



Brussels, 17 July 2022
(OR. en)

11364/22

LIMITE

ELARG 61

NOTE

From: Presidency
On: 18 July 2022
To: Permanent Representatives Committee
No. prev. doc.: 10373/22
Subject: ENLARGEMENT

- Accession Negotiations with North Macedonia
- General EU Position
- Decision to use the written procedure

With a view to the meeting of the Permanent Representatives' Committee on 18 July 2022, delegations will find in Annex a revised General EU Position (Opening Statement, Negotiating Framework and External Arrangements) as prepared by the Presidency. The Opening Statement may be updated in due time for the intergovernmental conference where the General EU Position and the General Position of North Macedonia for the negotiations on the accession of North Macedonia to the EU will be presented.

It should be noted that in paragraphs 1 and 2 of the EU Opening Statement there are square brackets, which will need to be removed and the dates filled in, once the Negotiating Framework is approved and the referred Intergovernmental Conference held.

The Permanent Representatives' Committee is therefore invited to:

- a) agree on the text of the General EU Position (Opening Statement, Negotiating Framework and External Arrangements) for accession negotiations with North Macedonia, as set out in Annex, with a view to its subsequent approval by the Council.
- b) approve the use of the written procedure for the approval of the General EU Position (Opening Statement, Negotiating Framework and External Arrangements) for accession negotiations with North Macedonia, as set out in Annex.

**CONFERENCE ON ACCESSION
TO THE EUROPEAN UNION
- NORTH MACEDONIA -**

**MINISTERIAL MEETING OF
THE INTERGOVERNMENTAL CONFERENCE
COMPLETING THE OPENING OF THE NEGOTIATIONS ON THE ACCESSION OF
NORTH MACEDONIA
TO THE EUROPEAN UNION**

GENERAL EU POSITION

EU OPENING STATEMENT FOR ACCESSION NEGOTIATIONS

1. After the first political IGC held on [date] and on behalf of the European Union, I am delighted to welcome here today the distinguished representatives of North Macedonia to **finalise the phase of opening of accession negotiations** of your country with the European Union.
2. In line with the Council conclusions of 25 March 2020, endorsed by the members of the European Council on 26 March 2020, the Council [approved in July 2022] a general **Negotiating Framework**, taking into account the aforementioned conclusions, as well as other relevant Council conclusions, the renewed consensus on enlargement, and established practice.

The Negotiating Framework, which we present to you today, takes account of the experience of past enlargements and on-going accession negotiations, as well as the evolving EU *acquis*, and duly reflects North Macedonia's own merits and specific characteristics. The negotiations are aimed at North Macedonia integrally adopting the EU *acquis* and ensuring its full implementation and enforcement. It incorporates the enhanced enlargement methodology, which provides for an even **stronger focus on the fundamental reforms** in the accession negotiations. North Macedonia will need therefore to fully embrace and implement reforms in the fundamental areas of rule of law, in particular judicial reform and the fight against corruption and organised crime, fundamental rights, the strengthening of democratic institutions and public administration reform, as well as economic criteria. Special attention should be given to the protection and non-discriminatory treatment of citizens belonging to minorities or communities. To ensure the irreversibility of progress in these areas and its full and effective implementation, progress will continue to be closely monitored by the Commission, which will report regularly on it to the Council.

Given the crucial importance throughout the process of the underlying reforms, **progress on the fundamentals cluster will determine the overall pace of negotiations**. This will allow sufficient time to establish the necessary legislation, institutions and solid track records of implementation before the negotiations are closed. Screening reports, to be prepared by the Commission, will provide substantial guidance, including on the tasks to be addressed in the roadmaps to be adopted by the authorities of North Macedonia.

3. The EU *acquis* includes, *inter alia*, the **objectives and principles on which the Union is founded**, as set out in the Treaty on European Union. As a future Member State, we expect you to adhere to the values, listed in Article 2 in the Treaty on European Union, namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Furthermore, EU accession implies the timely and effective implementation of the entire body of EU law or EU *acquis*, as it stands at the time of accession. Under the enhanced enlargement methodology, the development of sufficient administrative and judicial capacity, as part of the fundamentals' cluster, is key in fulfilling all obligations stemming from membership. Regarding the translations of the *acquis* into Macedonian, the EU took note of Bulgaria and North Macedonia's respective unilateral declarations on the Macedonian language.
4. **Regional cooperation and good neighbourly relations** remain essential elements of the enlargement process. North Macedonia should continue to constructively engage in inclusive regional cooperation and strengthen relations with neighbouring countries. Today, we recall the importance of achieving tangible results and implement, in good faith bilateral agreements, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria.
5. In the period up to accession, North Macedonia will be required to **progressively align** its policies towards third countries and its positions within international organisations with the policies and positions adopted by the Union and its Member States.

6. Let us also recall that parallel to the accession negotiations, the Union and North Macedonia will continue their **civil society dialogue and cultural cooperation**, with the aim of bringing people closer together and ensuring the support of citizens for the accession process. We expect North Macedonia to accurately and strategically communicate the benefits and obligations of the accession process to its public, including addressing disinformation, in accordance with its pro-European strategic choice.
7. It will remain up to the Member States to decide whether conditions are right for the conclusion of the negotiations, bearing in mind developments in the EU *acquis* since the date of the opening of negotiations, and North Macedonia's readiness for membership.
8. The accession negotiations, whose opening we complete today, will be rigorous and demanding. With determination and commitment, we are confident in your capacity to bring it to a successful conclusion. We will support you in your efforts and we look forward to welcoming you as a fully-fledged member of the European Union.

NEGOTIATING FRAMEWORK

Principles governing the negotiations

1. The accession negotiations will be **based on Article 49 of the Treaty on European Union** (TEU) and, accordingly, take **into account all relevant European Council conclusions**, as well as the Joint Statement of the Members of the European Council of March 2020 endorsing the enhanced enlargement methodology¹, the renewed consensus on enlargement agreed by the December 2006 European Council and the conclusions of the 1993 European Council in Copenhagen.

The enhanced enlargement methodology aims to reinvigorate the accession process by making it more predictable, more credible, more dynamic and subject to stronger political steering, based on objective criteria and rigorous positive and negative conditionality, and reversibility.

2. The negotiations will be **based on North Macedonia's own merits** and the pace will depend on North Macedonia's **progress in meeting the requirements for membership**. The Commission or, as appropriate the Presidency, will keep the Council regularly informed in this respect so that the Council can keep the situation under constant review. The Union side, for its part, will decide in due course whether the conditions for the conclusion of negotiations have been met; this will be done on the basis of a report from the Commission confirming the fulfilment by North Macedonia of the requirements listed in point 5. The shared objective of the negotiations is accession. By their very nature, the negotiations are an open-ended process whose outcome cannot be guaranteed beforehand.

¹ ["Enhancing the accession process - A credible EU perspective for the Western Balkans"](#) (COM(2020) 57 final)

In the field of the EU's common foreign and security policy (CFSP), the High Representative of the Union for Foreign Affairs and Security Policy is responsible, in close liaison with the Member States, and the Commission where appropriate, for screening, making proposals in the negotiations and reporting regularly to the Council.

3. Enlargement should strengthen the process of continuous integration in which the Union and its Member States are engaged. Every effort should be made to protect the cohesion and effectiveness of the Union. In accordance with the conclusions of the European Council in December 2006, stressing the importance that the EU can maintain and deepen its own development, **the pace of enlargement must take into account the Union's capacity to absorb new members**, which is an important consideration in the general interest of both the Union and North Macedonia.
4. Negotiations are opened on the basis that North Macedonia respects and **is committed to promoting the values on which the Union is founded**, referred to in Article 2 TEU, namely the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Negotiations are also opened on the basis that North Macedonia **has achieved a high degree of compliance with the membership criteria**, notably the political criteria set by the Copenhagen European Council in 1993 and the Stabilisation and Association Process conditionality established by the Council in 1997. The Union **expects North Macedonia to work towards full respect of these criteria and conditions, to show steadfast political commitment and to ensure full implementation of key reforms and legislation**, notably in the fundamental areas of rule of law, in particular judicial reform and the fight against corruption and organised crime, fundamental rights, including anti-discrimination and fight against hate speech, the strengthening of democratic institutions and public administration reform, as well as economic criteria.

5. The advancement of the negotiations will be guided by North Macedonia's progress in preparing for accession and foster economic and social convergence. This **progress will be measured in particular against the following requirements:**

- **The Copenhagen criteria**, which set down the following requirements for membership:
 - the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
 - the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
 - the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union and the administrative capacity to effectively apply and implement the *acquis*.
- **The Stabilisation and Association Process**, which remains the common framework for relations with the Western Balkans up to their accession.
- The fulfilment of North Macedonia's obligations under the Stabilisation and Association Agreement as well as North Macedonia's progress in addressing the key areas identified in the Commission's reports and the relevant Council conclusions.

- In view of the above, North Macedonia's commitment **to good neighbourly relations and closer regional cooperation, including through achieving tangible results and implementing in good faith bilateral agreements**, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria of 2017 as well as annual reviews and measures for its effective implementation under its Article 12, in accordance with the Thessaloniki Agenda for the Western Balkans adopted in June 2003, the Sofia Declaration of May 2018 the Zagreb Declaration of May 2020 and the Brdo Declaration of October 2021, the Council conclusions on enlargement and stabilisation and association process from March 2020 and December 2021 and other relevant Council conclusions.

6. In the period up to accession, North Macedonia will be required to **progressively align its policies towards third countries and its positions within international organisations** with the policies and positions adopted by the Union and its Member States. CFSP alignment will be regularly monitored throughout the negotiation process and promoted through regular CFSP dialogue.

7. The substance of negotiations will be conducted in an **Intergovernmental Conference** with the participation of all Member States on the one hand and North Macedonia on the other. The Intergovernmental conference will take place at least once a year, after the adoption of the Council conclusions taking into account the Commission's annual enlargement package, and whenever relevant. The Intergovernmental conference will provide political steer and a forum for political dialogue on the reform process. It will also **take stock of the overall accession process and set out an indication for the year ahead of what clusters / chapters could potentially be opened or closed** and possible corrective measures based on the state of implementation of reforms. All sides will ensure representation in the Intergovernmental conference at the appropriate level. The procedure for and organisation of the negotiations is set out in Annex I.

The Commission will systematically consult Member States throughout the accession process. Member States may contribute via monitoring on the ground through their experts, direct contributions to the annual enlargement package and sectoral expertise.

8. In order to inject **dynamism** into the negotiating process and to foster cross-fertilisation of efforts beyond individual chapters, the **negotiating chapters will be organised in thematic clusters**. These clusters bring together the chapters / areas according to broader themes (see Annex II) and will allow **a stronger focus on core sectors**.
9. The **enhanced enlargement methodology** provides for an even stronger **focus on reforms in the fundamental areas of the accession process** as listed in paragraph 4, which North Macedonia must fully embrace and implement. North Macedonia must ensure that its institutions, management capacity and administrative and judicial systems are sufficiently strengthened with a view to implementing the acquis effectively.
10. Given the crucial importance throughout the process of the underlying reforms, **negotiations on the fundamentals' cluster will be opened first and closed last**. This will allow sufficient time to establish the necessary legislation, institutions, and solid track records of implementation before the negotiations are closed. **Progress under the fundamentals' cluster will determine the overall pace of negotiations**, and will be taken into account for the decision to open or close new clusters or chapters.

11. If North Macedonia makes sufficient progress on reform priorities agreed in the negotiations, this should lead to:

- 1/ **closer integration** with the European Union, through accelerated integration and “phasing in” to individual EU policies, the EU market and EU programmes in order to unleash the potential of such integration, in particular by removing technical barriers to trade, while ensuring a level playing field; primary focus should be given to areas where the candidate country already has the capacity and expertise for exports to the EU, and on areas of mutual strategic interest where the candidate country has significant production but needs to meet EU norms and standards (e.g. production of critical raw materials), and as well on areas where there is a vast untapped potential (e.g. digital/green economy).
- 2/ **increased investments and funding**, including intensifying the pre-accession assistance in line with applicable legal provisions, rules and procedures and a closer cooperation with relevant International Financial Institutions to leverage investments and support; the use of EU funding should create a strong European preference and a strong local economy by projects being implemented, to the extent possible, by EU and local businesses, in full compliance with the EU *acquis*, including the legal framework of the respective financial instruments, and the international commitments of the EU.

12. The **predictability** of the accession process requires **decisive and proportionate corrective measures in cases of any serious or prolonged stagnation or backsliding in reform implementation** and meeting the requirements of the accession process.

In the specific cases listed below requiring a quick response to the situation and/or reversibility of the process simplified procedures will be used, including reverse qualified majority voting by the Council.

13. In the case of a **serious and persistent breach by North Macedonia of the values on which the Union is founded, the Commission can, on its own initiative** or at the duly motivated request of a Member State, recommend the suspension of negotiations and propose the conditions for eventual resumption.

The decision to suspend the negotiations shall be deemed to be adopted by the Council, unless, after having heard North Macedonia, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The European Parliament will be informed.

Once the Commission assesses that the conditions for eventual resumption are met by North Macedonia, it will recommend to the Council to resume the accession negotiations. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

14. **In case of**

- i) **any serious or prolonged stagnation or backsliding in reform implementation in the fundamentals' cluster, or**
- ii) **a situation where progress under the fundamentals' cluster significantly lags behind progress in other areas and this leads to an overall imbalance of the enlargement negotiations,**

and after having exhausted all other available measures, the **Commission can on its own initiative or at the duly motivated request of a Member State propose to withhold its recommendations to open and/or close other negotiating clusters and chapters**, and adapt the associated preparatory work, as appropriate, until this stagnation, backsliding or imbalance is addressed.

The decision thereon, shall be deemed to be adopted by the Council, unless, after having heard North Macedonia, it decides by a qualified majority to reject the Commission's proposal within 90 days. The Member States will act in the Intergovernmental Conference in accordance with this Council decision.

Once the Commission assesses that the stagnation, backsliding or imbalance is addressed, it will recommend to the Council to open and/or close the negotiating clusters and chapters concerned. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

15. In the case of **provisionally closed chapters**, the Commission can on its own initiative or at the duly motivated request of a **Member State recommend the re-opening of negotiations on the chapter - and the cluster** of which it is a part if the cluster had also been provisionally closed where North Macedonia has failed to continue meeting important benchmarks or to implement its commitments.

The decision to re-open negotiations on provisionally closed chapters shall be deemed to be adopted by the Council, unless, after having heard North Macedonia, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The Member States will act in the Intergovernmental Conference in accordance with this Council decision.

Once the Commission assesses that the chapter and the cluster, which was re-opened can be closed, it will recommend to the Council to close this chapter and the cluster. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

16. Where there is significant backsliding in a cluster or under a specific chapter that has not yet been provisionally closed, the **Commission can on its own initiative** or at the duly motivated request of a **Member State recommend that the previous opening of the cluster concerned be reversed.**

The decision to reverse the previous opening of a cluster shall be deemed to be adopted by the Council, unless, after having heard North Macedonia, it decides by a qualified majority to reject the Commission's recommendation within 90 days. The Member States will act in the Intergovernmental Conference in accordance with this Council decision.

Once the Commission assesses that the cluster can be opened again, it will recommend to the Council to open this cluster. The decision thereon shall be deemed to be adopted by the Council, unless it decides by a qualified majority to reject the Commission's recommendation within 90 days.

17. The scope and intensity of **pre-accession assistance** may also be adjusted downward, with the exception of support to civil society, in accordance with applicable rules and procedures.

18. In order to strengthen public confidence in the enlargement process, **decisions will be taken as openly as possible so as to ensure greater transparency**. EU Common Positions will be made public upon adoption. It is expected of North Macedonia to conduct its own preparations in full transparency with appropriate stakeholder involvement and through an inclusive and meaningful dialogue with citizens and civil society. Internal consultations and deliberations will be protected to the extent necessary in order to safeguard the decision making process, in accordance with EU legislation on public access to documents in all areas of Union activities.

19. North Macedonia **must accept the results of any other accession negotiations** as they stand at the moment of its accession. Clear commitments will be needed to ensure that no future Member State is in a position to unduly block the accession of other Western Balkan candidates, provided they meet the Union's accession criteria.

20. Parallel to the accession negotiations, the Union and North Macedonia will continue and further enhance their **civil society dialogue and cultural cooperation**, with the aim of bringing people together and ensuring the support of citizens for the accession process.
21. North Macedonia should accurately and strategically **communicate the benefits and obligations of the accession process** to its public, including addressing disinformation, in accordance with its pro-European strategic choice.

Substance of the negotiations

22. Accession **implies the acceptance of the rights and obligations attached to the Union and its institutional framework, known as the “acquis”** of the Union. North Macedonia will have to apply this as it stands at the time of accession. In addition to legislative alignment, accession implies, in particular the timely and effective implementation of the *acquis*. **The acquis is constantly evolving and includes in particular:**
 - the content, principles, values and political objectives of the Treaties on which the Union is founded;
 - the acts adopted by the institutions pursuant to the Treaties, as well as the case law of the Court of Justice of the European Union;
 - any other acts, legally binding or not, adopted within the Union framework, such as inter-institutional agreements, resolutions, statements, recommendations, guidelines;
 - international agreements concluded by the Union, by the Union jointly with its Member States, and those concluded by the Member States among themselves with regard to Union activities.

This applies *mutatis mutandis* to the Treaty establishing the European Atomic Energy Community (Euratom) and any acts adopted and agreements concluded pursuant or within the framework of that treaty, to which North Macedonia shall also adhere.

North Macedonia will need to produce translations of the *acquis* into Macedonian in good time before accession, and will need to train a sufficient number of translators and interpreters required for the proper functioning of the EU institutions upon its accession.

23. The resulting rights and obligations, all of which North Macedonia will have to honour as a Member State, imply the **termination of all existing bilateral agreements** between North Macedonia and the Union, and of all other international agreements concluded by North Macedonia **which are incompatible with the obligations of membership**.
24. North Macedonia's acceptance of the rights and obligations arising from the *acquis* may necessitate specific adaptations to the *acquis* and **may, exceptionally, give rise to transitional measures, which must be defined during the accession negotiations**. Any provisions of the Stabilisation and Association Agreement which depart from the *acquis* cannot be considered as precedents in the accession negotiations.
25. Where necessary, **specific adaptations** to the *acquis* will be agreed on the basis of the principles, criteria and parameters inherent in that *acquis* as applied by the Member States when adopting that *acquis*, and taking into consideration the specificities of North Macedonia.
26. The Union **may agree to requests from North Macedonia for transitional measures provided they are limited in time and scope, and accompanied by a plan with clearly defined stages for application of the acquis**. For areas linked to the extension of the internal market, regulatory measures should be implemented quickly and transition periods should be short and few; where considerable adaptations are necessary requiring substantial effort including large financial outlays, appropriate transitional arrangements can be envisaged as part of an ongoing, detailed and budgeted plan for alignment. In any case, transitional arrangements must not involve amendments to the rules or policies of the Union, disrupt their proper functioning, or lead to significant distortions of competition. In this connection, account must be taken of the interests of the Union and of North Macedonia. **Transitional measures and specific arrangements, in particular safeguard clauses, may also be agreed in the interest of the Union**, in line with the second bullet point of paragraph 23 of the European Council conclusions of 16/17 December 2004.

27. Detailed **technical adaptations to the *acquis* will not need to be fixed during the accession negotiations**. They will be prepared in cooperation with North Macedonia and adopted by the Union institutions in good time with a view to their entry into force on the date of accession.
28. North Macedonia will **participate in economic and monetary union from accession as a Member State with a derogation** and shall adopt the euro as its national currency following a Council decision to this effect on the basis of an evaluation of its fulfilment of the necessary conditions. The remaining *acquis* in this area fully applies from accession.
29. With regard to the area of justice, freedom and security, membership of the European Union implies that North Macedonia accepts in full on accession the entire *acquis* in this area, including the Schengen *acquis*. However, part of this *acquis* will only apply in North Macedonia following a **Council decision to lift controls on persons at internal borders taken on the basis of the applicable Schengen evaluation of North Macedonia's readiness**, taking into account a Commission report confirming that North Macedonia continues to fulfil the commitments undertaken in the accession negotiations that are relevant for the Schengen *acquis*.

Negotiating procedures

30. The Commission will **undertake a formal process of screening** the *acquis*, in order to inform the authorities of North Macedonia of *acquis* developments, to assess the state of preparation of North Macedonia for opening negotiations in specific areas and to obtain preliminary indications of the issues that will most likely come up in the negotiations. The screening process should also serve to identify areas for accelerated integration, to be agreed between the EU and North Macedonia for follow-up in the Stabilisation and Association Agreement bodies where appropriate. During the screening exercise, the Commission will also identify key anti-corruption reform priorities and assess the relevant administrative capacity.

31. For the purposes of screening and the subsequent negotiations, **the *acquis* will be broken down into a number of chapters, each covering a specific policy area; the chapters will be grouped into six thematic clusters.** A list of these chapters and clusters is provided in Annex II. Any view expressed by either North Macedonia or the EU on a specific chapter or cluster of the negotiations will in no way prejudge the position which may be taken on other chapters or clusters. Policy areas in which particularly serious efforts are required by North Macedonia to align legislation with the *acquis* and to ensure its implementation and enforcement will be addressed at an early stage in the accession negotiations. Also, agreements reached in the course of negotiations on specific chapters or clusters, even partial ones, may not be considered as final until an overall agreement has been reached for all clusters.

32. The screening process will be carried out by clusters, and will **result in proposed opening benchmarks identifying key reforms for the cluster as a whole, where appropriate.** The screening process will also, where appropriate, identify proposed areas for accelerated integration together with the conditions to be fulfilled by North Macedonia to ensure the highest compliance with the *acquis* in the relevant area. On this basis, the Council, acting by unanimity on a proposal of the Commission, will lay down and assess the opening benchmarks for the cluster as well as agree on the areas for accelerated integration in line with applicable rules and procedures.

33. In accordance with paragraph 10, given the crucial importance of the reforms in the fundamentals' areas, **negotiations on the fundamentals' cluster will be opened first and closed last and will be subject to the specific procedure** set out below, while other clusters may be opened as well as be closed simultaneously.

34. **As regards the fundamentals' cluster**, the Commission, on the basis of the screening report, will propose that a **roadmap for the rule of law chapters as well as a roadmap for public administration reform**, to be prepared by the authorities of North Macedonia, serve as opening benchmarks. Additional opening benchmarks can be set in the chapters on public procurement and financial control, as necessary. The Council acting by unanimity on the proposal by the Commission will lay down and assess these opening benchmarks.

35. North Macedonia will be therefore invited to prepare a **roadmap for the rule of law chapters (23 - Judiciary and fundamental rights and 24 - Justice, Freedom and Security)**. This roadmap will be adopted by the authorities of North Macedonia on the basis of guidance to be provided in the screening reports by the Commission and after a transparent process of meaningful consultation with all relevant stakeholders, including civil society. The roadmap should contain **key reform priorities and guide the accession negotiations in these chapters** and preparations for meeting the requirements for membership. North Macedonia will adopt through an inclusive process an Action Plan dedicated to the protection of the rights of persons belonging to minorities or communities, including, *inter alia*, in the field of non-discrimination, fight against hate speech, education, setting up effective measures, reporting mechanisms and identifying respective responsible institutions. Implementation of this roadmap and Action Plan will be constantly monitored and regularly addressed at the Intergovernmental conferences throughout the process.

36. North Macedonia will also be invited to prepare and adopt a **roadmap for the functioning of democratic institutions** as well as a **roadmap for public administration reform**, on which the Commission will provide guidance in the screening reports. These roadmaps will be developed through a transparent process of meaningful consultation with all relevant stakeholders, including civil society. They will set out the general commitments of the country for reforms in the respective areas with a clear timetable and the key steps envisaged. Implementation of these roadmaps will be constantly monitored and regularly addressed at the Intergovernmental conferences throughout the process.

37. Once the Council is satisfied, on the basis of an assessment by the Commission, that the opening benchmarks for the fundamentals cluster have been met, the Council will decide on the opening of the fundamentals' cluster and, acting by unanimity, lay down **interim benchmarks on the rule of law chapters** in the EU opening position based on a Commission proposal. These interim benchmarks will specifically target, as appropriate, the adoption of legislation and the establishment and strengthening of administrative structures and of an intermediate track record and will be closely linked to actions and milestones in the implementation of the roadmap and Action Plan. No chapter will be provisionally closed before these interim benchmarks are met.
38. Once **the Council is satisfied that these interim benchmarks** have been met, the Council will, acting by unanimity, lay down in an interim position **the closing benchmarks for the fundamentals' cluster as a whole** requiring solid track records of reform implementation.
39. Once the Council is satisfied, on the basis of an assessment by the Commission that the closing benchmarks for the fundamentals' cluster have been fulfilled, **the Council will, acting by unanimity, decide on the provisional closure of the fundamentals' cluster as a whole.**
40. In addition, implementation of efforts to meet the economic criteria will be monitored and regularly addressed at the Intergovernmental conferences, based on the assessment in the Commission's regular reports and the Commission's assessments of North Macedonia's Economic Reform Programmes (ERP). A **stronger link with the economic reform programme** process should help North Macedonia meet the economic criteria. Targeted policy recommendations, which guide the countries to meet the benchmarks of the economic criteria will be jointly adopted within the framework of the annual Economic and Financial Dialogue.
41. **The Commission will keep the Council duly informed and report regularly, at least twice a year,** to the Council on the state of play under the **fundamentals' cluster**, in particular chapters "Judiciary and fundamental rights" and "Justice, freedom and security".

42. Once the negotiations on the fundamentals' cluster are open and once the Council is satisfied, on the basis of an assessment by the Commission that the **opening benchmarks for other cluster or clusters have been fulfilled, the Council, acting by unanimity, will decide on the opening of this cluster or these clusters (covering all associated chapters)** with closing benchmarks being set for each chapter individually. Negotiations on each cluster will therefore be opened as a whole, with all chapters within the cluster opened simultaneously. Where important reforms will already have been implemented before opening, the timeframe between opening the cluster and closing individual chapters should be limited, preferably to one year, fully dependent on the progress of the reforms, with the focus on remaining measures needed to ensure full alignment and provided that interim benchmarks on the rule of law chapters have been met.

43. Building on the information obtained by the Commission during screening, as well as the regular reports by the Commission, relevant Council conclusions and third party indicators where relevant, the Council, **acting by unanimity on a proposal by the Commission, will lay down the closing benchmarks for the provisional closure of each chapter if the conditions are met**. Depending on the chapter, precise benchmarks will refer in particular to legislative alignment with the *acquis* and to a satisfactory track record in the implementation of key elements of the *acquis*. Where relevant, benchmarks will also include the fulfilment of commitments under the Stabilisation and Association Agreement, in particular those that mirror requirements under the *acquis*.

Once the Council is satisfied, on the basis of an assessment by the Commission that **the closing benchmarks for a chapter have been fulfilled, the Council acting by unanimity will decide on the provisional closure of the chapter**.

Each chapter will be dealt with individually with respect to its provisional closure. With the exception of the fundamentals' cluster, each **cluster is automatically provisionally closed once all of its chapters have been provisionally closed**, with no additional steps for closing provisionally the cluster.

44. **The Council's decisions to open clusters and to close chapters** will take into account the improvement of **administrative capacity within the respective clusters and their component chapters**. Moreover, **anti-corruption policies will be mainstreamed** throughout all relevant chapters. Accordingly, a chapter will not be provisionally closed before sufficient anti-corruption polices in that specific chapter are being implemented.

45. **Where problems arise** in the course of negotiations under individual chapters or clusters, or where it is necessary to adapt them to experience gained with ongoing accession negotiations, **the Council, acting by unanimity, may, on proposals by the Commission, lay down updated opening, interim or closing benchmarks throughout the process, including new and amended roadmaps**, as appropriate. Where negotiations cover a considerable period of time or where new elements such as new *acquis* need to be incorporated, a chapter can be revisited or re-opened and existing benchmarks can be updated.

46. North Macedonia will be requested to indicate its position in relation to the *acquis* and to report on its progress in meeting the benchmarks, including by providing reliable and comparable statistical data on reform implementation as required. North Macedonia's correct **transposition and**, where appropriate, **implementation of the *acquis***, including effective and efficient application through appropriate administrative and judicial structures, **will be key for the pace of negotiations**.

47. To this end, the **Commission will closely monitor North Macedonia's progress in all areas**, making use of all available instruments, including on-site expert reviews by the Commission and by the Member States, the dialogue under the Stabilisation and Association Agreement and third party indicators where relevant in line with the enhanced methodology. The Commission will **regularly inform the Council** of North Macedonia's progress in any given area in the course of the negotiations, and in particular when presenting draft EU common positions. The Commission will give special attention to North Macedonia's commitments to good neighbourly relations and regional cooperation as referred to in paragraph 5 and will inform the intergovernmental conference on their implementation.

48. The Council will take this assessment into account when deciding on further steps relating to the negotiations on the respective chapter or cluster. In addition to the information the EU may require for the negotiations on each chapter and cluster, and which is to be provided by North Macedonia to the Intergovernmental Conference, **North Macedonia will be required to continue to provide regularly detailed, written information on progress in the alignment with and implementation of the *acquis*, even after the provisional closure of a chapter.**

PROCEDURE FOR AND ORGANISATION OF THE NEGOTIATIONS

1. **Chairmanship**

In accordance with the practice in bilateral negotiations between two delegations, each led by a head, the question of electing a President of the Intergovernmental Conference does not arise.

The practical work involved in chairing meetings will be performed by the head of the Union delegation in her/his capacity as head of the host delegation.

2. **Purpose of the meeting**

The Intergovernmental conference will provide a political steer and a forum for political dialogue on the reform process.

All sides will ensure representation in the Intergovernmental conference at the appropriate level.

3. **Frequency of meetings at ministerial level and deputy level and setting up of working parties**

There will be at least one meeting per twelve month period at ministerial level, on the understanding that the frequency could be adjusted if necessary, including additional meetings at deputy level.

The negotiations will remain centralised at ministerial and deputy level. The setting up of working parties should not be envisaged except to meet objective requirements of the negotiations. Any such working parties will operate under the authority of the deputies, on the basis of explicit terms of reference and in accordance with a specific timetable.

4. Venue for the meetings

Meetings will be held in Brussels, but during April, June and October any ministerial meetings will be held in Luxembourg. In exceptional circumstances, meetings may be held via videoconference.

5. Organisation

(a) Secretariat

Conference secretariat services will be provided, under the authority of the Secretary-General of the Council of the European Union or her/his representative, by a team consisting of officials of the General Secretariat of the Council and officials appointed by the delegation of North Macedonia.

(b) Operating expenses of the Conference

Each party will bear its own travel and subsistence expenses and also the salaries of staff who are put at the disposal of the Secretariat.

The operating expenses of the Conference (rents, office furniture and supplies, telecommunications, interpreting, translation, auxiliary staff recruited for the Conference, etc.) will be met by advances made by the Council of the European Union.

These expenses will be entered in the Council's budget under a special budget heading.

The General Secretariat of the Council will submit, as appropriate, an annual financial management report to the Conference on the operating expenses. These expenses will be divided among the participants in accordance with procedures to be mutually agreed.

(c) Preparation of meeting documents

The Conference Secretariat will be asked to draw up, the documents listed below, without prejudice to other special documents, and on the understanding that this could, if necessary, be modified in the light of experience:

- Ministerial meetings:

After each meeting, a draft summary of conclusions, to be finalised by the deputies if needed and submitted to the next ministerial meeting for formal approval.

- Meetings at deputy level:

- A draft summary of conclusions after each meeting to be submitted to the next deputy meeting for formal approval.
 - Draft reports for submission to ministerial meetings, if necessary.

- Working parties:

Draft reports for the deputies.

Clusters of negotiating chapters / themes

(Note: This list in no way prejudices the decisions to be taken at an appropriate stage in the negotiations on the order in which the subjects will be dealt with.)

1. Fundamentals	23 - Judiciary and fundamental rights 24 - Justice, Freedom and Security Economic criteria Functioning of democratic institutions Public administration reform 5 - Public procurement 18 - Statistics 32 - Financial control
2. Internal Market	1 - Free movement of goods 2 - Freedom of movement for workers 3 - Right of establishment and freedom to provide services 4 - Free movement of capital 6 - Company law 7 - Intellectual property law 8 - Competition policy 9 - Financial services 28 - Consumer and health protection

3. Competitiveness and inclusive growth	10 - Information society and media 16 - Taxation 17 - Economic and monetary policy 19 - Social policy and employment 20 - Enterprise and industrial policy 25 - Science and research 26 - Education and culture 29 - Customs union
4. Green agenda and sustainable connectivity	14 - Transport policy 15 - Energy 21 - Trans-European networks 27 - Environment and climate change
5. Resources, agriculture and cohesion	11 - Agriculture and rural development 12 - Food safety, veterinary and phytosanitary policy 13 - Fisheries 22 - Regional policy & coordination of structural instruments 33 - Financial & budgetary provisions
6. External relations	30 - External relations 31 - Foreign, security & defence policy