has quite controversially suggested that Kosovo is an independent state. In late 2017, he

¹⁰ [“Von der Leyen: I will support opening of negotiations with North Macedonia and Albania”](#), European Western Balkans, 15 July 2019.

¹¹ von der Leyen, U., [A Union that strives for more: My agenda for Europe. Political Guidelines for the Next European Commission 2019-2024](#), Brussels, July 2019, pp. 18, 21.

¹² European Commission, [A credible enlargement perspective for and enhanced EU engagement with the Western Balkans](#), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2018) 65 final, Strasbourg, 6 February 2018.

¹³ Marusic, Sinisa Jakov, [“European Council Fails to Reward North Macedonia, Albania”](#), BalkanInsight, 17 October 2019.

¹⁴ Muminović, E., [“Who will be in charge – Western Balkan countries worried about the EU top jobs”](#), European Western Balkans, 24 July 2019.

stated that “Catalonia is not a colony, it is not occupied, it is not a state like Kosovo”. He has also argued that if Serbia recognised Kosovo it would facilitate its EU accession process.¹⁵ At the same time, a Spanish HRVP would mark the first institutionalised communication between Spain and Kosovo since the 2008 unilateral declaration of independence, given that Spanish representatives have refused to communicate with or participate in meetings with their counterparts from Kosovo.¹⁶ To the surprise of many, Borrell announced during his hearing in the European Parliament for his confirmation as HRVP that his first official visit would be to Pristina. Regardless of Borrell’s positions on the Western Balkans – or indeed those of Spain – the HRVP will coordinate EU political action with all EU Member states and form positions that are in line with EU pledges already made to the region.

Experts have argued that EU Member States will play a stronger role in guiding

policy, including EU enlargement, in the new legislature. They explain that a move from Juncker’s political to a “politicised” European Commission under von der Leyen, one that is subject to more pressure from Member States, could compromise the Commission’s role as guardian of the EU Treaties.¹⁷ In a way, EU Member States’ backroom dealings that led to a deviation from the expected Spitzenkandidat process, were a precursor to how the EU accession process may be dealt with. The latest European Council decision not to open EU accession talks with North Macedonia and Albania gives a better sense of the hurdles ahead. It also points to the need to take France’s insistence to reform the EU enlargement process seriously. Given the focus on reforming the EU internally, it is questionable whether EU enlargement will be a priority for Member States. Rather, the responsibility for reform will be put even more squarely on the political elites in the Western Balkans, asking them to implement EU legal and institutional standards.¹⁸

¹⁵ Ferrero-Turrión, R., Spain: Kosovo’s Strongest Opponent in Europe, in Armakolas, I. and Ker-Lindsay, J. (eds), *The Politics of Recognition and Engagement: EU Member State Relations with Kosovo*, Palgrave Macmillan, London, 2019, pp. 231-232.

¹⁶ Muminović, E. op. cit.

¹⁷ Blockmans, S. and D. Gros, [From a political to a politicised Commission?](#), No 2019-12, Centre for European Policy Studies, Brussels, September 2019.

¹⁸ See, Ioannides, I., [Peace and Security in 2018: An evaluation of EU peacebuilding in the Western Balkans](#), European Parliamentary Research Service, European Parliament, May 2018.

Open questions on EU enlargement to the Western Balkans

With three European Commissioners (France, Hungary, and Romania) still not confirmed by the EP, much speculation remains on the distribution of responsibilities and the importance EU enlargement will have in the new legislature. As things stand, the EU enlargement dossier does not seem directly linked to the responsibilities of the incoming HRVP. Not once does von der Leyen mention EU enlargement, the Western Balkans, or any of the countries of the region, in her six-page mission letter sent to the HRVP-designate Borrell.¹⁹ Moreover, while the Executive Vice-Presidents in the von der Leyen Commission will oversee their own directorate general and therefore have their own resources for their own initiatives, the HRVP post will rely on the European Commission's General Secretariat and only have a coordination role. Rather, Borrell will be supported by the European External Action Service

(EEAS), which is rumoured not to handle anymore directly the Belgrade-Pristina dialogue that would be delegated to a special EU envoy.

Experts and MEPs had raised concerns on the choice of Hungary for the post of Commissioner for neighbourhood and enlargement. László Trócsányi, who is not a member of the country's ruling Fidesz party but was Hungary's Justice Minister at a time when government worked to undermine the checks and balances, was rejected by the EP on grounds of conflict of interests. Observers had cautioned against the message his nomination would have given to Western Balkan leaders, a region where rule of law reforms need to be intensified rather than the opposite. Nevertheless, Hungary remains a sensitive choice for the EU enlargement dossier, given that Orbán has given asylum to and refused to extradite North Macedonia's former Prime Minister Nikola Gruevski, who fled the country in November 2018. To counter this image, Hungary poses

¹⁹ European Commission, [Josep Borrell: High Representative of the Union for Foreign Policy and Security Policy/Vice-President designate of the European Commission](#), Mission Letter, Brussels, 10 September 2019.

itself as a pro-EU enlargement country. The September 2019 statement on the Western Balkans by the Visegrad Group (V4, composed of the Czech Republic, Hungary, Poland and Slovakia) has come at a key moment to remind MEPs that those countries do not stand in the way of EU enlargement. Beyond expressing their “unequivocal support for the EU accession of the Western Balkans”, the V4 specifically mentioned the European perspective of North Macedonia. They called on “all EU stakeholders, in view of the October General Affairs Council, to maintain and consolidate the positive momentum created as a result of the substantial progress made in reforms as well as the entry into force of the historic Prespa Agreement”. Surprisingly perhaps, the statement also points to the determination in supporting efforts in the Western Balkans to “strengthen the rule of law, fight organised crime and corruption, [...] extensive regional cooperation, good neighbourly relations, and reconciliation”.²⁰

The Brexit collateral

The ever-changing timing of the United Kingdom’s (UK) departure from the EU (Brexit) and the potentially dire consequences Brexit could have on the EU, have created anxiety in EU Member States and at EU level. Already, on 24 July 2019, the day of Boris Johnson’s appointment as UK Prime Minister, the EP coordination group on Brexit noted that although it looked forward to “working closely and constructively with Johnson”, the risk of a disorderly Brexit had “greatly increased”.²¹ The recent agreement on a reformed Withdrawal Agreement has now made the prospect of the UK exiting the EU without a deal unlikely. That Brexit will happen on 31st October, however, is still unclear and probably unlikely too, given that at the time of the writing, EU Member States are considering extending Brexit further. This uncertainty plays on the level of the EU’s focus on enlargement. If the UK leaves the EU this autumn, dynamics

²⁰ Visegrad Group, [V4 Statement on the Western Balkans](#), Prague, 12 September 2019.

²¹ [“EP Brexit group: ‘greatly increased’ threat of no-deal”](#), EUobserver, 24 July 2019.

in the Council and in Parliament could be affected since the UK was one of the most EU enlargement-friendly countries,²² counter-balancing effectively the anti-enlargement countries. In the case of the opposite scenario materialising, whereby on 1st November the UK is still part of the EU, incoming European Commission President von der Leyen has already explained that the UK would have to name a European Commissioner. Arguably, this will also depend on the length of the extension given to the United Kingdom. The rejection by Parliament of Hungary's controversial Commissioner-designate could render the UK, which has been a protagonist on EU enlargement, a likely contender for this portfolio.

The Assembly of the Republic of North Macedonia and the European Parliament

The Assembly of the Republic of North Macedonia has a long history of univocal support for North Macedonia's EU accession. Already in 1998, its adoption of the Declaration for development of relations with the EU set the process of EU integration as a top priority on North Macedonia's policy agenda. The Assembly has since been gradually upgrading its inter-parliamentary relations with the European Parliament. The cooperation, which started as a regional inter-parliamentary dialogue under the auspices of the Delegation for relations with South East Europe, moved in a bilateral direction with the establishment of the Joint Parliamentary Committee

²² Ker-Lindsay, J., "The United Kingdom and EU enlargement in the Western Balkans: from ardent champion of expansion to Post-Brexit irrelevance", *Southeast European and Black Sea Studies Journal*, 17: 4, 2017, pp. 555-569.

(JPC) between the Assembly and the EP in 2004 because of the entry into force of the Stabilisation and Association Agreement.²³ According to Article 114 from the Agreement, the JPC constitutes a forum in which Members of the Parliament of North Macedonia and of the European Parliament meet and exchange views. It works in accordance with its rules of procedure.²⁴

In addition to the JPC, there are two other parliamentary bodies, which are dedicated to the EU integration process of the country. First, the internal organisational structure of the Assembly incorporates a separate Committee for European Affairs that facilitates the process of harmonisation of domestic legislation with EU legislation. Second, the National Council for European Integration (NCEI), originally envisaged to monitor the accession negotiations of North Macedonia and establish a platform

for cross-party consensus (including participation of the wider civil society and academia) on EU related issues.²⁵ Therefore, the NCEI's Chairperson always comes from the political parties who are not in power, whereas his/her deputy from the ruling parliamentary parties.

Since last year, the Assembly has taken part in the EP initiative entitled the 'Jean Monnet Dialogue on Peace and Democracy', which aims to improve the strained relations between the political parties represented in North Macedonia's Assembly. This is done through EP-led facilitation of constructive dialogue and consensus building between the different political parties. Two rounds of the dialogue have taken place since the process was launched, in May 2018 and June 2019.

From a political standpoint, the structure of political party representation in the

²³ "Stabilisation 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", *Official Journal of the European Union*, no. L 84/13, 20 March 2004, https://eur-lex.europa.eu/resource.html?uri=cellar:3ce414a8-cc67-4879-a8cc-17b9c4745465.0007.02/DOC_1&format=PDF

²⁴ "Rules of Procedure of the EU- North Macedonia Joint Parliamentary Committee," 2005 <http://www.europarl.europa.eu/cmsdata/164242/JPC%20rules%20of%20procedurefinal-new%20name%202019.pdf>

²⁵ Center for European Integration of IDSCS. "Effective Parliamentary Oversight? The Reality of the Process of Legal Harmonization with the EU." *Institute for Democracy "Societas Civilis" - Skopje*, April 2017 <https://idscs.org.mk/wp-content/uploads/2019/10/EFFECTIVE-PARLIAMENTARY-OVERSIGHT-4.pdf>

Assembly has been constantly supportive of European integration. In the current configuration of the Assembly, there are virtually no openly Eurosceptic parties. However, only four political parties are members of European-wide party federations that are represented in the EP: VMRO-DPMNE as a member of the EPP;²⁶ the Social Democratic Union as a member of the Party of European Socialists (PES), the Democratic Renewal of Macedonia as a member of the European Greens, and the Liberal Democratic Party as a member of the Alliance of Liberals and Democrats (ALDE). Yet, none of the parties that represent the ethnic Albanians is affiliated to the EP parties.

The absence of Eurosceptic energy in the Assembly has significantly boosted its track record of legislative activity on compliance with EU conditionality. Despite

the devastating effects that the 2015 political crisis has had on political dialogue in North Macedonia, the institutional performance of the Assembly concerning the EU accession process has been surprisingly consistent and effective. Over the past two years, laws related to the approximation of the EU *acquis*, which are put through a fast-track procedure,²⁷ have been adopted with little to no opposition, while on several occasions parties have managed to reach consensus on the adoption of EU-induced amendments to laws that require two-thirds majority. Overall, the latest assessment by the European Commission²⁸ on the performance of the Assembly has been positive, whereby the Commission has noted a considerable improvement in the Assembly's role as a forum for political dialogue and in its oversight capacity and transparency, in line with key EU demands outlined in the "Urgent Reform Priorities"²⁹ package of criteria.

²⁶ The relations between VMRO DPMNE and the EPP became seriously strained in the second half of 2018 in the wake of VMRO DPMNE's stance not to support the referendum on the acceptance of the Prespa agreement. This prompted EPP President Joseph Daul to openly express his disappointment with VMRO DPMNE's role in the process in a much-publicised tweet, <https://twitter.com/JosephDaul/status/1049371895173406720>. Since then, relations between VMRO DPMNE and the EPP have slightly improved.

²⁷ However, on several occasions ruling political elites have misused the fast-track procedure by placing legal proposals that are not related directly to the *acquis* and as such have not been envisaged by the National programme for approximation of EU legislation. The latest example is the adoption of the controversial Law on the Use of Languages in the first half of 2018, whereby the proposal was placed on a fast-track procedure for adoption although it lacked corresponding reference to EU criteria.

²⁸ European Commission, "North Macedonia 2019 Report".COM(2019) 260 final, 29 May 2019.

²⁹ European Commission, "Urgent Reform Priorities for the Former Yugoslav Republic of Macedonia", 2015, https://eeas.europa.eu/sites/eeas/files/urgent_reform_priorities_en.pdf

In this sense, cooperation to democratise the Assembly further has also been one of the declared priorities of the government of North Macedonia. In its 3-6-9 action plan of short-term reforms for compliance with EU criteria, the government has maintained a narrative of support for increased oversight competences of the Assembly in relation to the government and its agencies, especially in relation to the intelligence service.³⁰ However, the seriousness of these declarative statements for increased cooperation with the Assembly will be put to the test in the upcoming period in anticipation of starting the accession negotiations with the EU and the subsequent involvement of the Assembly in the negotiating structure.³¹

According to the decisions made by the government of North Macedonia, the role of the Assembly in the accession negotiations structure is yet to be prescribed. This is a worrying occurrence

having in mind that its substantive inclusion will have a direct positive effect on the overall transparency of the accession process. Furthermore, comparative experience from previous enlargements has highlighted the importance of strong parliamentary scrutiny of negotiating positions for making the whole accession process more transparent and accessible to the public.

Regardless of the disappointment with the recent European Council decision not to support the Commission proposal to start accession negotiations with North Macedonia and Albania, in order to execute its scrutiny and oversight role in an effective and efficient manner, the Assembly, and especially the Committee for European Affairs, should include civil society participation in its work. Due to the lack of administrative capacity within the Committee for European Affairs specifically and the Assembly in general,

³⁰ Влада на Република Македонија. "План 3-6-9", 4 July 2017, <https://vlada.mk/sites/default/files/programa/2017-2020/Plan%203-6-9%20MKD.pdf>

³¹ However, these expectations have been seriously lowered by the decision of the October 2019 European Council not to grant the starting of the EU accession negotiations with North Macedonia and Albania.

in regards to the EU accession process, it is essential to allow the civil society to contribute with its knowledge and competences; and therefore assist the Assembly in carrying out its activities to redress, when necessary, government's actions.

Vesting more powers to the Committee for European Affairs (CEA) when it comes to the EU negotiations, should go hand in hand with systematically including civil society organisations in parliamentary control. This is in line with demands for enhanced oversight of the process and the possibility for the Parliament and CEA to set the tone of reforms.³² In its work, the Parliament should set a pool of civil society organisations and individual experts it will consult on a regular basis for issues related to a single negotiation chapter. The process of accession in the EU is complex and very difficult for citizens, sometimes even for MPs

themselves, to digest. In that light, bringing civil society into the process would help create debate on the EU enlargement process, build a bridge with citizens, and facilitate the channelling of information and management of expectations.

³² Nikolovski, I., "Macedonia's Model of Inclusion of CSOs in the Accession Negotiations", *Institute for Democracy "Societas Civilis" - Skopje Discussion Paper*, No.16/2018, September 2018.

Information about KAS

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Information about IDSCS

IDSCS is a civil think-tank organisation researching the development of good governance, rule of law and North Macedonia's European integration. IDSCS has the mission to support citizens' involvement in the decision-making process and strengthen the participatory political culture. By strengthening liberal values, IDSCS contributes towards coexistence of diversities.

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