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Between Merit System and Discretion: Challenges of the Draft Law on Senior Civil Servants¹

This brief reflects on the developments as of February 2026, when, after a prolonged period of delay and uncertainty, a broad and substantive discussion on the draft law was finally opened.² From the very beginning of the law's drafting, EPI has continuously provided comments and recommendations through its public administration reform monitoring reports and policy briefs.³ Throughout this process, we have repeatedly raised concerns over the Government's apparent hesitation to adopt the law and questioned why establishing clear criteria and a transparent procedure for the selection of senior management officials has proven to be such a persistent challenge.⁴

¹ The current title is: Law on Senior Management in State Administration Bodies and Funds

² Brief Commentary on the Draft Law on High-Level Managers in State Administration Bodies and Funds, European Policy Institute, 2025, <https://epi.org.mk/post/32865>

³ Ibid

⁴ Julijana Karai, Beba Žagar, "Law on Senior Civil Service: Is the Government Hesitating to Adopt It?," European Policy Institute, 2024, <https://1nq.com/tghmbr>.

A professional and impartial public administration requires the selection and management of staff based on merit and competence. The merit system ensures transparency, increases motivation, and attracts qualified candidates. This is particularly important for senior civil servants, whose decisions affect institutions and policies, while this approach strengthens integrity, accountability, and public trust.⁵

The SIGMA/OECD Principles of Public Administration represent a key framework for good governance, focused on professionalisation, integrity, and a merit-based system. In the field of human resource management, the principles for transparent and open recruitment based on merit (Principle 9) and ensuring effective, autonomous, and accountable leadership among senior civil servants (Principle 10) are particularly highlighted. These standards require a clear distinction between the political and professional levels, objective and impartial selection procedures, as well as stability and continuity in managerial positions. Their consistent application is key to building a depoliticized and efficient administration, with the adoption of the Law on Senior Civil Service representing an important step in that direction.⁶

The preparation of this law began in 2017, but despite the lengthy process, questions remain regarding the delay in its adoption, particularly concerning the establishment of clear criteria and transparent procedures for the selection of senior officials.⁷

The process of adopting the law has proven to be lengthy and uncertain. The first draft proposal from 2019 reached parliamentary procedure but was withdrawn before being considered in a plenary session due to the need for further alignment with the relevant legal framework. A new draft was published in 2022 and subjected to public debate, with the State Commission for the Prevention of Corruption issuing an opinion in 2023. Thus far, the law was once again not adopted. In December 2025, a third draft proposal was published as part of a broader reform package, alongside the laws on administrative servants and public sector employees.⁸

In the absence of an adequate legal framework and political will, the selection of senior officials has continued to be driven by political suitability rather than competence, with these positions often treated as post-election political rewards. Additionally, the acting appointment mechanism continues to be misused as a shortcut to circumvent regular selection procedures, instead of being applied strictly as a temporary solution in exceptional cases.⁹

5 Ibid

6 OECD (2023), The Principles of Public Administration, OECD, Paris, <https://www.sigmaweb.org/publications/Principles-of-Public-Administration-2023.pdf>.

7 Brief Commentary on the Draft Law on High-Level Managers in State Administration Bodies and Funds, European Policy Institute, 2025, <https://epi.org.mk/post/32865>

8 "High expectations from the proposed Law on Senior Civil Service" („Високи очекувања од предлог законот за висока раководна служба“), Deutsche Welle, 9.02.2026, <https://www.dw.com/mk/visoki-ocekuvana-od-pred-logot-za-visoka-rakovodna-sluzba/a-75871767>

9 Ibid.

In December 2025, the draft Law was published,¹⁰ followed by two broad public consultations, including one within the competent parliamentary committee.¹¹ This process represents a positive step toward a more inclusive and transparent legislative debate, with a declarative consensus among key political actors on ensuring a professional and merit-based selection system. Nevertheless, the analysis of the latest version of the law points to several key dilemmas and shortcomings that require further clarification.¹²

First and foremost, the scope of the law is limited to executive branch bodies under the authority of the Government, excluding the Ministry of Interior, without a clear justification for this exclusion. This approach raises questions about the consistency of the criteria and whether they should apply to all appointed senior officials, including those in the legislative branch, local self-government, and other public institutions.¹³ Additionally, the provision allowing the Government to determine an indicative list of positions after the adoption of the law leaves room for ambiguity, suggesting that such a list should be clearly defined and aligned with the existing legal framework at this stage.¹⁴

The selection process and decisions on non-selection further raise concerns about the retention of discretion in the procedure. Although the Selection Commission ranks candidates, the final decision is made by the minister, which may undermine the principle of merit-based selection. In such a model, the minister's role should be limited to formally confirming the Commission's decision. The same applies to cases of non-selection, where the final decision should fall within the Commission's competence, accompanied by clear justification and a repetition of the procedure if the conditions are not met.¹⁵

In its current form, the law does not envisage necessarily concrete mechanisms to ensure openness and transparency in the selection procedure. The formal publication of results is not sufficient unless full transparency of the process is guaranteed, including the publication of evaluation criteria, candidate scoring, and detailed explanations for selection or non-selection. Such an approach is essential to reducing suspicions of political influence and strengthening public trust in the system.¹⁶

10 "Draft Law on Senior Managers in State Administration Bodies and Funds" („Предлог Закон за високи раководители во органите на државната управа и фондските"), ENER, 23.12.2025, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=114787

11 "Public hearing in Parliament on the Draft Law on Senior Managers" (Јавна расправа во Собранието по Предлог-законот за високи раководители), https://www.sobranie.mk/ns-newsarticle-javna-rasprava-vo-sobranieto-po-predlog-zakonot-za-visoki-rakovoditeli.nsp?fbclid=IwY2xjawRMrp1eHRuA2F1bQlXMAbicmlkETF-Mak1ucVc3TWppTmtvRIB5c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHsXjAXMFCcb4vK64f65i-UobNswXi-fLkflifXCMIxteiJA6taUfjcV-_g48_aem__QU_ro9EK_JHts6XURyitA

12 Brief Commentary on the Draft Law on High-Level Managers in State Administration Bodies and Funds, European Policy Institute, 2025, <https://epi.org.mk/post/32865>

13 Ibid.

14 Ibid.

15 Ibid

16 Ibid

Furthermore, inconsistencies remain in relation to the Law on Administrative Servants, particularly regarding the criteria for the selection of the state secretary. While the draft Law stipulates broader conditions in terms of work experience, the existing law refers to selection from among administrative servants employed within the ministry. This creates ambiguity as to whether the position should be open to the wider public sector or limited to internal candidates, requiring clear alignment.¹⁷

However, the opening of a broader and more substantive public debate on the draft Law on Senior Management in State Administration Bodies and Funds represents a significant step forward in improving governance in public administration. In this regard, a public hearing on the draft law was held in the Assembly of the Republic of North Macedonia on 18 February 2026, where the members of the parliament, as well as representatives from academia and civil society, had the opportunity to present their views, opinions, criticisms, and recommendations regarding the proposed legal solution.¹⁸ The public hearing provided an important opportunity to clarify these issues and to further improve the legislative proposal. The adoption of a high-quality law will contribute to establishing a professional, transparent, and merit-based system for the selection of senior officials. Support for the law remains, with the expectation that the ongoing process will result in its improvement and full alignment with good European practices.¹⁹

The draft Law introduces a systemic and merit-based approach to the selection of senior officials by establishing a clear procedure grounded in the assessment of competencies, thereby overcoming the previously fragmented model and opening the process to broader professional competition.²⁰ Additionally, for the first time, it prescribes an obligation to provide detailed justifications for selection decisions, reducing discretion, strengthening accountability, and contributing to increased trust in the process. The draft law also establishes a framework for evaluating the performance of senior officials based on measurable indicators, addressing a significant gap in the system of accountability for the implementation of policies and reforms.²¹ Ultimately, the focus of this reform should not be on individuals, but on the results that institutions deliver for citizens, within the broader public administration reform process aimed at more efficient governance and improving quality of life and the business environment.²²

17 Ibid

18 "Public hearing in Parliament on the Draft Law on Senior Managers", (Јавна расправа во Собранието по Предлог-законот за високи раководители), https://www.sobranie.mk/ns-newsarticle-javna-rasprava-vo-sobranieto-po-predlog-zakonot-za-visoki-rakovoditeli.nsp?fbclid=IwY2xjawRMrp1leHRuA2FibQIxMABicmlkETF-Mak1ucVc3TWppTmtvRIB5c3J0YwZhcHBfaWQQmjlYMDM5MTc4ODIwMDg5MgABHsXjAXMFCcb4vK64f65i-UobNswXi-fLkflifXCMIxteiJA6taUfjcV-_g48_aem__QU_ro9EK_JHts6XURyitA

19 „Minchev at a public hearing in Parliament: accountability, merit, and clear rules for senior management in the administration“ („Минчев на јавна расправа во Собранието, одговорност, мерит и јасни правила за високото раководство во администрацијата“), Makfax, 18.02.2026, <https://11nq.com/wdc8rmu>

20 "Public hearing in Parliament on the Law on Senior Managers", Јавна расправа за Законот за високи раководители во Собранието на Република Северна Македонија, Center for change management, 19.02.2026, <https://cup.org.mk/events/public-debate-on-the-law-on-senior-managers-in-the-parliament-of-the-republic-of-north-macedonia-2026-02-19>

21 Ibid.

22 Ibid.

According to the minister of public administration, the reform of the senior civil service represents a key component of the broader public administration reform, aimed at creating a professional, stable, and accountable civil service. The proposed law, for the first time, establishes a coherent and unified framework for the appointment, tenure, evaluation, and dismissal of senior officials, based on the merit principle through clear criteria, public calls, and a structured selection process. At the same time, it was emphasized that retaining the final decision-making authority with the Government is in line with the principle of political accountability in a parliamentary democracy. The law also envisages the rationalization of management boards, as well as limiting the practice of acting appointments. Overall, the reform aims to establish a system in which power is closely linked to accountability and results, with the expectation of improving the quality of governance and increasing public trust.²³

Although the initiative to adopt the law is positive, the proposed solution does not ensure substantive professionalisation of the senior civil service. It fails to establish a clear distinction between political and professional management, while the discretionary powers of the Government and ministers remain significant, leaving the administration exposed to politicisation and clientelism. Furthermore, linking the tenure of senior officials to the mandate of the Government undermines the autonomy and stability of the administration.²⁴

The draft law is part of the broader reform strategy, however it does not establish a genuinely merit-based and autonomous senior civil service, but rather preserves considerable space for political influence. The limited scope, the linkage of mandates to the Government, and the lack of independent selection mechanisms weaken professionalisation and institutional stability. Therefore, substantial amendments are needed to establish a system resilient to politicisation and capable of strengthening trust in public institutions.²⁵

Despite the identified challenges, the ongoing process surrounding the Draft Law represents a significant opportunity to establish a clearer, more consistent, and merit-based system for the senior civil service. The open public debate and the involvement of various stakeholders provide a solid foundation for further refinement of the legal solution. With appropriate revisions and alignment, the law has the potential to strengthen professionalism, transparency, and accountability in public administration, which is essential for building trust in institutions and ensuring the successful implementation of reforms.

23 „Minchev at a public hearing in Parliament: accountability, merit, and clear rules for senior management in the administration“ („Минчев на јавна расправа во Собранието, одговорност, мерит и јасни правила за високото раководство во администрацијата“), Makfax, 18.02.2026, <https://1nq.com/wdc8rmu>

24 „Distinguishing between the political and the administrative: Proposals for a functional and professional senior civil service“, IDSCS, 30.01.2026, <https://idscs.org.mk/en/2026/01/30/memo-professional-senior-civil-service/>

25 Ibid.

At present, the situation is as follows: the European Commission's recommendation to adopt and implement legal provisions on the senior civil service has still not been fulfilled, while many senior positions continue to be filled by acting appointees. Discretionary appointment and dismissal of senior officials remain a key issue, due to the insufficiently clear distinction between the political and professional levels.²⁶ The existing framework represents an initial step toward professionalisation but lacks detailed criteria and procedures for selection. The new law is expected to introduce a merit-based system with open competition, which is essential for ensuring qualified and competent senior management staff.²⁷

26 Julijana Karai; Beba Zhagar, PAR Monitor Report North Macedonia: Public service and human resource management – 2024-2025, EPI, <https://epi.org.mk/post/32692?lang=en>

27 Julijana Karai; Angel Mojsovski, "National PAR Monitor 2019/2020", 2023, https://epi.org.mk/wp-content/uploads/National-Par-Monitor-Macedonia_Final_eng.pdf

This document has been produced within the project *Western Balkan Enablers for Reforming Public Administrations - WeBER 3.0* which is financially supported by the European Union and Austrian Development Agency. The content of this brief is the sole responsibility of the project implementer and does not necessarily reflect the views of the European Union, or the Austrian Development Agency.

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