

CHAPTER III

Political and Legal Criteria in Albania, Montenegro and North Macedonia

In this chapter, the author explains the progress of Albania, Montenegro and North Macedonia in order to meet political and legal criteria to have the full EU membership. The author will analyse the obstacles that those countries encountered in terms of these two criteria that set by European Union.

1. Albania

Albania is a former of The Socialist Federal Republic of Yugoslavia which used to be under communist-ruled that located in the Western Balkans. The country has submitted its formal application for EU membership in 2009, yet till today the country has not made to join European Union. In 2014, Albania was granted candidate status by the EU and currently, is waiting to start the negotiation process with European Union. (European Commission, 2019).

As a former communist-ruled, it was not an easy task for Albania to transform into a democratic country by trying to meet the political and legal criteria that required the country to have stable institutions which ensuring democracy, the rule of law, human rights and respect for and protection of minorities; the capacity to meet the duties of membership, including adherence to the principles of the political, economic and monetary union. (Abazi, 2008). Furthermore, under the CFSP (Common Foreign and Security Policy) all the candidate countries are required to adapt with these criteria, even it is a far-reaching adaption, this is important in order to advance on their respective path towards memberships. Therefore, the candidates have to adapt

or align its foreign policy which in line with the EU's instruments or criteria (Hillion, 2017).

1.1. Albania Political Institutions and Rule of Law

As one of the post-communist country, having stable institutions that guaranteeing the rule of law was hard for Albania to transform. Where there is a rule of law, there is an institutional balance that creates political forces in society through the use of political institutions within the system. The rule of law could be understood as;

Short-term legal system in which justice is conducted effectively and equally in compliance with the rules and regulations; individuals and organizations are deemed to be responsible; judges are fair; minority rights are ensured; access to justice is open to all; and valid court decisions are made; (Meyer, 2002).

Political institutions themselves are the contexts in which political disputes are fought and resolved, in which political activities become more stable after some time, and in which political stability and continuity are created. Political institutions include the legislative, executive and judicial branches of government which need to be consistent and stable. Albania also faces problems in the implementation of the rule of law. It can be seen that, in the post-communist era, the nation failed to establish a separation of powers between the three branches of government. The lack of a practical, autonomous position for the judiciary, along with the ideology of a leader-dominated political party, has created difficulties for the democratic checks and balances mechanism to work from the outset. Check and

balances are vital as for ensuring that no one branch of government gains too much power (Adamou, 2014).

As the third branch of government in Albania, the judicial system remains weak and cannot function as an autonomous entity. Moreover, in Albania, there has been a lack of transparency in the selection and promotion of judges, as well as in supervisory processes to ensure the integrity of the judiciary. On a recommendation from the High Council of Justice, the President of the Republic appointed the Courts of Appeal and selected the first and subsequent judges to the District Courts. Nevertheless, these promotions and transfers to higher judges are based on classification processes that are neither straightforward nor reliable. Moreover, the lack of access to up-to-date legal information has been considered as the other weaknesses of Albania judicial system. (Adamou, pp. 1159-1160).

In addition, the corruption in the judicial system in Albania is persistently happened. In 2017, UNDP study found that more than 70 per cent of Albanians did not believe the justice system protected their rights. (Hopkins, 2019). Often the judges are keen to be bribed, while at the same time they have immunity from investigation of their supposed abuse of power. The lack of transparency in the selection of judges and the initiative for disciplinary procedures is therefore in the full hands of the Minister of Justice, but without any monitoring or balance of control, this is became the problem. Albania is indeed still having difficulties in established an independent institution particularly in its judiciary.

Corruption persistently happened in Albania. It brought consequences for the country's economy and foreign investors to invest. Moreover, it destroys

Albania's image and became a major obstacle for Albania to join European Union. The practice of communist regimes to favour a select group of few- the *nomenklatura*¹ and the inappropriate influence that the executive had on the independent branches of government, has left heavy marks on the institutional culture of public institutions. Moreover, the transitional tasks they have undertaken are inherently high of corruption (Sadiku, 2010). Therefore, corruption has been seen as endemic in Albania. Albania was ranked on the 95th with scores 3.5, according to Transparency International Corruption Perception Index (CPI), it shows that the majority of Albanian respondents (51.4%) have an experience with corruption like facing a bribe situation in 2009 (Sadiku, pp. 46-47).

Despite the difficulties that Albania encounters to reform its political institutions, particularly in judiciary. The country also has made some progress in reforming its judiciary system and fight against corruption. For instance, in 2018, there were 102 new cases against high-level state officials sent to prosecution, this has been an increase compared to 61 in 2017. In 2018, one Appeals Court judge was sentenced by the Serious Crime Court and one prosecutor was sentenced by the Court of Appeal for

¹ *Nomenklatura* were a category of people within the Soviet Union and other Eastern bloc countries who held various activities in bureaucracy and running all spheres of countries' activity whose position were granted only with approval by the communist party.

Serious Crimes. In February 2019, 12 officials and former officials of the Ministry of Justice were arrested for suspected abuse of office as well as violation of equality in tenders during the period 2016-2017. (European Commission, 2019).

According to European Commission on its 2019 report on Albania, they have noticed a decent advancement that has been made through continued implementation of the justice reform and fight against corruption. The re-assessment of all judges and prosecutors has progressed relentlessly and delivered significant outcomes. Moreover, in fight against extensive corruption, Albania has adopted of the new action plan 2018-2020 for the implementation of the Inter-sectorial Strategy against Corruption; the amendments to the Law on the Declaration and Audit of Assets; the Law on Public Procurement; and the adoption of the Code of Conduct for Members of Parliament. In order to address the on-going transition which absolutely require the new bodies for the self-administration of the judiciary to take the necessary steps (European Commission, p. 18). However, despite the progress that Albania has made to reform its judiciary and fight against extensive corruption, it still not had enough to meet the EU criteria, therefore in its latest report on Albania EU has set some recommendation that Albania should do in the coming year (European Commission, pp. 14-20):

- Albania needs to further improve their procedure of re-examining judges and prosecutors
- Albania's newly established institutions for the self-governing of the judiciary needs to complete the set-up of specialised investigative and judicial

bodies against corruption and organised crime.

- Albania still have to continuing to pursue a sector-based approach to the justice reform under the cross-cutting strategy for 2017-2020 and guarantee adequate governance, monitoring and reporting mechanisms through well-created structures, techniques and indicators combined with sufficient financial support for implementation of the reform.
- Albania has made further progress in order to establish a strong reputation of seizure and Confiscation/recovery of criminal assets resulting from corruption-related offences; further increase the use of financial investigations;
- Albania needs to finalise the procedures for the establishment of the specialised anti-corruption bodies, composed of the Special Anti-Corruption and Organised Crime Structure (SPAK), the National Crime Structure (NBI), and the Court to address high-level corruption; guarantee adequate resources and cooperation between these new structures;
- The country still needs to continue to improve access to national electronic vaults for law enforcement authorities.

1.2. Albania Public Administration

According to Nicholas Henry, public administration was defined as the device used to reconcile bureaucracy with democracy. Its purpose is to promote a superior understanding of government and its-relation-ship with the society it governs.

(Henry, 2017). Therefore, the public administration is important to be given high priority as the government is seen to be strengthening institutions which will defend the rule of law.

In Albania, the civil service has continually been on decline as part of the stabilization efforts of the Albanian government. Civil servants at ministries are less than 1.5 per cent of total public employees. A general lack of qualified and professional staff in many fields reduces the capacity of the public service to fulfill fundamental tasks. The increase of the salary of public employees has been one of the main concerns of the government. 5.6 And 4.5 per cent of the employees have left the civil service, mainly for the reason of a better pay, respectively in 2001 and 2003. (Cepiku & Mititelu, 2010).

Moreover, legal certainty and legal security are still lacking and, as a result, Albanian citizens are not clear as to what rules and standards their conduct will be judged by, in particular, those holding different policy positions under the law. In other words, Albanian citizens feel that their rights are not safe and that politicians and others in government do not comply with the same standards as they do, which have led to a low level of trust in public officials. (Adamou, p. 1158)

According to the latest report from European Commission, in terms of accountability of administration, the legal framework remains absence of clearness making of administrative bodies that are sub-ordinated to ministries, the parliament and prime minister. In addition, Citizens' right to good administration is constrained. Indeed, the Law on the Right to Information regulates citizens' right to access public information and many of public authorities

have adopted transparency programs. However, it does not enough as public institutions still need to put more efforts to pro-actively disclose information of public interest. In terms of financial management, transparency on budgeting has improved by publishing of all key budget documents on time. even the 2019 budget, the citizens' budget, and the list of public investments have been published, the public participation in the budget process still needs to be further fortified. Moreover, in harmonizing the legislation with the *acquis*, the country's administration needs to further strengthen its capacity. (European Commission, pp. 10-14) .

Albania indeed has made some progress in Administration reform, the country has been improving the quality of public services, reinforcing the administration's ability to attempt merit-based recruitments, and upgrading the regulatory framework on impact assessments. Albania has made some good progress on implementation of the public administration reform and so did with public-financial management reform strategies. However, just halfway advancement was made on the Commission's 2018 recommendations. Therefore, in order to improve the quality and financial sustainability of legislative and policy proposals, the country still has to build capacity and implement regulatory and budgetary impact assessments in all ministries by upgrading the regulatory framework on policy planning and monitoring, and roll out the integrated policy making system, develop and adopt a salary policy for civil servants and connect the human-resource management information system with the treasury to provide a mechanized finance. (European Commission, pp. 10-11).

1.3. Fundamental rights in Albania

Albania has met overall with international human rights instruments and has ratified most international conventions which aim to protect the fundamental rights. However, in terms of freedom of press and expression, Albania's media sector has faced political pressures since 2016 (Freedom House, 2017). Investigative stories and those critical of the authorities often resulted in intimidation for individual journalists. Moreover, the broadcast media in Albania is unable to play role as independent media that supposed to act as a watchdog over government activities. For instance, Radio Televizioni Shqiptar (RTSH) – Albanian Radio and Television, is state-owned and very pro-government. (Adamou, p. 1159).

The Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Convention on Economic, Social and Cultural Rights has yet to be ratified by Albania. The country has made some efforts to meet commitments that emerge from international legal instruments, during the report periods. However, the overall implementation of those instruments needs to be reinforced.

The legal framework in the areas of children's rights and domestic violence already improved. Regarding of minority rights on adoption of secondary legislation is still an on-going work. Moreover, in terms of institutional mechanisms for protecting children, protecting victims of domestic violence, guaranteeing gender equality and providing minimum health and social services, Albania is expected to further improve as well as to guarantee the rights of minorities for the most vulnerable members of the Roma and Egyptian communities by adopting the full

package of secondary legislation related to the 2017 framework Law on the Protection of National Minorities and strengthen the protection of individual journalists and social rights. (European Commission, pp. 22-31).

1.4. Albania and EU Legislation

In order to meet the legal criteria that were set by EU, Albania continued to align its legislation to EU requirements in fewer of fields in order to enhance its ability to take on the obligations of membership. For instance, in education and culture in which EU stressed in preventing discrimination and ensure quality education for children of migrant workers, including those from disadvantaged backgrounds. Albania has gained some ground on this by improving the online application for recognition of diplomas, monitoring the framework for assessment of pre-school education. Some advancement was also registered overall in the education and training system and adoption of the revised Albanian Qualification Framework Law in May 2018. (European Commission, pp. 87-88).

In terms of financial control, EU has set standards planned for guaranteeing fair competition between and the stability of financial institutions, like banking, insurance, supplementary pensions, investment services and securities markets. They include rules on authorisation, operation and supervision of these institutions. Albania has gained some ground on this by align the banking regulation of Bank of Albania (BoA) with EU *acquis* on Capital adequacy, licensing and activity, risk management, savings reporting and lending associations. (European Commission, p. 64)

Furthermore, Albania will need to continue its efforts on preparations for adopting and implementing the EU *acquis*. It should continue work on the development of the transport and energy networks, also with a view to improving connectivity throughout the region. The administrative capacity and professional standards of bodies which would be charged with the implementation of the *acquis* need to be strengthened and the independence of regulatory bodies safeguarded. Moreover, Enhancing transparency and accountability, in particular ensuring the effective, efficient and transparent functioning of the public procurement system and public finance management, remains essential. Albania has continued to fully align with all EU common foreign and security policy positions and declarations. (European Commission, 2018).

2. Montenegro

Montenegro is known as an independent post-Yugoslav multi-ethnic state in the Western Balkan region of South-eastern Europe. The country became independent in 2006 and followed by adopting a new constitution in 2007 then became ‘Montenegro – an independent and sovereign state, with the republican form of rule; a civil, democratic, ecological and state of social justice, based on the rule of law’. Montenegro bordering with a coast on the Adriatic Sea and bordering Croatia, Bosnia and Herzegovina, Serbia, Kosovo and Albania. (Cerovic, Gasmi, & Prlja, 2018). Montenegro applied for EU membership in 2008 but currently is still in negotiation process with European Union since 2012.

2.1. Montenegro Political Institutions and Rule of Law

The political institutions in Montenegro are remained weak. The institutions were politicized and

it became an obstacle for the country to fight against corruption. The law was not effectively implemented by the government.

Montenegro also has poor track record in terms of punishing corruption, especially among high-level officials, which undermines public trust in institutions, their integrity and any commitment to fight corruption. (Vuković, 2015). Three branches of power separation, the legislative power exercised by the Parliament, the executive power exercised by the Government and the judicial power exercised by the courts.

According to BTI report, the parliament as legislative power in doing their work to perform its oversight as well as to exercise the functions of the institutions itself is still weak. Moreover, in 2015 and 2016 political crises happened which brought deficiency in parliament's ability to effectively perform. It has also triggered a deterioration of both the legislative and its oversight roles. For example, at the end of June 2016, the Committee on Security and Defense introduced an annual parliamentary oversight plan with a six-month delay, breaking the security and defense sector parliamentary oversight rule. Moreover, the parliament still lags behind the adoption of certain important legislation. (Bertelsmann Stiftung, 2018).

In Montenegro, the judicial system suffers from inefficiency among judges, high levels of bureaucracy, pervasive corruption, and interference by politicians or members of organized crime. Their citizens even have low confidence on their judicial system and perceive the judicial branches as the one who has high level of corruption and nepotism. (Haider, 2018).

Even though, the institutions in Montenegro has made some good progress by adopting anti-corruption laws, but in the absence of effective law enforcement, civil servants and politicians feel they can act unpunished. Seven years after its negotiation accession, the political institutions have stopped even stimulating reforms. The most recent example is the information provided by the announced amendments to the Law on free access to information, which introduce abuses of the right of access to information. The proposed arrangement enables an institution to deny the request of an interested party and to refuse to make available a document or information on the grounds that the request is "unfounded or unfounded." The proposed amendments also provide an opportunity for institutions to determine whether or not information is of public importance and, accordingly, whether or not it is necessary to publish it. If these amendments are adopted, they will also help civil society in its efforts to control the government in order to combat corruption. (Marović, 2019).

Montenegro also lacks a clear policy structure for the fight against corruption. Chapter 23 (Judicial and Fundamental Rights) Action Plan, which also contains anti-corruption initiatives as the only mechanism that exists at national level, is out-dated, and has only been revised once since the start of accession negotiations in 2012. Despite its shortcomings in fulfilling the criteria set by EU, Montenegro has made some good progress for its judicial system. For example, judicial reforms in Montenegro continued to improve the transparency of its work in 2017. The "Strategy for the Reform of the Judiciary, 2014–2018" which for the improvement of transparency, openness, and accountability in the judicial system. International

organizations and local CSOs (Civil Society Organizations), in addition to reporting on judicial reform by national media, have contributed to the judiciary's increasing openness. The judiciary's willingness to adopt greater transparency in its operation was its evident. (Haider, pp. 41-42). Yet it had not enough, as in its 2018 accession report, the EU asked Morocco to improve the independence, transparency, integrity and overall efficiency of the judicial system itself. (European Commission, 2018)

2.2. Montenegro Public Administration

A successful political and economic reform requires a well-functioning public administration which is fundamental and important. In terms of public administration Montenegro has faced few problems. The number and variety of organizations with public powers (public agencies, public funds and public institutions) represents an issue due to the diversity of their status, insufficient control over the legality and effectiveness of their work as well as unclear accountability lines. Moreover, free access to information by citizens which established by the law but, yet transparency is constrained by the lack of resources and capacities of the Agency for the Protection of Personal Data and Free Access to Information. (European Commission, 2014).

NGOs in Montenegro often face violation of legal deadlines for obtaining information, and the access to information is the most costly in the region. Therefore, this Agency in Montenegro was considered unsuccessful in order to raise standards of access to information in Montenegro, especially when it comes to the effectiveness of the sanctions and the protection of the right to access information. Regarding of service delivery, Montenegro has made good progress

by producing the enforcement of the new Law of General Administrative and expecting that it will improve the legal framework for citizens-oriented administrative services. However, interoperability among the existing key electronic registers does not exist yet, neither is there a system of safe and reliable data exchange among authorities. Therefore, citizens and businesses are repeatedly requested to provide documents and data that already exist in the national authorities system. (European Commission, pp. 4-5)

Moreover, corruption also poses a risk for businesses dealing with public administration in Montenegro. In dealing with Montenegrin administrative requirements (permits, licenses, reporting, etc.) are burdensome, and inefficient government bureaucracy and corruption are ranked among the top constraints for doing business in the country. The Companies were expected to occasionally make bribery payments or offer gifts when obtaining public utilities or ‘to get things done’. (IFC, 2013).

In terms of the recruitment and management of civil servants, there are still many difficulties related to the jurisdiction and power of different entities, which creates legal gaps in the application of common standards and procedures. In addition, there are also several issues with regard to the application of the recent law on salary. As a result, there are inconsistencies and discrepancies among civil servants and public employees' salaries, even where they perform the same job. (European Commission, p. 5)

In terms of policy development and coordination, Montenegro has no medium-term and performance based strategic planning system in place. Often strategies are not costed and do not reflect government

priorities. Therefore, this brought inevitably impacts on the quality and coherence of annual and sectoral planning, as well as on the elaboration of mid-term budgetary frameworks, and as a consequence, decision-makers are not properly equipped to carry out performance appraisal and to make informed decisions. (European Commission, p. 5).

In terms of public finance management, that remains a backbone of public administration reform. However, according to Ana Đurnić, a public policy researcher at Institute Alternative, Montenegro is the worst in the Public finance management area as it is the only country in the region that has no semi-annual report on the budget execution. In addition, even the Ministry of Finance publishes quarterly reports but without explanation about the purpose of the expenditure and the budget information itself is not available in an open format. (PR Centar, 2018).

According to European Commission 2018 report, Montenegro has made good progress in public administration reformation, by adopting “The Public Administration Reform Strategy of Montenegro 2016-2020” in July 2016. Along with this a public finance management reform strategy is being implemented, though in some areas its progress has been delayed. The reform of this public finance management is for fiscal consolidation and better management of public funds at central and local level by having improvements in the development and coordination of public policies, in the optimisation of public administration and in the management of human resources. (Cerovic, Gasmi, & Prlja, pp. 11-12).

2.3. Fundamental Rights in Montenegro

Montenegro in implementing legislation and institutional capacity on human rights remains weak. Therefore, it needs to be increased. In terms of minority protection, according to BTI, the EU Progress Report for 2016 shows that the Roma minority continues to be the most marginalized and discriminated against group in various areas, including political representation, access to the labor market and health care.

According to the Roma Education Fund, the poverty rate among Romani, Ashkali, and Balkan Egyptians was 36 percent compared to 11 percent for the general population. Moreover, Gender-based violence and violence against children remain a serious concern in the country as well. Other ethnic minorities, in particular Albanians and Bosniaks in the northern and southern parts of the country, complained often that they suffered from discrimination by central government and economic neglect. Ethnic Serbian politicians also claimed that the government discriminated against the Serbian national identity, language, and religion. (Haider, p. 41). Though, Montenegro has made progress in adopting anti-discrimination legislation, however it needs to be improved by ensuring that appropriate institutional structures and resources are in place to protect vulnerable groups from discrimination.

Media freedom and access to the internet are respected in practice. Moreover, the media environment is diverse. These are guaranteeing in the Montenegrin constitution. However, Montenegro's media freedom ranked as a poor one. The country has achieved some progress in the area of freedom of expression. However, institutional capacity to ensure

freedom of expression and media protection remains weak (Ruzic, 2018). The media landscape remains highly divided and problems exist in the understanding of the role of free media. Attacks and intimidation towards Journalists who investigate corruption cases are persistently happened and accused of being a threat to national interests. (Haider, p. 43).

In 2014, Montenegro has established the Commission for Monitoring Competent Authorities in Investigating Cases of Intimidation and Violence against Journalists. The lack of cooperation by the police such as limiting timely access to relevant data Moreover, There were also issues of conflict of interest, as some members of the Commission who were investigating attacks on journalists had come from the police or the prosecutor's office, the same bodies that were the subject of scrutiny from the Commission. Therefore, on 2018 report EU was asked the country to further strengthen its human rights institutions and strengthen the implementation and protection of human rights and ensure the effective protection of victims of human rights violations, including through the introduction of comprehensive investigations into ill-treatment by law enforcement authorities. (European Commission, p. 24)

2.4. Montenegro and EU Legislation

Montenegro has worked on coordination and readiness for the application of the *acquis* and has done so in most regions. Montenegro has made good progress in the planning of areas such as company law, intellectual property law, energy, and foreign, security and defense policy. It is moderately prepared in many chapters, such as free movement of goods, competition policy, agriculture and rural development,

food safety, veterinary and phytosanitary policy, as well as enterprise and industrial. In addition, Montenegro is currently at some level of preparation in the areas such as environment and climate change, and social policy and employment. An important challenge for Montenegro is laid on strengthening the administrative capacity for ensuring the application of the *acquis*. Moreover, Montenegro has continued to align with all EU common foreign and security policy positions and declarations. (European Commission, 2019).

3. North Macedonia

In 1991, North Macedonia declared its independence following the breakup of Yugoslav Republic. The country has submitted its formal application for EU membership since 2004 and be granted of candidate countries in 2005. However, same as Albania, North Macedonia is still waiting to start for the negotiations with European Union. (Garding, 2019). It means that North Macedonia has waited for almost fourteen years since the country got the candidate status yet has not made to join European Union.

3.1. North Macedonia Political Institutions and Rule of Law

In the constitution of North Macedonia, the country's political structure was defined as a parliamentary democracy and consisted of three branches of power division.; legislative power which is exercised by parliament, executive by President and government and Judicial power by the courts. Nevertheless, the system of checks and balances between these branches of government has often been out of control, as the executive branch, in particular the government led by the Prime Minister, controls the

parliament and the judiciary which made parliament did not perform their task effectively as control for government. (Bertelsmann Stiftung, 2018).

Moreover, according to U.S State Department there is political control of the judiciary system in North Macedonia, which intimidation and political pressure are used to influence the judiciary and these remain a serious problem. North Macedonia has faced many challenges in the process of implementing the principles of the rule of law. Although the legal and institutional structure is largely in place, the application and execution of the principles of the rule of law has shifted back and forth. (Cekov, 2018).

There is a clear belief among the population of North Macedonia that the judiciary is corrupt. North Macedonia ranked 67 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index, with a score of 44 out of 100. (Ninua, 2014). It was no surprise that the values of the rule of law were not fully respected in the country, so corruption became a widespread phenomenon.

In addition, the misuse of power has also taken place in North Macedonia, as the government has failed to implement the values of the rule of law itself. For example, due to strong political party polarization, Nikola Gruevski and his closest party allies have disproportionate control over the government. While he resigned as prime minister in January 2016, he still had effective control of the government at the beginning of 2017. Many members of the government have breached the separation of powers because they were elected as Members of Parliament in December 2016, but continued to serve in their government posts in 2017. Nikola Gruevski was therefore sentenced to two years in prison for misuse of power. (Bertelsmann

Stiftung, pp. 12-13). Despite of challenges faced by North Macedonia, according to European Commission report, the country has made good progress and moderately prepared as the new government adopted the Judicial Reform Plan 2017-2022 to resolve the problems and to continue to promote the reform process. (European Commission, pp. 15-18).

3.2. North Macedonia Public Administration

According to the European Commission, North Macedonia has made good progress in implementing the strategic framework for the reform of public administration, improving public consultations and increasing transparency in policy-making and policy development and coordination. (European Commission, pp. 11-14).

In terms of public sector recruitment, the recruitment system regulated by the new legislation is now operational and ensures merit-based hiring. Unfortunately, the number of candidates is too low, which shows the lack of citizen trust in the system, but the Government is working hard to create a law to enforce merit-based recruitment. In addition, new staff should be selected on the basis of qualifications such as expertise and experience, in compliance with national standards, legislation and best practice, yet nepotism, cronyism or even bribery were always persistently happened in the process and suffer from lack of transparency. (UNODC, 2011).

In terms of public procurement, significant progress has been made: the Parliament approved a new Law on Public Procurement (PPL) on 28 January 2019, and it entered into force on 1 April. The new PPL transposes the current EU public procurement

directives and complies strongly with the *acquis*. (OECD, 2019).

Moreover, corruption again remains as a problem in implementing administration reform. According to Transparency International's annual 2016 Global Corruption Barometer, 12% of survey respondents reported having to pay bribes to obtain public services to which they were legally entitled. Some citizens have lack of faith in the ability of the public administration to function without the payment of some kind of kickback for facilitating bureaucratic procedures. It is proved as about a third of the bribes charged (32%) are actually offered by citizens themselves, while in about 50% of cases they are paid in response to a direct or indirect request from a public official. (UNODC, pp. 4-5).

3.3. Fundamental Rights in North Macedonia

North Macedonia has been made good progress in terms of its fundamental rights protection, as the legal framework on protection of fundamental rights is in line with the European standards. Moreover, the country has ratified most international human rights instruments. (European Commission, pp. 24-32). However, certain vulnerable groups of the population are often subject to discrimination and denial of basic freedoms. The selective application of the established laws by the authorities has affected Romani and the vulnerable. In addition, women have the same legal status as men; however, they do not enjoy the same rights in practice. For example, they are under-represented in senior positions in the private and public sectors and own less land, as well as rural women and Romani women who have restricted access to health services. (Bertelsmann Stiftung, p. 14).

In terms of media freedom, media are still perceived to have political affiliation with political parties. Moreover, many of journalists have faced intimidations, threats and violence against them. (Haider, 2018, pp. 40-41). The European Commission therefore asked North Macedonia in its report to strengthen and continue to implement the new Law on the Protection and Prevention of Discrimination, in particular in relation to gender equality, the rights of persons with disabilities and the protection of minorities. (European Commission, p. 24).

3.4. North Macedonia and EU Legislation

North Macedonia has made good level of preparation regarding its ability to fulfill the obligations of membership in areas such as company law, customs union, trans-European networks and science and research. In addition, the country is also moderately prepared in most areas, including in the areas of competition, public procurement, transport and energy. Nevertheless, further efforts are still needed across the board, specifically in those few areas where the country is at an early stage of preparation, for example, free movement of workers as well as financial and budgetary provisions. There also needs to be a greater focus on administrative capacity and effective implementation. The country has continued to improve its alignment with EU declarations and Common Foreign and Security Policy decisions taken by the Council. (European Commission, 2019).