



СОБРАНИЕ

JOINT PARLIAMENTARY COMMITTEE

16TH MEETING

Thursday, 28 March 2019

Strasbourg

MINUTES

The meeting began on 28 March at 09.06 hours, with the introductory address by Mr Alojz PETERLE, Co-Chair of the EU-MK JPC, who welcomed the guests of the meeting which for the first time was taking place with North Macedonia's new name.

Mr Goran MILEVSKI, Co-Chair of the Joint Parliamentary Committee (EU-MK JPC) greeted both delegations, and the renowned guests, Ms Sonja MIRAKOVSKA (MP, New Social-Democratic Party), Deputy Coordinator of the Ruling Coalition, Ms Zaklina LAZAREVSKA (MP, SDSM), Ms Shpresa HADRI (MP, Democratic Union for Integration), Ms Meral UZEIRI FERATI (MP, Coordinator of the Democratic Party of Albanians) and Mr Nikola MICEVSKI (MP, Coordinator of VMRO-DPMNE).

1. Adoption of the draft agenda

The draft agenda was adopted without amendments.

2. Adoption of the minutes of the 15th meeting of the EU-MK JPC held on 19-20 September 2018 in Skopje

The minutes were adopted without amendments.

3. Opening of the 16th JPC meeting by Mr Goran MILEVSKI and Mr Alojz PETERLE

In his opening address, Co-Chair Mr PETERLE congratulated the country's political maturity and the signatories of the Prespa agreement, which was an historic opportunity to progress towards EU accession and NATO integration. In this regard, North Macedonia sets a positive example for the whole Western Balkans region, but the continued implementation of the agreement is of major importance. In addition, Mr PETERLE noted that the European Parliament believed that North Macedonia demonstrated its strong commitment to the EU-accession process and good neighbourly relations, therefore it deserved the opening of accession negotiations in June 2019. He also expressed satisfaction on the advancement of EU-related reforms. Finally, Mr PETERLE underlined the important role of the Parliament, so that it could make full use of its oversight and legislative functions, as a constructive inter-parliamentary dialogue was an essential tool to gain the necessary support of the citizens.

Co-Chair Mr MILEVSKI reminded that North Macedonia showed its commitment to European values and paved the road to the Euro-Atlantic integration through the Prespa agreement, ending the three decade long dispute over the country's constitutional name. On 6 February 2019, the country signed a protocol for NATO membership, which would make North Macedonia the thirtieth member. In that regard, Mr MILEVSKI hoped that the protocol would be signed by the end of this year by all NATO member countries. Concerning constitutional changes, both the government and the opposition within the Parliament committed to the reforms. Furthermore, Mr MILEVSKI underlined the need for sustainable results in judiciary, security and intelligence services, but also a reform of the public administration and in combating crime and corruption. He expressed hope that the EU integration of the Balkans would remain the focus of the EU and that North Macedonia could start negotiations in June 2019. Mr MILEVSKI reiterated that Macedonia has no more open issues with its neighbours, and contributed to regional cooperation, stability and security while proving to be a reliable EU partner in migration and the fight against terrorism. Finally, he expressed his hope for fair and democratic upcoming elections based on principles of democracy, pluralism and the right to free choice.

4. Exchange of views with representatives of the Government, of the Council of the European Union and the European Commission

Mr Andrej ZERNOVSKI, Deputy Minister of Foreign Affairs, on behalf of the government of the Republic of North Macedonia thanked the EP for its consistent support for Enlargement in the Balkans and the country's EU integration process. He underlined the importance of the historic Prespa agreement, NATO accession and the implementation of reforms. In addition, Mr ZERNOVSKI underlined the importance of the rule of law and track record in all areas, as well as of the media freedom. Greece and North Macedonia ended the long-lasting name issue which was a complex process, however a breakthrough was made. Consequently, the Greek Prime Minister Mr TSIPRAS is expected to visit Skopje next week. Mr ZERNOVSKI reiterated North Macedonia's commitment to the Prespa agreement through a series of concrete steps, as the country informed all international and regional multilateral organisations and UN member states on its new name. The first results of the strategic partnership are already visible, as an agreement for a new border crossing point has been signed. Furthermore, North Macedonia also signed a Friendship agreement with Bulgaria. Mr ZERNOVSKI underlined that the country was ready to open accession negotiations, and the opportunity in June 2019 should not be missed. Nevertheless, Mr ZERNOVSKI reiterated that a merit based assessment on individual results and non-politicising of the accession process was also important. According to him, the EU integration of the Western Balkans would bring multiple benefits, such as strengthening stability in the Western Balkans and Europe, dealing with security challenges such as migration and terrorism, but also strengthening the EU on the international stage. In the end, Mr ZERNOVSKI stated that during the recent migration crisis, North Macedonia showed that the country was a trusted EU partner.

Mr David CULLEN, Head of Unit for North Macedonia and Kosovo, on behalf of the European Commission, commended the country for the great political courage leading to the historic Prespa agreement setting an example for the region. The Commission started preparatory work with North Macedonia on a weekly basis, and Mr CULLEN noted the active participation and knowledge of the staff and the administration. The Enlargement package would be based on the Council conclusions, new legislation and their implementation, but also the change in political culture and behaviour. On judiciary reforms, the latest changes to legislation were adopted in close consultation with the European Commission and the Venice Commission, thereby ensuring that

the legal framework followed European standards, which would have a positive impact on the independence of judiciary. In that regard, Mr CULLEN commended that the laws requiring two-thirds majority were supported by opposition parties. The Special Prosecutor's Office (SPO) continued to be proactive and concluded investigations in numerous complex cases, notably on the illegal wiretaps affair which involved high level officials. Furthermore, Mr CULLEN noted the draft law to incorporate the SPO in the Public Prosecutor's Office with the aim of ensuring the sustainability of its work and reinforce the fight against corruption while ensuring full accountability. Concerning the intelligence services reform, the Operational Technical Agency (OTA) has been operational since 1 November 2018, and it is responsible for the interception of communications under a clear legal framework in order to avoid illegal wiretapping. In addition, Mr CULLEN underlined the importance for the relevant parliamentary committees to be proactive and ensure the necessary oversight of the work of the intelligence services, starting by the hiring of expert assistance. Mr CULLEN also reminded that the government was preparing laws for the overall reform of the intelligence services, in assistance with the EU and NATO. The new law on the prevention of corruption and conflict of interest has been adopted by the Parliament with two-thirds majority, which strengthens the eligibility criteria for the members of the Anticorruption Commission and expands its powers. In this regard, Mr CULLEN recalled that new members were appointed in February in a transparent and inclusive manner and started their work. On the public administration reform, the strategy was adopted and the government continues consulting stakeholders in the legislative process with increased transparency. Nevertheless, Mr CULLEN noted recent concerns in recruitment within the public sector which will be monitored by the Commission. Over the coming weeks, North Macedonia needs to deliver tangible results ahead of the Enlargement Package and also beyond it. Therefore, Mr CULLEN stressed the importance of lasting changes in judiciary and the public administration, whereas the government and the opposition need to continue the constructive dialogue on key interests. Concerning the presidential elections, the process will be observed by OSCE/ODIHR. Mr CULLEN also noted the efforts of North Macedonia in combating illegal migration. He concluded by recalling the importance of the Parliament in creating political dialogue and compromise, and highlighted the excellent cooperation with MEPs in working together towards bringing North Macedonia to EU accession. In this regard, Mr CULLEN welcomed the work undertaken in the framework of the Jean Monnet Dialogue.

Mr Clive RUMBOLD, Deputy Head of the Western Balkans Division, on behalf of the European External Action Service recalled that during the Stabilisation and Association Council on 19 March 2019, HR/VP Mogherini and Commissioner Hahn clearly indicated their support for North Macedonia's EU accession and believed that a positive outcome in June would be deserved. However, for the Council to take a decision, the report of the Commission will be crucial, but also to which extent the country fulfilled the various criteria set out in the June 2018 Council conclusion. Mr RUMBOLD commended North Macedonia for signing the Prespa agreement and sustained efforts on reforms. Furthermore, he noted North Macedonia's engagement with EU Member States through regular visits and briefings, but the country needs to prove tangible and sustainable results. Furthermore, Mr RUMBOLD highlighted expectations regarding the reform on security services and the law on the future status of the Special Prosecutor. Thus, he emphasized the need for accountability and independence of the Office, and urged all parties to support the legislation, which is of utmost importance for EU integration. Mr RUMBOLD also reiterated the importance of the reform implementation in the judiciary, public administration, and noted the establishment of the new Anticorruption Commission following perceptions of nepotism. In addition, Mr RUMBOLD called for sustained efforts on cross-party cooperation, and the opposition's engagement and support in essential reforms. At the moment, the political parties of North Macedonia give an image of a mature democratic system, but it is essential for all parties to be united behind the EU integration agenda. The upcoming presidential elections are an opportunity of debate on the future of North Macedonia, and Mr RUMBOLD stressed the essential role of ODIHR and called on all parties to cooperate with the observation team. North Macedonia is a solid and reliable EU partner, and its CFSP alignment significantly improved over recent years, and the country could target a 100% alignment in the near future. On CSDP cooperation, the country participates in EUFOR ALTHEA in Bosnia-Herzegovina and expressed interest in the EUTM in the Central African Republic. Likewise, North Macedonia takes interest in combating hybrid threats such as terrorism and violent extremism. Finally, Mr RUMBOLD underlined that the country has dealt effectively and efficiently with the migration crisis, and he welcomed the signature of the FRONTEX agreement which should be implemented in the near future.

MEP Mr Ivo VAJGL (ALDE, SL), the European Parliament's standing rapporteur on North Macedonia, underlined the unanimous judgement about the country's positive path in the reform process. Nevertheless, he underlined that the reforms are a must and non-negotiable, and hoped

that they would be the most important criteria for opening the negotiations in June 2019 as promised. If the promise is not kept, it would be a disastrous message for the region, as the Western Balkans need to be aware that the EU can recognize positive achievements. Mr VAJGL underlined that the country deserved a constructive media landscape, and also expressed satisfaction for the cooperation between the government and the opposition. Finally, he reiterated that the commitment and promise to North Macedonia should be kept and the principle of merits should prevail.

In the debate that followed, Ms Sonja MIRAKOVSKA (MP) gave an extensive overview of the judicial reforms and underlined that North Macedonia achieved notable progress in the domain. The country acknowledged the recommendations of the Venice Commission and adopted legal amendments for the functioning of the Special Prosecutor. In the period that followed, the mechanism to monitor reforms was adopted in October 2018, whereas the Council for Judicial Reforms held several sessions. Furthermore, the Parliament adopted laws requiring two-third majority such as the Law on Courts in March 2019. The government also sent amendments of the law on Judicial Council to the Parliament in December 2018, and they were on their second reading. In addition, amendments on the law on the Public Prosecutor's Office and the law on the Council of Public Prosecutors, especially concerning the Special Prosecutors Office are currently in a parliamentary procedure. The law on administrative disputes and the new law on misdemeanours was also adopted in March 2019. The Criminal Code was passed in December 2018, and revised provisions in areas such as hate crime, illicit trafficking of persons and children, and introduced a new crime of structural justice and the protection of witnesses. The government proposed a law on free legal aid in March, aiming to revise the system and improve cooperation between the Ministry of Justice and key stakeholders, while strengthening the capacities of those requiring legal aid. Ms MIRAKOVSKA reminded that in November last year, the country prepared amendments for preventing the abuse of the electronic court case distribution system. She reiterated that the Academy for the training of judges and prosecutors was working continuously while implementing all of its programs, whereas a new law was being prepared taking into account all the recommendations. Finally, she expressed hope that the two crucial laws on the reform of judiciary would be adopted, and expected to receive recommendations on 9 June 2019.

MEP Ms Maria SPYRAKI (EPP, EL) stated that the draft report on the developments of the situation in North Macedonia was overoptimistic and unbalanced, whereas the country required tangible results and achievements in public life. As far as the Prespa agreement was concerned, Ms SPYRAKI stressed that the clear majority of the Greek public opinion saw it in a negative light. Furthermore, the Prespa agreement was only voted by the Greek government majority and small parties, whereas all the parties of the opposition were against it. In addition, two sectors were left undecided within the Prespa arrangement, notably commercial issues and schoolbooks referring to their Northern neighbours. Finally, she stated that she would vote against the report, and stressed the need to stick to the established criteria.

Ms Meral UZEIRI FERATI (MP) presented in detail the results and outcomes of the laws on organised crime and corruption. She reminded that the EC gave a positive assessment in that regard, stating that a certain progress was achieved especially in establishing the legislative and institutional framework in line with European standards. North Macedonia amended the legislative framework regulating the mandate of the State Commission on the Prevention of Corruption in January 2019. The new members of the Commission were elected on 8 February 2019, in an inclusive and transparent procedure involving MPs of the opposition, representatives of civil society organisations and media professionals, and the election was managed by a special committee conducting interviews that were broadcast live. The Assembly adopted a new Code of Ethics in December 2018, focused on preventing conflict of interest and consolidating the integrity of the Members of the Assembly in line with the GRECO recommendations. Ms UZEIRI FERATI also presented the new draft law on the access of information of public character, which would define the scope of entities being holders of information of public interest, whereas the National Commission would be transformed into an independent state agency. In addition, the National Coordinative Centre for Countering Organised Crime was established in March 2019, and will prevent organised crime at the Ministry of Interior, Customs Administration, Financial Police and the Public Prosecutor's Office. The Ministry of Interior also adopted a strategy for strengthening the capacities for financial investigations. Furthermore, other recommendations will be integrated in the plan for the development of human resources in the Ministry for Countering Serious Forms of Organised Crime after the adoption of the law on the systematisation of jobs at the Ministry of Interior. In addition, the Public Prosecutor's Office opened three investigative offices in Skopje, Kumanovo and Tetovo to strengthen its role in effectively investigating crimes.

MEP Mr Tunne KELAM (EPP, EE) agreed with Ms SPYRAKI on the importance of values. Nevertheless, values are universal and cannot be enforced in national interests. Mr KELAM noted that the signature of the Prespa agreement in North Macedonia marked a new period of stability and cooperation. The country became a reliable EU partner, and Mr KELAM welcomed progress on reforms and the cooperation between major political parties. Finally, Mr KELAM reiterated that every candidate country needed to be evaluated based on its merit, and the EU needed to keep its word on starting negotiations.

Mr Nikola MICEVSKI (MP) gave an extensive overview on the reform of the security and intelligence services in line of the recommendations and priorities. He underlined the amendment of the law on electronic communications, the law on classified information, the establishment of the Operational and Technical Agency (OTA) as an independent institution and work in Parliament to monitor these institutions. In that regard, Mr MICEVSKI reiterated that the opposition played an important role regarding the amendments and the vote requiring a two-thirds majority. For Mr MICEVSKI, the first breakthrough happened on 1 November 2018 with the establishment of the OTA having its own premises and a budget. Additionally, North Macedonia set up a civil and parliamentary supervision mechanism and investigative measures in order to prevent any possible abuse of the system. In February and March, the parliamentary committee conducted a supervision of the Financial Police, Customs Administration and of the OTA and found no violations. Furthermore, Mr MICEVSKI reiterated that the OTA was conducting special investigative measures for communication interception for 180 persons. The government also adopted the plan to reform the security and intelligence sector in November 2018, and the laws were currently in regular procedure within the Parliament. The Parliament is also envisaging the law on coordinating the security and intelligence community, through a special body with a clear mandate and decisions in order to harmonise the legal framework with the law on the interception of communications, the law on interior and the law on aliens. The Public Prosecution for Organised Crime and Corruption now has a special unit for persecuting crimes committed by police officers or persons with police authorisation, including prison police, to ensure impartiality and objectivity. Furthermore, Mr MICEVSKI reiterated that the opposition was chairing the Commission for the Supervision of Communication Interceptions. Within the future Civil Supervision Council, Mr MICEVSKI reminded that three members from the NGO sector were appointed, whereas the three member

from the expert community will be appointed after the presidential elections. In addition, Mr MICEVSKI expressed hope that these reforms would bring tangible results while protecting human rights and liberties. Nevertheless, Mr MICEVSKI warned that corruption and the repression of the opposition was still present. Therefore, the government and the opposition need to work together to reduce those occurrences. Concerning the presidential elections, Mr MICEVSKI expressed hope for a transparent process. Finally, he expected support to open the more than deserved accession negotiations in June.

MEP Ms Marijana PETIR (EPP, HR) reminded that the past ten years were hard for North Macedonia which influenced the political life, economy and society. She reiterated that the pressure on North Macedonia and on its national identity was intolerable, and underlined that she disagreed with the forced name change. She expressed concern in various domains, such as judiciary, administration, secret services, rule of law, corruption, media and air pollution, which have to be solved. Therefore, reforms need to be a priority for the country in order to improve the life of its citizens. Concerning the elections, they should be transparent and fair, respectful of the observers, while reflecting democracy and the will of the people.

Ms Zaklina LAZAREVSKA (MP) gave a thorough description on the reform of public administration and good governance which were one of key priorities for North Macedonia. After discussions with NGOs and other stakeholders, North Macedonia adopted the first six-month report regarding the implementation of the reform strategy in public administration for the years 2018-2022, with 27 activities completed out of the planned 72. The Ministry for Information, Society and Administration is drafting a new law on senior state officials, which would establish clear criteria for the appointment and dismissal of senior officials while ensuring greater professionalisation. The government has approved the law on inspection supervision, which is expected to improve the legal certainty of the entities subject to inspection, and reduce the repressive nature of inspection supervisions and the amount of fines. North Macedonia aims to improve the efficiency of the public service, and therefore the country will start streamlining the state administration, its mandate, accountability, and other authorities and organisations in the central government. The impact assessment that was conducted defined North Macedonia's public administration by the inconsistent exercise of legal functions, inefficient public spending and delayed provision of services to citizens and businesses. Therefore, the findings of these analyses

will be as a basis to draft the new law on the organisation and work of state administration authorities. Ms LAZAREVSKA reiterated that the country had a regulatory impact assessment for the law on civil servants and the law on public sector employees which would allow amendments to improve them. Likewise, North Macedonia is also planning to improve the general administrative procedure. On good governance, the country aims to improve mid-term budgeting, transparency and monitoring of public expenditure, but also mid-term projection, predictability and accountability. Therefore, the Ministry of Finance is drafting a new law on budgets. In addition, North Macedonia is working on the reform of the public finance management. Thus, the Ministry of Finance adopted the policy for a public internal financial control 2019-2021 which defines a framework for a modern and efficient system of public internal financial control. Ms LAZAREVSKA resolved the dilemma on nepotism by underlining that in cases of protectionism and favouritism, the government would request resignations. The State Anti-Corruption Committee is now examining eighteen appointments and will uphold the findings. Nevertheless, the public opinion and reactions underline the flaws of the system, and the solution will have to guarantee an equal treatment without favouring and discriminating against. Finally, regarding the presidential elections, the ruling party will strive to organise them at the highest level so that North Macedonia can get a President while fully upholding all the laws.

MEP Mr Michael CRAMER (Greens/EFA, DE) asked whether the opposition to the name change improved or decreased in the societies and parliaments of both countries. Likewise, he asked whether the absence of former Prime Minister Mr GRUEVSKI improved the opposition's status in the country. Additionally, Mr CRAMER asked if there was a common position in the North Macedonia Parliament on EU membership. Finally, he inquired on the status of the cross border section for pedestrians and cyclists between Staro Konjarevo and Gabrene.

Mr Nikola MICEVSKI (MP) replied that he was dissatisfied with the way the name issue was solved. Nevertheless, the opposition actively participated in certain stages of the process, and in the reform package as a coordinator of the parliamentary group by introducing amendments. Likewise, many of the two-third laws have been passed together of the opposition, like the law on the Prevention of Corruption. But, Mr MICEVSKI underlined being against adopting laws through breached procedures and in short deadlines, as the laws should bring quality and sustainability

without just ticking boxes. Finally, receiving a date for the start of negotiations would be crucial, as the dissatisfaction in the country would grow if the June 2019 date was missed.

Ms Shpresa HADRI thoroughly presented an overview on achievements in the protection of human rights and media in North Macedonia. She reiterated that state administration bodies continued to implement the recommendations of the Ombudsman. Furthermore, a legal framework was adopted establishing an external mechanism for oversight of the work of the police and of persons under police authority with the aim of preventing torture and inhuman treatment. Within the Public Prosecutor's Office for Organised Crime and Corruption, a specialised Unit was established to investigate and persecute these crimes. In the last two months, the unit has examined cases involving fifteen individuals, out of which indictments were filed against two persons and prison has been ordered for two others. Furthermore, North Macedonia has introduced the penitentiary system reform in order to implement recommendations from the Council of Europe, including the aim to improve prison conditions and capacities, the implementation of alternative sanctions and healthcare and security in prisons. Concerning the recommendations on gender equality, North Macedonia developed several operational plans for a number of institutions under the 2018-2022 National Agenda Equality Action Plan. In that regard, the country established compulsory gender equality e-trainings for the administration, funds were allocated for implementing the Istanbul Convention, and measures were undertaken for the protection of victims of gender based violence and prevention of gender based and domestic violence. The government also adopted the 2018-2027 National Strategy for Deinstitutionalisation accompanied with an action plan, serving as documents for the reform of the system of social protection. In the past year, the Ministry of Labour and Social Policy successfully closed the biggest orphanage in the country for infants up to three years old in Bitola, but also the unit for minors with special needs in the Institute of Demir Kapija by relocating the residents to foster care, families and small group homes. Ms HADRI stated that the country found a systemic solution for the inclusion of Roma children in pre-school education by providing exemption of the fees for child care in kindergartens which will be covered by funds from municipal budgets, while ensuring provisional housing of street children and their families. On 11 March 2019, the Parliament of North Macedonia adopted a new law on the prevention of and protection against discrimination, in line with the EU Acquis and international standards. The new law expands the list of discriminatory grounds by adding the prohibition of and protection against discrimination on grounds of sexual orientation and gender identity, while also improving

the concept and definition of discrimination. Furthermore, the procedures governing the composition, election and eligibility criteria for members of the Commission for the Prevention of and the Protection Against Discrimination expands its mandate and introduces new provisions for the use of new evidence in court proceedings while envisaging the exemption of the court fees. The law on the use of languages was adopted in January 2019, with the aim of advancing inter-ethnic relations and strengthening internal cohesion, thus closing the only remaining legislative issue under the Ohrid Framework Agreement. Regarding freedom of expression, Ms HADRI underlined that the largest number of reported cases of physical and verbal threats against journalists were closed, and charges were filed against the perpetrators. In view of protecting pluralism in the media, the government adopted a support program for printed media in 2018 to cover their printing and distribution, and identical measures would take place in 2019. Lastly, North Macedonia adopted the law on audio and audio-visual media services, regulating the work and funding of the Agency for Audio and Audio-visual services whose council deals with cases of violation of regulations ensuring the independence and professionalism of the public broadcaster. Regarding the higher budget allocation for the National Radio and Television, the legally prescribed annual funding obligations will be fulfilled under the restructuring of the budget.

5. Adoption of the recommendations

The recommendations of the 16th EU-MK JPC meeting were adopted.

6. Any other business

There was no other business.

7. Date and place of the next JPC meeting

It was proposed to hold the next Joint Parliamentary Committee meeting in North Macedonia in autumn 2019, on dates that shall be determined in due course.

The meeting ended at 11:18.