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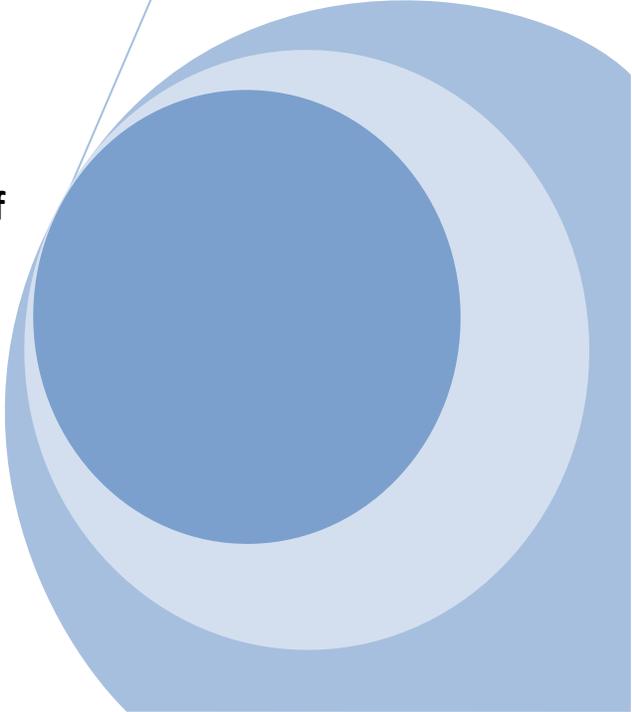
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## **The inclusion of the citizens in the process of decision-making and implementation of EU public policies in the Republic of Macedonia**

**Kire Vasilev, MA, Aleksandar Cekov, MA**

This policy paper analyzes the existing legal and institutional mechanisms for citizen's participation in the process of creating, decision-making and implementing public policies, especially those related to the country's Euro-integration process in order to assess the functionality of the mechanisms and to give recommendations for overcoming the challenges that the process faces with.

The analysis has shown that despite the solid legal framework that guarantees the citizen and civil sector organizations in Macedonia a possibility to actively participate in the process of policy-making on local and national level, the institutional mechanisms are not sufficiently developed as to meet the needs of the civil sector. Furthermore, the analysis has also shown that the civil sector actors mainly participate in the first phase of the process, in the consultations with the decision-makers which are mainly of provisional character. On the other side, the civil sector organizations do not have sufficient capacities to effectively participate in all phases of the process of creating, decision-making and implementing public policies.

Therefore, this policy paper gives some recommendations for which it believes that will contribute to overcoming the above challenges, offering an alternative to the existing policies for citizens' participation in the process of creating, decision-making, and implementing public policies.

Recommendation 1: Enhancing the institutional mechanisms for effective citizens' participation

Recommendation 2: Ongoing assessment of the institutional mechanisms for effective citizens' participation

Recommendation 3: Effective participation of the civil sector organization in all phases of the process of creating, decision-making and implementing public policies.

Recommendation 4: Enhancing the civil sector capacities

Recommendation 5: Taking advantage of the positive impact of the process of Euro-integration

## High Level Accession Dialogue one year later – a step forward or in the same place?

Simonida Kacarska, MA and Dr. Melina Grizo

In mid-2012, the Republic of Macedonia and the European Commission began the High Level Accession Dialogue as *a new opportunity to focus the priorities* for EU accession. The European Commission and the Government put forward the following areas as critical to the dialogue: 1) freedom of expression and media; 2) rule of law; 3) reform of the public administration; 4) electoral reform; 5) strengthening the market economy. This policy paper examines the role of this new instrument in the view of advancing of the process of EU accession through a qualitative analysis of the formal documents prepared to fulfil the membership conditions, one year after its launching. The objective of the paper is to assess the benefits of this instrument that goes beyond the established mechanisms of EU accession process and to relate it to the experiences of the previous enlargement rounds.

Taking into account the context and the content of the accession dialogue, the analysis begins with evaluating the policy and academic debates on the nature of this instrument, as well as the choice of the determined priorities. The significance of this instrument in relation to the beginning of the accession negotiations was subject to different interpretations by the national and European leaders. Later on, a compromise was reached as the dialogue was presented as a bridge toward opening negotiations. As several researchers have already established, the content and the identified topics of the dialogue are of key importance for the advancement of the Republic of Macedonia. Still, focusing on few priorities creates a risk of pushing aside the horizontal efforts toward the EU accession. Similarly, the positioning of the dialogue European Commission – government additionally strengthens the role of the executive, at the expense of the legislature as well as other stakeholders. In addition, the focus on the name issue, and, recently, good neighbourly relations with Bulgaria have negative impact on the EU credibility and on the success potential of the accession dialogue.

Although there is no doubt with regard to the importance of the identified priorities, introducing the accession dialogue as an instrument in the communication between the European Commission and the candidate country does not represent an important qualitative step forward in the process of European integration for two reasons. First, the priorities, as well as the mechanisms of the dialogue largely resemble the process of fulfilling the key priorities of the European/Accession partnerships, which have been an element of the EU accession since 2004. Second, each enlargement round, as well as accession negotiations follow a usual routine, but they also possess their own specificities. The accession process for the states from the Western Balkans largely follows this dynamic, and one may find instruments similar to the dialogue with Macedonia in several other states from the region, such as Bosnia and Herzegovina or Serbia. Therefore, we may conclude that the introducing of new instruments is far from being specific for the Republic of Macedonia, but it has a long history or precedents. Nevertheless, the focus on the accession dialogue priorities should continue, having in mind that the defined areas have potential to accompany the Macedonian road to the EU both before and after accession. At the same time, the fulfilment of the dialogue priorities should not happen at the expense of the horizontal efforts for EU accession.

## **Open Government Partnership: challenges and results**

**Irena Bojadzievska, LLM и Ilina Mangova, MSc**

Transparency is one of the basic principles of advanced democracies. It promotes accountability and informs the citizens about what exactly their Government is doing. Guided by the principles of openness and transparency Macedonia joined the worldwide international initiative “Open Government partnership” and adopted an Action Plan for achieving the goals of this Initiative.

Under the auspices of the euro-integrative process and alignment with the EU legislation Macedonia shall also take up the obligation to release its data and giving the opportunity for its re-use as established with the EU acquis i.e. the Directive on public sector information re-use. Opening data creates vast advances for the institutions, as higher relevance of the source, data accuracy and increased efficiency. The state bodies in Macedonia so far have no uniform standards on publishing and sharing their data. Even though large portion of the data is already available on the web sites of the institutions, it is often difficult to find or difficult to access, thus representing a hindrance to openness. The [www.opendata.gov.mk](http://www.opendata.gov.mk) website was established currently availing 110 datasets from 21 institutions. Still, increasing the openness and availability of public data requires increasing of public awareness and education of the institutions and all data holders on their responsibilities in this regard.

Currently, the concept which has been promoted in Macedonia is a first level of open data and until the Government is the only source of information to the business and the citizens, it can be concluded that the communication is one-way (including the information received under the law of access to public information). The second step will be opening of the information on behalf of the private sector, foundations, associations and political parties by making cross-referencing of information in real terms (meaning cross-referencing data from the institutions, the private sector, the civil society, the academia, etc.). This method can be qualified as an open partnership. This is the phase which creates a space for information sharing by bypassing the Government as an only source of information. However, this particular second phase needs the necessary political will and acceptance of all relevant stakeholders to be truly implemented in practice.

## **Model of parliamentary control over the Government of the Republic of Macedonia in the EU Affairs**

**Dr. Karolina Ristova –Aasterud, Dr. Ljubica Karamandi, Aleksandar Jovanoski, MA**

The representative (parliamentary) democracy has been one of the basic democratic principles of the European Union (art. 10(1) TEU), and within in, the efficient and effective democratic control and the responsibility of the national governments before the parliaments in the EU affairs. This particularly is viable for the Republic of Macedonia as a candidate country for EU membership. The parliamentary control gains in importance during the accession process due to the distortion caused by the integration process in the Macedonian constitutional system, mainly the separation of powers. Since the beginning of the process, including the accession negotiations, the Government is the only authorized representative and negotiator on behalf of Macedonia, while the national Parliament is positions as an executor of the undertaken responsibilities deriving from the process. The Government, fuelled by the accession process, gains in power and execution, which additionally points to the importance of parliamentary control in order to secure greater balance between the different powers. At the same time, we must consider the fact that Macedonia is in more delicate position for accession negotiation compared to the other rounds of enlargement, before all, because of the current internal dealing in the Union and the entrance into force of the Lisbon Treaty. The Parliament of the Republic of Macedonia has all the necessary forms and mechanisms for parliamentary control in the EU affairs; however, the key weakness is that they are not appropriately handled in the legal and other provisions which regulate the work of the Parliament and the Government. In order to improve the current situation, in near future, the following policy options are provided:

First, drafting of alignment and appropriate primary and secondary legal provisions (Law, Rulebook) on the relations Parliament – Government regarding the annual plenum on the status of the accession process, the quarterly government reports, as well as the recommendations and opinions by the Committee on European Affairs (CEA) of the Assembly. Second, precise regulation of the bylaws (Rulebooks) on the relations between CEA and the other working bodies and the annual plenum on the accession process, particularly on the adoption of the EU Acquis and the opinions and recommendations by CEA to the Government.

Third, detailed and precise classification of the EU Affairs, meaning the streamlining of the EU legislation in the Assembly. Fourthly, it is highly recommended to follow practices common to all Committees on European Affairs in the EU's Member States – selecting a precise date and time for CEA sessions in order to avoid absence from the Government representatives (Ministers) from CEA sessions.

Fifth, precise regulation of the ministerial signature as a base for ministerial responsibility for the quarterly reports and all draft laws and other materials which are marked with the European flag for a streamlined procedure in the Assembly. And finally, reorganization and concentration of parliament's services helping CEA, the National Council for Euro-integration in the legislative process regarding EU Affairs, as well as introducing internal (intranet) communication and informational system between the Government and the Assembly.

## **Rationalization of the Public Administration in Macedonia – Far Easier Said than Done!**

**Agim Selami, MA**

This policy brief addresses the need for the rationalization of the PA in Macedonia. It argues that having the state as the biggest employer in the country is an alarming issue that clearly illuminates how the politics abuses the public sector. Another identified problem is related to the exact number of people employed in the public sector which seems to be very high; hence, it intentionally remains an enigma. The methodology utilized for this policy brief involves mainly a qualitative approach i.e. literature review as well as other policy papers available on this subject, review of legislation and other strategic documents which are of utmost importance for a thorough analysis of this issue in Macedonia.

The fact that this issue is less present in the political as well as academic discourse in Macedonia, and impliedly, the lack of primary sources on the topic, has forced the author to utilize secondary sources when needed. In addition, the author has used a comparative approach aiming at identifying good practices from other countries, from which Macedonia could benefit of.

The policy brief urges undertaking immediate actions and measures that would terminate the practice of massive hiring of people in the public sector. It recommends launching an appropriate rationalization program that is in accordance with country's specifics and needs. Taking into consideration the sensitiveness of the problem for the society, the recommended rationalization program is good enough to push through the rationalization process with a lowest "price" or negative consequences toward the society. The suggested policy option along with the provided policy recommendations represents a solid fundament for the successful initiation of the rightsizing process.

## **The EU Conditionality as an important instrument in the fight against high scale corruption in the Republic of Macedonia**

**Borjan Gjuzelov, MA и Biljana Stojanoska, MA**

The fight against corruption is one of the strategic priorities of the Government of the Republic of Macedonia. However, a number of relevant reports, including the Progress Reports of the European commission continuously emphasize that "corruption remains prevalent in many areas and continues to be a serious problem". Crucial remarks are addressed especially towards the inconsistent implementation of existing legislation, lack of independence of the judiciary, non-transparent financing of political parties, and the lack of transparency in public procurement. Taking this into consideration, as well as the limited number of high corruption cases in the past years, it appears evident that the „government is mostly interested in fighting public perception over its fight against corruption, rather than real corruption practices.”

The main thesis of this paper is that the key for an effective fight against the high corruption is in the existence of a strong political will, which can (only) be motivated from an external factor. The membership in the EU and the economic and political benefits from it is such motivating factor that will pressure the political elite to put real efforts in the fight against corruption. Furthermore, the opening of negotiations for membership in the EU, particularly the Chapter 23 - Judiciary and fundamental rights, imposes on the state to fulfil a clear set of benchmarks that will improve the area of anti-corruption policy, and without which the accession of the country in the EU is almost impossible. That the the European conditionality can serve as an important instrument in the fight against high corruption proves the experiences of the new Member States of the European Union, especially the recent example of Croatia. Thanks to the European conditionality the anti-corruption measures in Croatia have reached to the highest political strata.

Because of this, the main objective of this document is to give a clear message that opening of the negotiations for membership will affect positively on the democratization and reform in the country, especially in the field of fight against corruption.

Thus, the announced approach of the European Commission towards the new candidate countries which envisages opening of Chapters 23 and 24 in the beginning of negotiation should be appropriately applied in the case of the Republic of Macedonia. Additionally, as public procurement is one of the most sensitive areas for the anti-corruption policy in Macedonia, opening of the Chapter 5 - Public Procurement in the early stage of negotiations is also recommended.

Finally, the fulfilment of the benchmarks in Chapters 5 and 23 for closing the negotiations would be a drive for improving the anti-corruption legal framework, but most importantly for appropriate implementation of the legislation, which will ultimately bring significant positive change in the fight against high corruption in the Republic of Macedonia.

## **The role of the public practices in overcoming of inter-ethnic conflict in the Macedonian society**

**Dr. Jordanka Galeva, Martin Pechijarevski, MA**

This policy paper aims to detect key facets and issues related to inter-ethnic relations in the Republic of Macedonia. Simultaneously, it offers policy recommendations in order to enhance interethnic coexistence and strengthen the promotion of multiculturalism in the society. For that reason, the research includes an overview in the realm of education, culture and media as areas which are frequently associated with existing ethnic tensions and areas through which they are openly manifested.

The main causes for interethnic tensions, which often turn into open conflicts, derive from the high degree of prejudices towards the other as well as from the continuous mutual attempts to impose one's own cultural values on the other. Numerous specific programs and projects have been implemented, primarily in the area of education in order to improve inter-ethnic relations; however, these measures have not given the expected outcomes. Therefore, our policy recommendations are focused on promotion of broader and more inclusive multicultural model introduced through education, culture and media in order to enhance international capabilities of the country and increase the level of internal cohesion of the society.

## **Improving of the civil identity and stimulating civil conscience and action**

**Natalija Shikova, doctoral candidate, Vesna Bochvarska, MA**

Stability of the institutions, safeguarding democracy, the rule of law, human rights and respect for and protection of minorities; are necessary political criteria for the states that strive to become part of the EU. Democracy and rule of law are the founding values of the constitutional order of the Republic of Macedonia, and the Constitution guarantees human freedoms and rights, civil liberties and national equality.

This policy paper points on weakly developed identity, according to the analysis of the practicing of civil and political right to protest in Macedonian majoritarian democratic framework, and propose measures with which such civil identity can be improved. This is necessary because apart from fulfilling the political criteria that are precondition in the EU accession process, it is in the interest of the state to encourage greater civil activity in the process of making and adopting decisions that are advancing the democracy.

Political traditions of consensual and deliberative democracy can be useful for development of multinational and multicultural society such as ours, especially because they are establishing the preconditions for creation of inclusive civil identity.

## **State aid in Macedonia: an instrument for 'Europeanisation' of the Macedonian economy or an instrument for status quo maintaining**

**Dr. Daniela Mamuchevska, Kristina Cuculoska, LL.M., Natasha Fogt Jovanova, MA**

Notwithstanding the fact that the legislative and institutional framework on state aid is already in place, the credible enforcement of the legislation represents one of the main challenges for the state aid reform in Macedonia. The insufficient institutional and administrative capacity as well as the inadequate financial resources; the absence of awareness, knowledge and understanding of the state aid instrument for the state aid providers, companies and the general public; conjoined with the lack of political will, leads to the conclusion that the reform of state aid policy in the country is not a top priority.

The background analysis for this policy paper clearly demonstrates that most frequently state aid is granted *ad hoc*. Furthermore, no cost-benefit analysis is being carried out before making a decision to grant aid. Within the last five years, the largest portion of the state aid is granted for TIDZ (Technological Industrial Development Zones) as regional aid. The aid for SME's is at the bottom. There is lack of consistency in granting state aid. The level of state aid is incommensurable lower than the average of the 10 NMS in the period before the EU accession. In addition, there is lack of analysis for the best practices and experience of the NMS for implementing state aid.

In case it is well designed and targeted, state aid may serve as a good instrument for supporting economic growth within the mix of economic policies. Conversely, the consequences from the incorrect or partial application of state aid rules are far fledged and significant. Therefore, there is need to raise awareness about this instrument, to increase transparency for the granted state aid and to facilitate discussion on how to spend limited state finance in the most rational manner.

Key priorities for the state aid policy of Macedonia should be enforcement of the legislative framework and development of market culture for the general public. The principle of transparency based on the requirements for notification, constant monitoring and submission of annual reports to the EC as well as existence and regular updating of a state aid register is of paramount importance for the candidate countries that are expected to establish control over the process of granting state aid. Macedonia needs to clearly define and select the national priorities that shall be supported by the instrument of state aid in the pre-accession period. This is of vital importance if Macedonia wishes to prepare its economy to withstand the competitive pressures and the market forces within the EU in due time.

## **Who is performing surveillance in Macedonia? –**

### **The conduct of video surveillance through the prism of the Regulation on data protection of the European Union**

**Dr. Miso Dokmanovich, Dr. Julija Brsakoska - Bazerkoska**

The policy paper analyzes the current challenges in conducting video surveillance in the Republic of Macedonia. The focus has been put on the legal regulation of the video surveillance which has been examined from the aspect of its compliance with the EU regulations as well as from the aspect of general data protection. In that direction, the paper explores the current legislative framework for conducting video surveillance in the country and EU (in particular, the Directive 95/46/EC and EDPS Video – Surveillance Guidelines), government practice in the field, current domestic and foreign reports etc.

The paper offers relevant conclusions concerning the compliance of the domestic legislation in the field, as well as recommendations for improvement of the protection of the rights of the citizens exposed to video surveillance in the public space of the country.

## **Renewable energy and energy efficiency in Macedonia – on the way of implementing EU policies 2020 and 2050?**

**Ana Stojilovska, MA**

By adopting the energy and climate policies Europe 2020 and Roadmap 2050, the EU has clearly demonstrated that it envisages a green future for its citizens. In focus of these policies are improving energy efficiency and increasing the share of renewables as measures for reducing CO<sub>2</sub> emission. As a candidate country for an EU membership since 2005 and as part of the Energy Community, Macedonia is obliged to implement the EU acquis in the energy and other related areas – competition, environment, social issues and similar.

This policy brief is a short analysis of Macedonia's progress regarding the state of implementing the renewable energy and energy efficiency policies in the last two years in order to answer the research question whether the country concerning these areas is on the way of realizing the EU policies Europe 2020 and Roadmap 2050 and thereby to identify the main barriers on the way of implementing these policies.

The analysis has shown that in the case of renewable energy policies, progress has been made by stabilizing the feed-in tariff policy, by continuing the policies for supporting usage of solar collectors, by completing the secondary legislation, by having more content-oriented campaign for raising awareness as well as by launching capital projects in the area. Unlike this area, energy efficiency in Macedonia is still facing the identified problems as lack of financial and human resources in the municipalities in regard of implementing the energy efficiency policies at local level, cases of political obstructions, lack of secondary legislation for making the Energy law more concrete in the part of energy efficiency and still lacking the key financial measure – the Energy efficiency fund. However, some municipalities step up by developing more successful energy efficiency policies as the case of the municipality of Karposh. The answer to the research question is that Macedonia is on the way of realizing the EU green policies 2020 and 2050, but significant efforts have to be made and real will has to be shown in order the concrete planned goals to be reached. Especially big challenge will be utilizing the country's own energy efficiency potential. Concrete recommendations for improving the situation are foremost directed towards the area of energy efficiency and include measures as adopting the secondary legislation; establishment of the Energy efficiency fund; strengthening the municipalities' capacities in this area especially for the purpose of implementing the energy efficiency programs, fostering exchange of experience and cooperation; as well as promotion of positive practices of the municipalities which are more experienced in the area of energy efficiency.

## **Policy options for improving the process of public policies in the education sector in the Republic of Macedonia in line with the European integration aspirations**

**Katarina Krecheva, MA**

This paper represents a comparative analysis of content related to the area of education and training in: 1) the European Union's public policy documents; 2) The European Commission's annual progress reports on the Republic of Macedonia; and 3) the national public policies of the Republic of Macedonia.

General trends of these documents are identified, compared and correlated in context of the genuine processes of public policy design and implementation. In conclusion, recommendations for better educational planning are drafted with a purpose of 1) harmonizing the national with the European education policies; and 2) increasing the effectiveness and efficiency of the educational reforms in the country. Potentially, this would improve the position of the Republic of Macedonia in the pre-accession negotiation process, but even more, it would enhance the country's competitiveness as a Member State.

The following is recommended:

1. Drafting an integral document (National Strategy for sectoral education) which will unite all current project and strategies.
2. Increased institutional capacities for monitoring and assessment of the implemented public policies and their results.
3. Defocusing the reforms from systematic change of formal education towards the possibility of greater flexibility of the educational system and deinstitutionalisation of the education process.
4. Rationalisation of public expenditures.

## **The participation of the Republic of Macedonia into Community Programmes:**

### **Analysis of the national capacities against the period of 2014-2020**

**Dr. Aleksandar Kolekeski, Dalibor Stajik, MA**

The Programmes of the European Union (former community programs) encourage cooperation between Member States in diverse areas related to public policies of the Union. Through enlargement policy, the European Commission proposed a progressive opening of the wide range of programs for the EU candidate countries. Amidst the public debate on the new financial perspective of the EU 2014-2020, the previous period of seven years (2007-2013) opens wide enough space for analysis of systemic practice of implementation of Community programs in Macedonia. Hence, this paper further examines national capacities for the gradual inclusion of the Republic of Macedonia regarding these programs, specifically programs related to innovation, science and education. The central hypothesis of the paper is reflected in the following statement: national capacity in the country is partially ready to implement the programs of the European Union in the field of innovation, science and education, and to take future responsibilities in new programs in 2014-2020. To deliver consistent analysis and proof of the hypothesis, this paper relies on a qualitative content analysis of several strategic documents prepared by the Government and the EU institutions. Additionally, the paper collects relevant information through semi-structured questionnaire sent to national coordinators or contact responsible parties in the relevant ministries and other state institutions responsible for implementing programs that are of concern to this paper.

Recommendations arising from the critical points of the analyzed conditions herein are encapsulated in the following: first, it would be desirable to strengthen coordination between the established structures of the program FP7 and CIP against their future integration in the joint program "Horizon 2020" in order to avoid complexity of procedures, partiality or duplication. Simultaneously, it is necessary to make efforts to raise the public awareness that investment in common goals, with financial share of the EU should not be considered "profit", but as an option for development. Second, to ensure the expedient use of the program nationally, shaping the institutional framework for informing about EU programs represents an unavoidable prerequisite. Third, the Ministry of Education or the relevant agencies, should develop a strategic document for monitoring and transparency of the process, with predetermined targets and clear deadlines for projects selected. Fourth, the analysis points to the need for establishing common rules for easily accessible and mandatory disclosure of the holders of the selected projects, according to previously clearly defined annual schedule of prime position on the official websites of relevant institutions. Finally, in order to create an effective system of control is necessary as soon as possible the introduction of administrative and financial penalties in accordance with Article 96 of Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the EU. Before the implementation of the program "Erasmus for all", a thorough review of contracts should be undertaken and appropriate sanction for possible inconsistencies imposed, in order to avoid yet another programme's suspension.

## **VAT fraud – European experiences and their applicability in the Republic of Macedonia**

**Aleksandar Ivanovski, LLM**

European Commission 2012 Progress report for the Republic of Macedonia, Chapter 16, assessed the Macedonian Value Added Tax (VAT) legislation is only partially harmonised with the *acquis*, and called upon increasing the efforts in the fight against the tax frauds and tax evasion

Considering that the VAT system in Macedonia implements EU law, VAT tax frauds occurring in Macedonia are in line with the European trends. Since 2005, through the carousel frauds, organised schemes for evasion of the due tax and misuse in the recovery of the input VAT, fraudsters have managed to evade ample amounts of tax in Macedonia, directly affecting the state budget. The carousel fraud, also known as the Missing Trader fraud, has been manifested also within the EU Internal Market. This type of tax fraud cannot be detected at its early stage, thus undermining the state budgets in persistent and systemic manner. Given that the carousel fraud is lucrative for the fraudsters, and bearing the inherent flaw of the European VAT system, this type of fraud will also occur in the future, targeting different segments and trade areas.

This policy paper provides a qualitative legal analysis of the relevant EU legislation, the soft law of the European Commission and the jurisprudence of the European Court of Justice (ECJ) pertaining to the VAT carousel fraud, with a scrutiny of the Macedonian legal framework, as well as administrative and judicial practice. The paper concludes that the Macedonian practice is partially harmonised with the relevant EU law, and recommends to adopt the recent measures by the European Commission in the efforts to tackle the carousel fraud, with emphasis on the relevant ECJ case law which is yet to be applied in Macedonia, as well as further approximation of the relevant tax laws to the European ones.

The policy paper further discusses the possibility to adopt the EU solutions for the carousel fraud (soft law and ECJ case law which are not subject to Parliamentary adoption) by the national bodies using the method of interpretation of the national laws in light of the EU law (interpretative effect of the European law). This has a legal basis in the EU- Macedonia Stabilisation and Association Agreement, which stipulates a legal obligation for Macedonia to harmonise the national (tax) law to the EU law.

## **The position of the children witnesses and victims of criminal offences in the Macedonian legislation compared to the standards of the European Union**

**Dr. Aleksandra Gruevska – Drakulevski, Dr. Voislav Stojanovski**

This policy paper analyzes the position of the children who are witnesses and victims of criminal offences in the Macedonian legislation compared to the standards of the European Union. The paper is divided into six sections. In the first section a hypothesis of the researched problem is set forth, offering a preview of the current state with regard to the protection of children participating in criminal proceedings. Particular attention is given to the national law from the point of view of its actual implementation.

The second section describes the scientific methods used in the drafting of the paper; such is the normative, legal analysis, and the comparative method of legal research. In the third section an overview of the significance of the elaborated topic, the basic principles according to which the participants of the judicial process are bound, as well as the most common types of criminal offences to which children fall victim. The fourth section is dedicated to the international standards and the position of children witnesses and victims of crime. It consist of analysis of the most important international instruments adopted by the United Nations, the Council of Europe, and the European Union, in chronological order of their adoption, and independently for the three levels of international law. In the fifth section, the national law is being elaborated. This section provides a comparison between the international standards and their presence in the domestic law of the Republic of Macedonia, as well as their implementation by the state. In the last, six section of the paper, the findings are presented.

The findings suggest that serious inconsistencies exist in the implementation of the national and international law by the state. Furthermore a number of contemporary solutions, provided by international law are not impemented. Weaknesses are detected in the field of protective measures for children; participation of a specialist for regular contact with the child during the judicial process; representatives of the state bodies are not properly trained; technological methods for child protection are not being utilized; effective free legal aid is not ensured; and sexual orientation and gender identity are not prescribed as forms for protection of discrimination. This paper may serve as a starting point for juvenile justice reforms in the field of the position and protection of children witnesses and victims of criminal offences, as one of the necessities for fulfilling the accession criteria of the European Union.

## **Consumer protection in financial services - comparative analysis**

**Enis Salifi, MA**

The regulation of consumer protection in financial services in Republic of Macedonia is not appropriate to the manner of regulation of the consumer protection in financial services in the European Union, and the efforts made in order to comply are not appropriate both by volume and quality.

Consumer protection in financial services is of a great importance for the confidence in the financial sector, consequently for ensuring financial stability in the country. Republic of Macedonia as a candidate country, following the standards for consumer protection in all segments of the market, in the accession process will need to continue to work more intensively in order to regulate consumer protection, and especially in the area of consumer protection in financial services.

This paper is a comparative analysis of the policy for consumer protection, the regulatory and institutional framework in the European Union, and the respective framework in Republic of Macedonia. The paper gives a summary and a critique of the differences in the approach and in the practice and from there on it derives the challenges that Republic of Macedonia is going to face further on in the process of European integration. The paper sets recommendations for overcoming these challenges.

The main recommendations that are in a direction of adopting a consumer protection policy, establishing a central agency that would have a mandate to resolve consumer issues as well as implementation of a system for consumer education.

**Being unequal among the equals: The need for changes in the policies and legislation for combating discrimination in the Republic of Macedonia in order to become a member-state of the European Union**

**Jasmina Golubovska, MA**

The policy document focuses on measuring the level of consolidation of EU legislation for protection of marginalized and vulnerable groups in the society and the need for changes in the legislation in the Republic of Macedonia. However, the document does not provide legal analyses of the legislation itself rather the perception towards the need for protection of the abovementioned groups within the society. The author finds the theme for analyses to be crucial since protection of Human Rights i.e. rights of minorities and marginalized groups are part of the Political Criteria for accession of the country in the European Union. These criteria, also known as Copenhagen criteria are indicator for the countries' progress in the area of democracy, rule of law and respect for human rights and liberties.

The analyses in the policy documents refers to the EU conditionality and the ability of the Republic of Macedonia to provide a system with stable democratic institutions, rule of law and protection of human rights in the spirit of parliamentary democracy. In order to achieve the goal, the country needs to consolidate the national legislation with EU legislation. Therefore, the policy document provides information about the level and commitment of the country to consolidate the legal framework in accordance with the EU standards in relation to integration of antidiscrimination legislation for protection of marginalized and vulnerable groups within the country.

Moreover, the policy document provides answer to the question: Is the Republic of Macedonia dedicated to fulfil the political criteria for EU accession in relation to the treatment, perception and respect rights of the marginalized and vulnerable groups. In order to provide a suitable answer, the policy document gives review of antidiscrimination EU policies in the first chapter. The author finds this essential in order to present the dedication of EU countries towards improvement of the status of marginalized and vulnerable groups. The second chapter gives an image of the opposite, or the lack of dedication of the Republic of Macedonia to provide suitable mechanisms for protection against discrimination and respect of human rights. Furthermore, the chapter identifies the most important legal changes that are lacking in the national legislation and are not in accordance with the EU directives. Finally, the document offers suitable solution for overcoming of the problems in order for the country to receive full membership status within the Union.

## **Regional cooperation: imposed precondition or added value to the economic and sectoral integration of Republic of Macedonia in the EU – transport, energy and environment sectors**

**Mate Gjorgjievski, LLM, Iskra Belcheva Ristovska, LLM**

The policy paper intends to critically review the diverse forms of cooperation in the South-East Europe region, their functioning up to now and the relevance for the Republic of Macedonia.

Due to the fact that the paper concerns a region which went through a turbulent period not so long ago, regional cooperation is regarded either as a return towards a past system which did not leave sustainable prosperity behind, or as supplementary criterion for membership in the European Union for the countries in the region, or viewed as a tool for facilitated adoption of the EU norms by the countries. When it comes to issues with cross-border effect and heavy financial investments, as is the case in the areas of transport, environment and energy, regional cooperation is perceived as the only manner of achieving real reforms and progress.

The paper primarily explains the regional processes, such as the Process for Stabilisation and Association, which laid the foundations for common decision making in the region of South-East Europe, based on which the sector organisations are being developed today. These framework initiatives steer the cooperation and, in general, steer the development of the region and its approaching towards the EU. The analysis is conducted through a detailed overview of the functioning of the most important regional organisations in the given areas: SEETO, Energy Community, REC and RENA network, their main activities, cooperation and support by the EU institutions, the level of institutionalisation, as well as the achieved results. The added value of the benefits for the entire region in all areas concerned cannot be neglected and is increasing over time.

This policy paper compares the achievements as opposed to the level of formalisation of the organisations and offers recommendations on this issue. In addition, the methods of cooperation differ regarding costs, but also in their potential to bring investments to the region.

The conclusions refer also to the Republic of Macedonia as an active participant and often initiator of the cooperation processes. The benefits of regional cooperation in the areas of transport, energy and environment influence the flow of information, exchange of experience and policy and investment coordination among the participating countries, as well as the positive steps of Macedonia towards approximation of its legislation with the EU, although continuous commitment and efforts are necessary in order to achieve sustainability of the results. The paper recommends even more active participation of the Republic of Macedonia in the regional bodies and advocates for consistent domestic policy towards fundamental reforms in the described sectors.

The assumptions and conclusions of this policy paper could be monitored and reviewed during the implementation of the future Strategy for South-East Europe 2020, which is expected to be adopted at the initiative of the countries in the region, based on their needs and aimed at their joint progress

## European civil codes - model for creating a Civil Code in Republic of Macedonia

Dr. Goce Galev, Nora Ziba Memeti, LL.M

The common market is the cornerstone of the European Union. The functioning and development of the common market is based on a legal framework based on the EU primary legislation, and where necessary, supplemented by the secondary legislation. This legislation except that is EU law and applies to EU Member States, it also represents a precondition for all applicant states, including Macedonia. In the EU Accession process R. Macedonia should harmonize its national legislation as well. However, during the process of harmonization, very often the legislation is changed through a process of amendment without previous sufficient analysis. In this way, the laws regulating in particular the area of civil law tend to be very contradictory, repetitive, regulate the same problem in a different way, etc.

*The answer to these problems is the development of the Macedonian civil code.* This code is more than a priority for our citizens as precondition to become an EU Member State.

The creation of the civil code will:

1. Represent a systematic and a comprehensive single structure;
2. Contain all the answers in one place,
3. Be comprehensive and concise;
4. facilitate the harmonization process;
5. Guarantee the rule of law, legal and economic security;
6. Provide with substantive and technical advantages, etc.