



THE INSTITUTIONAL MODEL OF EU ACCESSION NEGOTIATIONS: LESSONS FOR UKRAINE

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Summary

Next year, Ukraine is to enter the next stage of European integration – a much more complicated one from the political, regulatory, and technical point of view (compared to the Association Agreement) – and the success of accession negotiations will depend not only on the skills of the negotiating team (without diminishing the importance of this juncture in the accession process), but primarily on the ability of the government to create and maintain an effective domestic institutional negotiating structure, i.e., special institutions and a system of coordination of the government bodies in charge of the EU accession negotiations that are supposed to form and defend Ukraine’s negotiation positions.

This study represents the authors’ attempt to:

- thoroughly study the experience of other EU candidate countries, both former (countries that did enter the EU) and current ones (countries that are at different stages of the accession process)¹⁾, systematize and identify both the key factors of and “red lines” in negotiations with the EU, etc.;
- provide a critical appraisal of the process of setting the institutional structure of negotiations in Ukraine, which began in the summer of 2024;
- provide recommendations on steps to be taken to build a sustainable and effective institutional framework for negotiations as part of broader public administration reform.

Based on the study performed, the authors came up with the following key findings:

I. The experience of other candidate countries made it possible to identify the key elements (and their functions) of the institutional structure of negotiations vital for the successful negotiation with the EU, namely:

- A highest-level political coordination body: responsible for the ultimate alignment of the strategy of negotiations and internal European integration reforms. It gives the final “green light” to negotiation positions and finds compromises for particularly complex or cross-sectoral matters.
- The chief negotiator (negotiating team), who actually carries out negotiations with the EU, but also balances out the requirements of the EU and the interests of influence groups within the country.
- An interagency (technical) coordination body: usually a government body specifically established for planning, supervising, and coordinating the positions of other purely sectoral ministries/authorities, as well as to provide the latter with support for technical communication with their counterparts in the EU. It also preserves and passes on the bureaucratic institutional memory of negotiations at the government level and serves as a safeguard against excessive politicization of the negotiation process.

1) For details, see scope of the study above.

- Working groups – i.e. ministries: they are sectoral “elements” and the main “engine” of the internal process of approximation of legislation and creation of negotiation positions. The key role in the working groups is played by the teams of the European integration departments (organized according to the sections of the enlargement methodology based on EU *acquis*) of the ministries implementing the relevant policies at the grassroots level.
- Parliament: adopts the necessary changes to the corpus of national legislation and participates in the discussion of negotiation positions, as well as controls the quality of government proposals and implements inter-parliamentary diplomacy with EU Member States to support the accession of the candidate country.
- Non-governmental actors (NGOs, business associations, academia, independent experts, etc.): in addition to the watchdog function, they also serve as an important source of external expertise for the government.
- The political coordination mechanism of the accession process should strike the right balance between “vertical” centralization and “horizontal” coordination between sectoral ministries. The latter process should be sustainable and protected from the influence of election cycles (for example, such coordination can be “cluster-based” and carried out by specialized technocratic state secretaries).
- It is important to determine the correct place in the government hierarchy of the government body (office) that will serve as the interagency coordinator of work (processes) at the level of working groups. The position of such an office within the government structure should guarantee it sufficient powers and resources to influence ministries and conduct professional communication with the EU.
- Oddly enough, the chief negotiator usually acts as an “internal communicator”, their main function is to convince internal actors to agree to set a realistic bar with regard to industry requests in negotiation positions and thus increase the chances of success in negotiations with the EU.

II. Key lessons from the negotiation experience of other candidate countries:

- The initial factor in the success of any institutional negotiation structure is the country’s clear integration strategy. For further success, the EU accession process must have clear political leadership and an “arbiter of last resort” (usually the prime minister), who will take responsibility for implementing unpopular decisions that require significant costs. This is the key element in building mutual trust with the EU.
- By converging the functions of the chief negotiator and the political leader of the European integration process in one person, the candidate country risks weakening the coordination of negotiations since one person cannot be realistically expected to effectively cover these two very intensive (in terms of resources and time) areas of the accession process.
- Proper technical coordination of the negotiation process at the level of working groups (between the heads of the European integration departments of ministries) is the key to a high-quality and rapid approximation of the country to EU standards and preparing high-quality negotiation positions.

- At the level of ministerial teams, it is crucial to ensure the sustainability of the professional core of civil servants accompanying the activities of working groups and to create a system of adequate motivation for this category of civil servants.
- Involvement of the Parliament in the negotiation process is important for its transparency and accountability, but it is also desirable to avoid excessive politicization of the negotiation process. The Parliament's involvement in the development of negotiation positions depends on its ability to provide appropriate expertise.
- The involvement of non-governmental actors not only contributes to better transparency of the negotiation process but also makes it possible to organize the transfer of expertise from non-governmental players to the government, provided that situations where this leads to conflicts or delays in the discussion of potential negotiation positions are avoided.
- An important element of ensuring public support for EU accession and the relevant reforms is honest communication about the negotiation process on the part of the Government. For example, in Lithuania, the government issued a special leaflet on the negotiation process, and Serbia created an open web resource that contains all the documents on the negotiation process.

III. As of the autumn of 2024, Ukraine has created a fairly centralized model of the institutional structure of negotiations where all the key elements of the negotiation system converge in one person – the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine – the Minister of Justice, who simultaneously heads:

- the negotiating delegation of Ukraine,
- the highest political coordination body – i.e., the Interagency Working Group to support the negotiation process,
- (as well as supervises) the Government (technical) Office for European and Euro-Atlantic Integration,
- (and also) heads the Ministry of Justice, which is key for negotiating on the Fundamentals cluster.

On the other hand, the chosen model is quite inclusive – given the involvement of the Parliament, business, and the non-governmental sector in the process of discussing and developing negotiation positions.

This mechanism entails both certain advantages and risks (analysed in detail further in the report), but it is too early to draw certain conclusions about its effectiveness. So far, it is clear that its centralized and flexible nature can contribute to a quick and successful start of the negotiation process, but the ability of this structure to provide sustainable support for the rather complex “accession marathon” is dubious.

In addition, the formation of the institutional structure of negotiations should be aligned with the broader reform of public administration, which in itself is one of the sections (and indicators of success) of the accession process. This reform has lost the spotlight in recent years and must be reinstated as soon as possible to ensure a sufficient level of government capacity to conduct complex sectoral negotiations, as well as to harmonize its structure and clear distribution of competencies between ministries and other state bodies.

IV. General conclusions:

- Based on the already accumulated experience of other candidate countries and the broader goals of public administration reform, it is advisable to further rethink the role and functionality of the institutional structure of negotiations. It is necessary to take urgent steps to strengthen its capacity before the opening of purely sectoral negotiation clusters following the cluster of Fundamentals.
- The accession process should receive clear political leadership at the highest level and, at the same time, it must be protected from the influence of populism; in addition, the institutional structure, when fully formed, must be shielded from shock changes, as a safeguard against significant interruptions/delays in the accession process and loss of the EU's trust (based on the experience of the accession of some Western Balkan countries).
- Given the challenges (lack of resources and specific expertise) faced by the government and the current system of public administration, the EU should provide substantial and rapid expert, technical, and financial support aimed at completing the public administration reform in Ukraine and strengthening the capacity of ministries and other CEBs to sustain the negotiation process at the working group level.

CHAPTER 1

Comparative negotiation experience of a number of candidate countries that have joined or are joining the EU

Comparative analysis of the institutional framework structures of negotiations

Poland

In Poland, the EU accession process began with the preparation of the National Strategy for Integration into the European Union, which was approved by the Parliament in January 1997 and provided the political basis for preparing for accession negotiations. Based on the Strategy, as well as on the analysis of Poland's initial position in terms of approximation to the EU acquis, the National Pre-Accession Programme was prepared, which constituted a very large and detailed action plan. In general, Poland's preparation for negotiations was quite long, taking about 2 years to draft the programme of preparation for membership that served as the starting point for negotiations with the EU. The programme of preparation for membership proved to be a rather dynamic document, which was constantly amended and supplemented (mainly on an annual basis), and served to provide an up-to-date list of the goals that Poland had to achieve in the negotiation process.

The National Programme of Preparation for Membership was not completed until June 1998, three months after the date of the formal opening of negotiations, and covered the period until 2002, since this year was established as an internal government deadline. During those five years (starting with the approval of the Strategy), the government was supposed to fulfil all the internal work aimed at bring national laws closer to the requirements of the EU acquis, and if this task happened to take longer due to financial constraints or the cost of approximation, it had to address the EU to get a properly substantiated (based on data, facts, etc.) transition period or exemption to continue negotiations after 2002, and set a new deadline and action plan for the steps that would remain unfulfilled as of the end of 2002.

From the point of view of the formal institutional structure and coordination of the negotiation process at the political level in Poland, a special body was created within the government chaired by the Prime Minister – the Committee for European Integration,

which included a standing Office for European Integration responsible for the administrative component the Committee's operation¹.

However, according to an interview with one of Poland's former chief negotiators, at the time of the negotiations, there was no formal government body that would coordinate the process of aligning negotiation positions at the technical level (ministries and agencies, as well as other stakeholders), taking place at the level of working groups.

In terms of structure, the Committee consisted of 10 permanent government members: the Prime Minister (Chairman), the Secretary (Deputy Head of the Office of the Committee for European Integration), the Ministers of Foreign Affairs (Deputy), Internal Affairs, Economy, Justice, Finance, Social and Labour Relations, Agriculture and Rural Development, and Environment. Also, if necessary, the Prime Minister could occasionally involve three third-party experts in the work of the Committee in order to improve the quality of negotiation positions in cases that required specific expertise. In addition, if required, the meetings of the Committee could be attended (without the right to vote) by the President of the National Bank and the Head of the Government Centre for Strategic Studies.

In terms of functions, the Committee's activities were aimed at tackling the following tasks:

- finding political compromises (final solutions) on the development of Poland's negotiation positions and other matters related to the country's integration into the EU;
- approval of proposals for the distribution of funds received from the EU;

1) A similar approach to that of Poland – i.e. creation of a special body within the structure of the Cabinet of Ministers – was chosen in Slovenia, while in other candidate countries it was the Ministry of Foreign Affairs that ended up in charge of political coordination of the negotiation process. However, the Polish Ministry of Foreign Affairs also included three departments involved in interaction with the EU and support for the negotiation process, which in 2001 merged into one Department for the EU and Accession Negotiations.

□ presentation to the Council of Ministers of:

- programmes for fulfilling the commitments to adapt national legislation to the requirements of the EU acquis,
- draft regulations aimed at fulfilling these commitments;
- reports on the implementation of programmes to bring Poland's economy and law in line with EU standards.

The Office of the Committee for European Integration, headed by the Secretary of the Committee for European Integration, had about 200 employees and its main task was to ensure proper planning, support the work of the government bodies responsible for the political coordination of the negotiation process, as well as control the fulfilment of the tasks to implement the requirements of the EU acquis into national legislation. For example, the Office monitored the progress of work on the approximation of national legislation at the sectoral level, monitoring whether the changes proposed by the ministries are in line with the letter and practice of the EU acquis, as well as managed international assistance programmes (related to European integration).

Structurally, the Office consisted of the following CHAPTERs (own distribution):

1) EU accession

- Integration Policy Department,
- Legislation Approximation Department,
- Department for Analysis of European Relations,
- Department of Accession Negotiations Support Services

2) Institutional development

- Department for Coordination and Monitoring of Foreign Aid,
- Department of Institutional Development Programmes,
- EU Information and Education Department, including the EU Information Centre.

3) Administrative support

- Secretariat of the Committee for European Integration,
- Office of General Director
- Office for Administration and Finance.

The government system of negotiation process planning and interagency coordination in Poland ultimately depended on the effectiveness of the work of the Chief Negotiator, who officially held the position of the Government Plenipotentiary responsible for negotiations on Poland's accession to the EU. At the working level, the Chief Negotiator was assisted by a government negotiating team consisting mainly of deputy ministers and deputy secretaries of state from all key ministries and agencies². At the beginning of the negotiation process, this group consisted of 18 officials who had a fairly different practical influence and made varying contributions to the performance of the negotiation team. The composition of the negotiation team changed occasionally, but its key participants were the following officials:

1. Chief Negotiator,
2. Government Plenipotentiary (appointed by the Prime Minister),

3. Deputy Ministers or Secretaries of State of the key line ministries, such as:

- Ministry of Foreign Affairs
- Finance
- Economy
- Agriculture
- Labour
- Justice
- Internal Affairs
- Transport
- Environment
- Telecommunications

4. Representatives of:

- Government Centre for Strategic Studies,
- Office of Consumer Protection and Competition,
- Office of the Government Commissioner for Family Affairs,
- Head of Poland's Mission to the EU,
- Office of the Prime Minister,
- Deputy Secretary of the Ministry of Health,
- Deputy Secretary of the Ministry of Education.

At the political level, another specific coordinating body was created – the Political Committee consisting of the Chief Negotiator, the Prime Minister and the Minister of Foreign Affairs – responsible for drafting the priorities for the agenda of the negotiation process before they were submitted to the Committee for European Integration.

2) But not always. For example, one of these 18 government officials was the Polish ambassador to the EU, another, the secretary of the negotiation team, was the Deputy Head of the Office of the Committee for European Integration.

Its meetings were held every 14 days in coordination with the Head of Poland's Mission to the EU (who was also part of the negotiation team, see above), in order to take into account the political position of the EU³.

By the end of the negotiations, the positions of 2 Chief Negotiators were created and the number of the negotiation team members went down to 8–10 permanent positions, mainly representatives of the line ministers responsible for the negotiating chapters that had not yet been closed and were awaiting the final rounds of negotiations with the EU.

When it comes to the details of the work of Poland's Chief Negotiator, about 90% of the time this official spent on "internal negotiations," namely on finding compromises between the positions of different ministries at the level of the negotiating team, but also on negotiations with different interest groups in order to convince them to lower the bar of their demands regarding negotiation positions, making them more realistic. And only about 10% of the time was devoted to negotiations with Brussels or with representatives of EU Member States, as well as with negotiators from other candidate countries (at the time).

In Poland, just like in other candidate countries back then, the Parliament was involved in the European integration process in that it created a special committee in charge of monitoring and supervision, in particular:

- preparing monitoring reports;
- providing assessments of the government's proposed negotiation positions,
- creating a platform for discussing the public opinions on negotiation positions,

- arranging debates on how to implement EU acquis in the country,
- communicating with the Parliaments of Member States, etc.

Initially, the Committee on the European Agreement (Association Agreement with the EU) was established in the Lower House of the Polish Parliament (Sejm), in 1996 it turned into the Committee for European Integration⁴. The Upper House of the Polish Parliament (Senate) had two committees working on European integration: (i) the Committee on Foreign Affairs and European Integration and (ii) the Committee on European Legislation.

What was special about the Parliament's involvement in the negotiation process was the fact that members of government working groups could take part in its meetings. For example, the Chief Negotiator and members of the negotiating team could present initial negotiation positions to the chairmen of the respective committees, participate in public parliamentary debates on EU integration, and also oversee the process of approximation to EU acquis requirements, if necessary. Conversely, the government informed MPs on a semi-annual basis about the progress made in negotiations with the EU and published the special periodical Information on the Negotiation Process, and government officials also attended meetings of parliamentary committees, where they presented reports on the progress of negotiations and answered MPs' questions. MPs could receive additional consultations from government officials and express their opinion on the negotiations, but could not directly participate in the development of negotiation positions. MPs could also receive only consolidated extracts for review, but not the full texts of negotiation positions.

3) As part of the Polish Ministry of Foreign Affairs, the Mission nevertheless played an important role in the negotiation process, ensuring an effective ongoing exchange of information with the EU institutions and channels of communication on a number of topics that were sensitive for Poland with Brussels. The Polish Mission consisted of 18 members who worked in Brussels for 4 to 5 years, but the downside to this arrangement was that all members of the Mission changed after the change of governments.

4) Despite the undoubtedly key role of the Committee for European Integration, three other committees involved in the process of harmonization of legislation and negotiations with the EU – on foreign affairs, on European legislation and the inter-parliamentary EU–Poland Committee – also made a significant contribution to the negotiations on Poland's accession to the EU.

In addition to monitoring and oversight, the Polish Parliament had an agreement with the government to prioritize amendments to national legislation necessary for the negotiation process. For this purpose, in 2000, two identical committees on European legislation were established in the Sejm and the Senate (as mentioned above) after the signing of a tripartite agreement (Sejm–Senate–Council of Ministers) on accelerating the approximation of legislation to the requirements of the EU acquis. After joining the EU, the Sejm, the Senate and the Council of Ministers signed a new Cooperation Agreement, which outlined the format of interaction on Poland's membership in the EU.

In practice, however, the process of political coordination in Poland did not always work as originally conceived. In numerous instances, it was still hard to find reasonable compromises at the working level, and problematic issues still had to be brought to the highest political level and decisions were made at the level of “ministers–Prime Minister”. This problem stems from objective factors and is unavoidable when dealing with coalition governments consisting of different political parties, as was the case in Poland at the time of accession negotiations. In addition, the position of individual ministries can be significantly distorted by the informal influence of different lobby groups or oligarchs / industrial groups, thwarting the development of a compromise vision at the government level. The involvement of a considerable number of stakeholders in developing a negotiation position does not necessarily guarantee successful outcomes, as it only increases the likelihood of internal conflicts.

However, a positive political factor for Poland's accession to the EU (which took place from 1994 to 2004) was the sustainability of the internal negotiation process (at the level of negotiating groups), which was never interrupted even despite three significant shifts within the ruling coalitions (from the centre-right to the centre-left). Civil servants who were involved in the preparation of negotiation positions remained in their positions, for example, about 30 lawyers who

analysed the compliance of Polish legislation with the requirements of the EU acquis, and subsequently many of the specialists within the negotiating groups continued to work in the Office of the Committee for European Integration during the first years of Poland's membership in the EU.

Negotiations on Lithuania's accession to the EU lasted only two years – from February 2000 to the end of 2002. Although Lithuania started accession negotiations in 2000, it (like Latvia, Slovakia and Malta) managed to catch up with other candidate countries that started negotiations in 1998 (Poland, Hungary, Czech Republic, Slovenia, Cyprus) in order to sign a Treaty of Accession in April 2003. The Agreement entered into force on 1 May 2004.

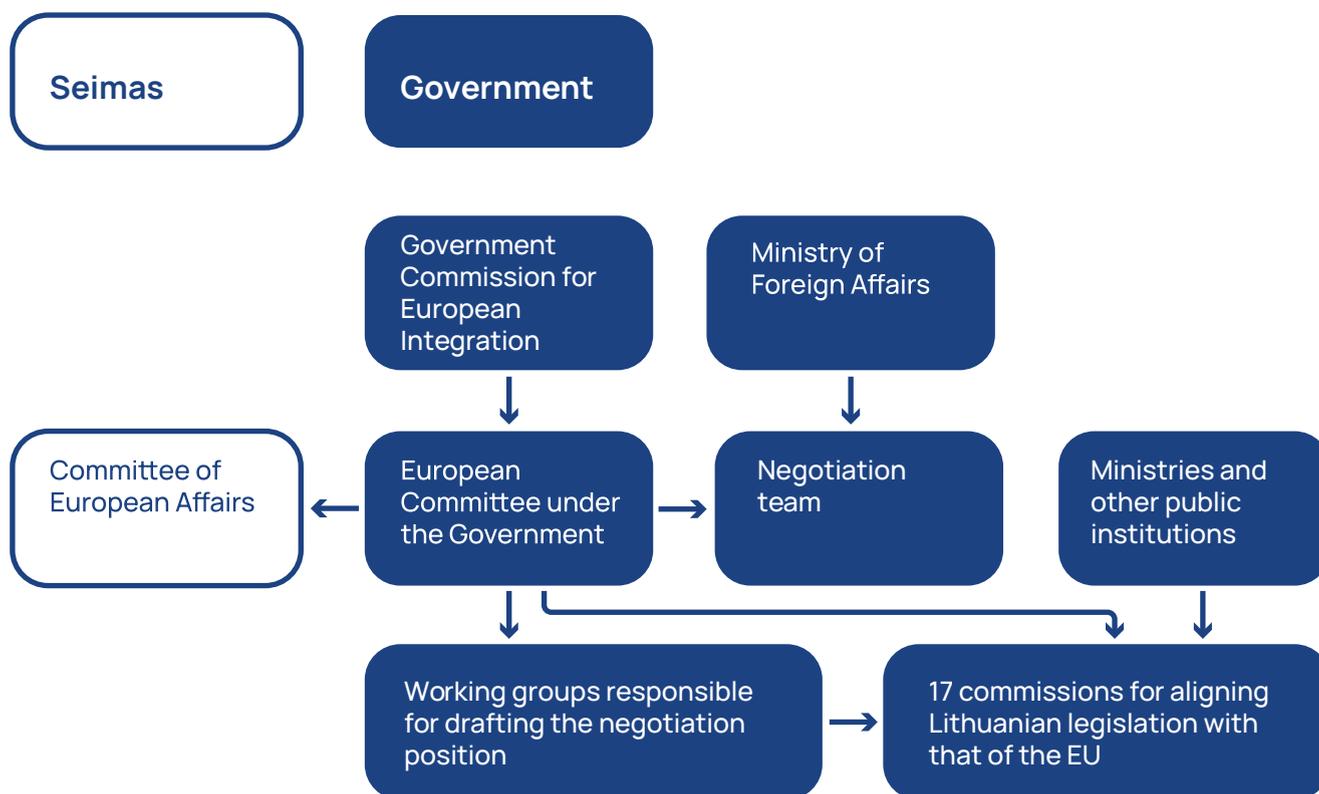
Lithuania

In Lithuania, the development of the institutional infrastructure for European integration began in 1995 and underwent changes before the official start of the accession negotiations with the EU in 2000. In 1995, a government decree was adopted whereby a high-level coordination body (the Government Commission for European Integration) and its secretariat (the Department for European Integration under the Ministry of Foreign Affairs) were created, as well as European affairs units in each ministry⁵. In accordance with this system, the Ministry of Foreign Affairs played the key coordinating role regarding European integration matters. In 1996, the Ministry of European Affairs (MEA) was established, which took over the task of coordination, and in 1997, a delegation was formed to prepare for the negotiations on Lithuania's accession to the EU.

In 1998, the institutional system changed once again. As a result of the reorganisation of the government, the number of ministries went down from 17 to 14. This also affected the European integration system – the Government Commission was strengthened, the Ministry of European Affairs was liquidated, and the European Committee was

5) <https://www.e-tar.lt/portal/lt/legalAct/TAR.F170EB95FE99>

Diagram of the Institutional Structure of Lithuania's Negotiations after 1998



created instead, which actually performed the functions of the secretariat of the Government Commission. Thus, instead of the Ministry of Foreign Affairs, the European Committee became the main body responsible for European integration. The Ministry of Foreign Affairs retained its jurisdiction over the implementation of the European Agreement, technical assistance, support for the negotiation team and cooperation in the field of the Common Foreign and Security Policy of the EU⁶.

In 1998, after the reorganisation in the government, the final composition of the Government Commission for European Integration was approved, and its powers were expanded. The Commission was chaired by the Prime Minister, the Minister for Foreign Affairs served as Deputy Chairman of the Commission, and the Director General of the European Committee served as Secretary of the Commission. The Commission also

included the Minister of Environment, the Minister of Finance, the Minister of Social Security and Labour, the Minister of Communications, the Minister of Health, the Minister of Justice, the Minister of Economy, the Minister of Public Administration Reform and Local Government, the Minister of Internal Affairs, the Minister of Agriculture, as well as the head of the negotiating delegation. The task of the governmental Commission was to coordinate European integration matters at a high level and approve negotiation positions on various chapters. In addition, the Commission considered the programmes for the implementation of the national strategy for the integration of the Republic of Lithuania into the European Union and submitted proposals to the Government for their approval, financing and implementation. The Commission also had the power to make decisions relating to important negotiation matters⁷. The Commission also had an additional function – to motivate ministries

6) Assessing Governmental Capabilities to Manage European Affairs: The Case of Lithuania, p. 15-16.

7) <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.69558?positionInSearchResults=0&searchModelUIID=88c9776d-1fd7-4079-a09a-3610f65660db>

not to fall behind with the implementation of adaptation plans by producing ratings of ministries' work, and no one wanted to end up at the bottom of the rating⁸. Initially, meetings of the Commission were held once a month, later, during the closing of the negotiating chapters, the Commission met less frequently, only as needed⁹.

The European Committee under the Government acted as the secretariat of the governmental Commission and actually set its agenda. Its staff consisted of approximately 70 employees. The Committee was directly subordinate to the Prime Minister's Office. This made it possible for the Committee to effectively coordinate and influence the ministries, as it was higher up in the hierarchy. The Committee was the main coordinating body for European integration matters at the technical level. It was headed by the Director General, who was appointed by the Prime Minister. Later, the DG also became the Chief Negotiator. The key tasks of the Committee included the following:

- coordination of the EU accession negotiation process;
- preparation of negotiation positions;
- coordination of the preparation and improvement of the National Programme for the Adoption of the Acquis in Lithuania and monitoring its implementation;
- analysis and assessment of the social and economic consequences of European integration;
- arrangement of the official translation of EU regulations;
- assistance in strengthening the administrative capacity of state institutions, ensuring their participation in the activities of EU institutions;

- organisation and coordination of the activities of European information centres to disseminate information about European integration among the public¹⁰.

The committee consisted of several units that dealt with issues of (1) integration and analysis, (2) public policy, (3) economics (implementation of the European Association Agreement and integration into the internal market, assessment of the consequences of the implementation of European standards), (4) implementation (the unit was responsible for developing national implementation plans), and (5) communication. It should be added that the communication component was an important element of the institutional structure of the accession negotiations. Since some European integration reforms may be unpopular with the public, it is necessary to maintain honest communication and explain the reasons for the decisions made. In addition to the operation of the European Information Centres in the regions, a monthly periodical on various aspects of reforms was published. Materials for these periodicals were prepared by employees of the European Committee, who were directly involved in the negotiation process and served as a reliable source of information¹¹.

In 1999, before the official start of EU accession negotiations, the Lithuanian negotiating team was reorganised in accordance with the needs of the negotiation process and institutional changes. For example, the head of the delegation at the pre-accession negotiations was appointed by the Prime Minister and was accountable to the Ministry of Foreign Affairs, and his deputies were the directors of the European integration departments of the Ministry of Foreign Affairs and the Ministry of European Affairs. The permanent members of the delegation included: the Deputy Minister of Economy, the Deputy Minister of Agriculture

8) Interview with Petras Auštrevičius, Member of the European Parliament, Chief Negotiator for Lithuania's membership to the European Union in 2001–2002.

9) Ibid.

10) <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.59558/asr>

11) Interview with Ramūnas Stanionis, Policy Advisor to MEP Andrius Kubilius at European Parliament, Head of the Integration Analysis Unit, European Committee under the Government of Lithuania in 2000–2003.

and Forestry, the Deputy Minister of Justice, the Deputy Minister of Finance, the Head of the Legal Department of the Seimas of Lithuania, the Director of the State Office for Competition and Consumer Protection under the Government of the Republic of Lithuania, as well as three advisers on political, legal and economic matters. Depending on the subject of negotiations, the delegation could include representatives of other ministries, and experts from the academic community or business could be involved in the preparation of the negotiation position¹².

The delegation for participation in the accession negotiations had a composition different from that of the delegation that participated in the pre-entry negotiations. The delegation was headed by the Minister of Foreign Affairs, his deputy was the Chief Negotiator appointed by the President on the proposal of the government. The Chief Negotiator had two deputies: the Director General of the European Committee and the Head of the Permanent Mission of the Republic of Lithuania to the European Union. The permanent members of the delegation also included: the Director of the Department of European Integration of the Ministry of Foreign Affairs (who served as the Secretary of the Delegation) and the Director General of the Department of European Law under the Government of the Republic of Lithuania¹³. The negotiating delegation reflected the institutional structure associated with the negotiations, where technical matters of European integration were the responsibility of the government, and the Minister of Foreign Affairs performed representative functions, just like in any international negotiations.

In Lithuania, insufficient coordination within the civil service and in general between government bodies complicated resolution of conflicts of interest that arose between the ministries during the European integration

process. These were associated with various issues of legislation adaptation or transition periods. The functions of arbitration were to be performed by the Government Commission for European Integration, but its capacity was limited due to the collegial nature of decision-making, as well as the autonomy of ministries, which rarely submitted complex matters for discussion to the Commission. In the end, since the Commission was chaired by the Prime Minister, the arbitration capacity was often limited because of the Prime Minister's reluctance to engage in inter-ministerial disputes¹⁴.

Another drawback of Lithuania's Eurointegration institutional infrastructure was its underdeveloped coordination at the lower level. For example, there was no properly arranged regular communication between the heads of the European integration departments of ministries – there was no corresponding coordinating body. It was the European Committee that was in charge of ensuring ongoing consultations and exchange of information between different ministries and institutions¹⁵. The civil servants of the Committee performed double functions – they ensured horizontal coordination in accordance with the matters dealt with by their unit (for example, organisation of meetings, coordination of negotiation positions, organisation of consultations with ministries, or constant communication with the relevant department of the European Commission) as well as supervised the adaptation of legislation in a certain negotiating chapter. Coordination was somewhat easier due to the electronic document management system, which made it possible to track the progress of the development of various documents in real time. Usually, the most sensitive issues of adaptation were coordinated by the heads of the Committee's units coordinated. For example, the Head of the Integration and Analysis Unit was responsible for the implementation of European standards in the energy sector, in particular regarding the decommissioning of the Ignalina NPP¹⁶.

12) <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.36475/SNyzEFGdhB>

13) <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.93017>

14) Assessing Governmental Capabilities to Manage European Affairs: The Case of Lithuania.

15) Ibid., p. 21–22.

16) Interview with Ramūnas Stanionis.

One of the factors in Lithuania's rapid progress in the negotiation process was the stable institutional structure of negotiations, which did not change during the entire period of the introductory negotiations, as well as the well-coordinated work of its "European integration" civil servants. This to some extent compensated for the weak public administration (in particular, the civil service), which had just begun to reform after the fall of the communist regime. From the Soviet system, Lithuania inherited fragmented governance, where ministries retained autonomy. Each ministry acted as a separate employer, which slowed down the process of creating a single civil service. For example, civil servants had either sectoral expertise, or understood foreign affairs and spoke foreign languages, and their coordination was ineffective. The exceptions were "European cadres" who were educated or trained in European affairs and worked in the European Committee or the Department for European Integration of the Ministry of Foreign Affairs. It was they who ensured the coordination of various institutions and the development of a coherent European integration policy of Lithuania¹⁷. Only in 1999, was the Strategy for the preparation of the Lithuanian civil service for accession to the European Union developed and the Lithuanian Institute of Public Administration established¹⁸.

The effectiveness of Lithuania's negotiating structure was also facilitated by close and regular communication between the European Committee and the Parliamentary Committee on European Affairs, which, for its part, communicated with sectoral committees on the adoption of bills or amendments. The Parliamentary Committee on European Affairs had a different position compared to other committees: it was headed by the Deputy Speaker of the Seimas, and consisted of representatives of all committees and political groups, in general, the committee included about 26 people, that is, 1/3 of the entire parliament. Hence, the committee was a powerful entity and had the capacity to

analyse draft laws for compliance with the EU acquis. In addition, the Director General of the European Committee was constantly in touch with the Deputy Speaker of the Parliament regarding the progress of European integration bills, problems that arose or the adoption status of certain laws.

Serbia

In Serbia, the main coordinating body responsible for European integration and the negotiation process is the Ministry of European Integration. The Ministry was established in 2017 to replace the Office for European Integration under the Government. Its key functions include:

- coordination of the accession and negotiation process;
- management of work and analytical support of the negotiation team on Serbia's accession to the EU;
- coordination of the preparation of strategic documents on EU accession;
- coordination of the implementation of the National Programme for Adaptation of the EU acquis;
- coordination of cooperation between public authorities and institutions of the EU and the Member States, as well as other candidate countries;
- support for ministries and other public authorities in the implementation of EU regulations;
- monitoring the implementation of programmes under the EU Instrument for Pre-Accession Assistance;
- coordination of the translation of EU acquis;
- informing the public about EU accession¹⁹.

17) Assessing Governmental Capabilities to Manage European Affairs: The Case of Lithuania, p. 17-18.

18) Ibid., p.

19) <https://www.mei.gov.rs/eng/ministry/about-us/>

After Serbia received the candidate status, bodies were created specifically to conduct the negotiation process: the Coordination Body and the Coordination Body Council.

The Coordination Body serves as the supreme political body that deals with the most important matters and determines the area of work of the state institutions involved in the negotiation process. The coordination body includes:

1. Government President;
2. Government Vice-President;
3. Minister in charge of foreign affairs;
4. Minister of Labour, Employment, and Social Policy;
5. Government Vice-President and Minister of External and Internal Trade and Telecommunications;
6. Minister in charge of the European integration;
7. Minister in charge of finance;
8. Minister in charge of agriculture, forestry, and water management;
9. Minister in charge of the environment.

The Head of the Negotiating Team is also involved in the activities of the Coordination Body.

The Coordination Body Council performs administrative functions relating to accession negotiations and is subordinate to the Coordination Body. Therefore, the Coordination Body determines the scope of the Council's work. The Council is chaired by the Minister in charge of European integration. Members of the Council include the Negotiating Team Head, chairs

of Negotiating Groups, state secretaries from the ministries whose representatives do not manage the Negotiating Groups, a representative of the National Bank of Serbia, a representative of the Secretariat for Legislation. A representative of the Civil Society Cooperation Office also participates in the work of the Council. If necessary, representatives of Negotiating Groups and various state organisations may join the meetings of the Council²⁰. Formally, the Council is responsible for the operational level of the negotiation process and makes horizontal decisions that relate to different ministries, as well as resolves conflicts regarding the jurisdiction of ministries or other state bodies in the negotiation process²¹.

However, these bodies exist mostly pro forma. For example, the Coordination Body has met only a few times to discuss economic issues that needed a political solution. The lack of regular meetings of the highest political body, which would ensure the coordination of negotiations and demonstrate commitment to the European integration process, is a consequence of the lack of political will for the EU accession process. In fact, coordination of the negotiation process is performed due to well-established cooperation between institutions (primarily the Ministry of Foreign Affairs, the Mission of Serbia to the EU, the Ministry for European Integration) outside the formally existing Coordination Body and the Coordination Body Council²².

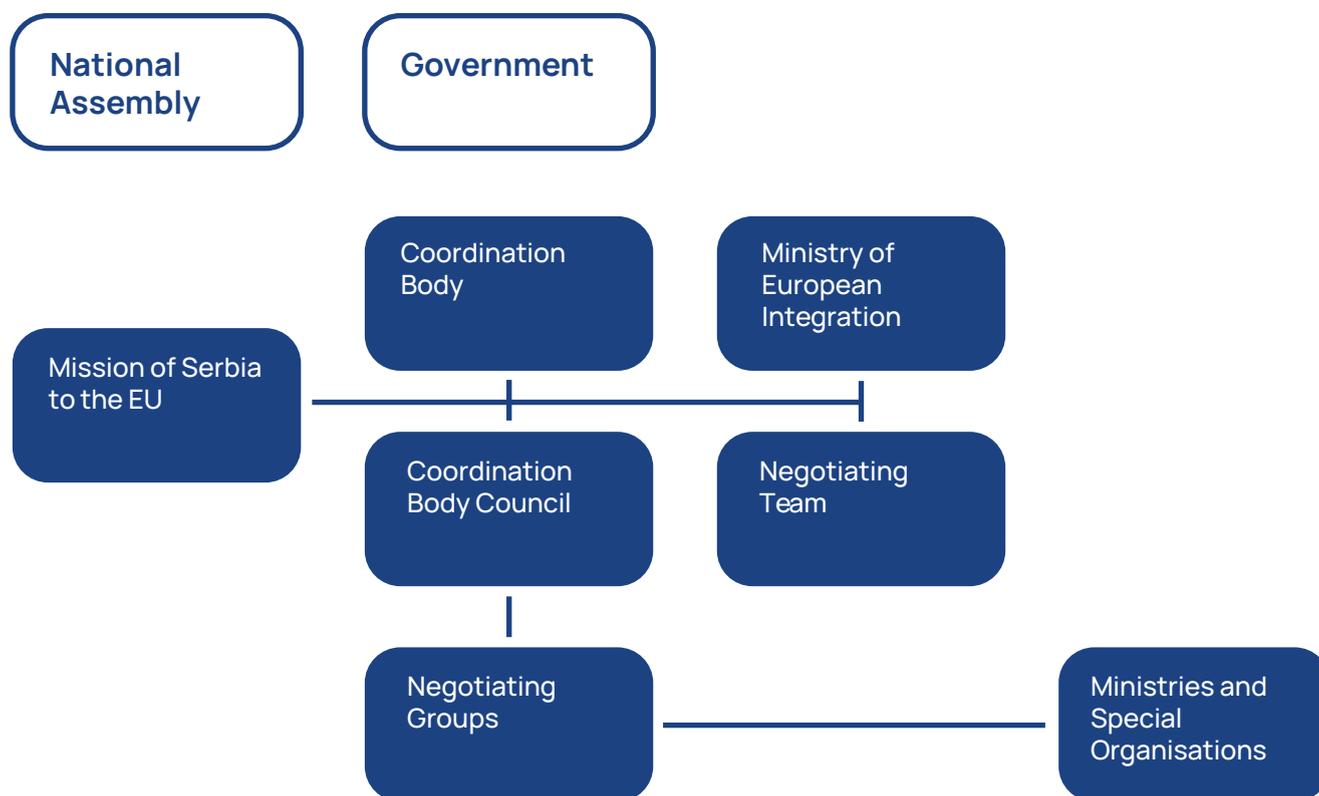
The example of Serbia highlights several major aspects of the formation of the institutional structure of negotiations. First, before agreeing on interagency coordination of the negotiation process, it is necessary to figure out whether this model will be effective in practice. The existence of a pro forma and a de facto negotiating structures in Serbia shows that the chosen model has proved to be unstable and vulnerable to political changes in

20) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/pregovori_sa_eu/decision_coordination_body.pdf

21) Interviews with representatives of the Ministry of European Integration of Serbia.

22) https://cep.org.rs/wp-content/uploads/2023/04/Serbias-Pursuit-of-Interests-in-the-EU_PB.pdf

Serbia's Formal Institutional Structure for Negotiations



Source: https://cep.org.rs/wp-content/uploads/2023/04/Serbias-Pursuit-of-Interests-in-the-EU_PB.pdf

the country. The reduced priority of European integration at the political level weakened the coordination mechanism of negotiations, giving rise to an informal structure. Another consequence of this fact is a decrease in the transparency of the negotiation process, as well as lower efficiency in interaction with the EU.

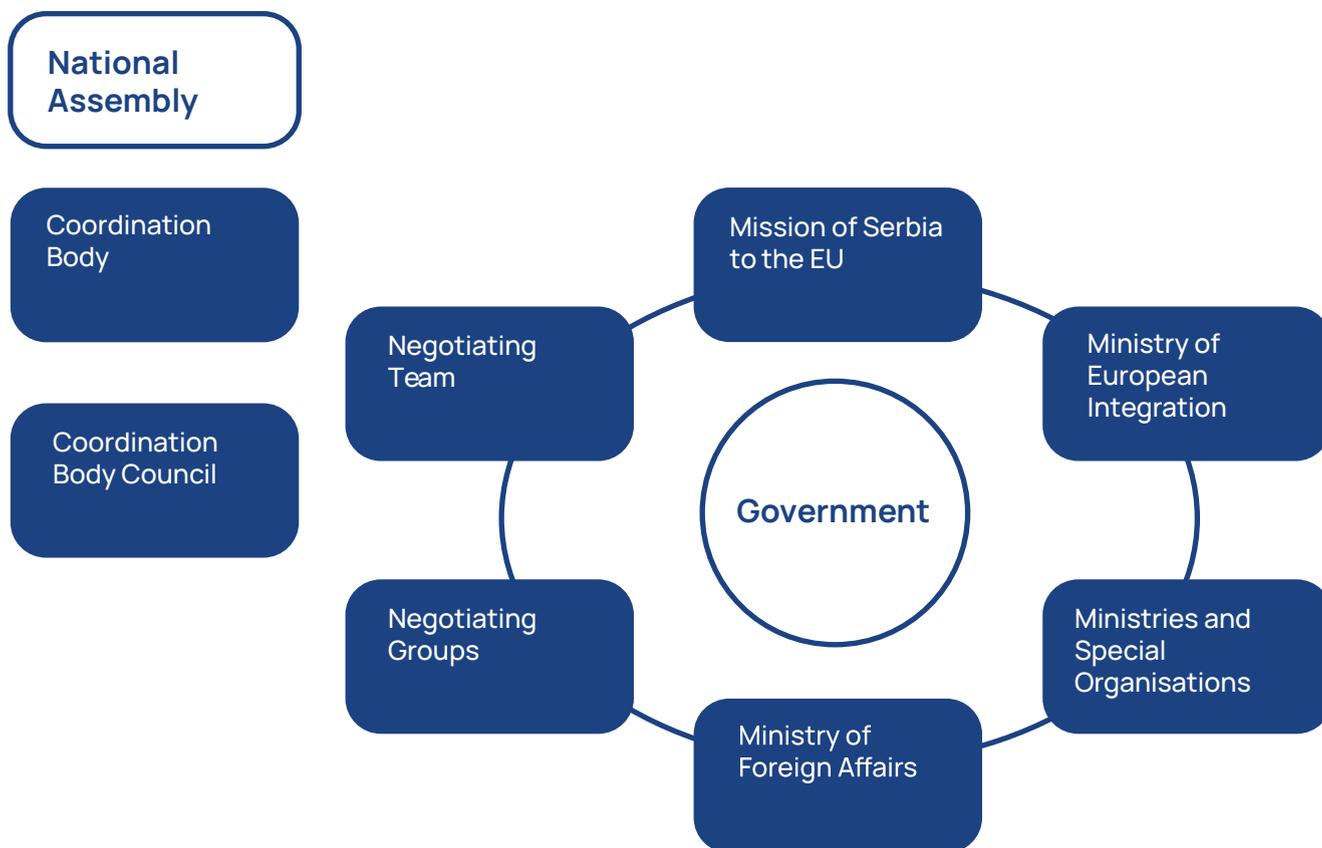
In Serbia, the negotiating team was formally established in 2013, but its composition was officially approved in 2015 by a new government decree that expanded the number of members and functions. According to the decree, the negotiating team shall comprise its Head, the State Secretary of the Ministry of Finance and the Ministry of Foreign Affairs, the Head of the Mission of the Republic of Serbia to the EU

(Ambassador), representatives of the Office for European Integration. The negotiating team is responsible for communication with European institutions and EU countries, its members are also involved in screening and the development of negotiation positions. According to the government decree, the negotiating team shall work closely with the Ministry of Foreign Affairs, sharing information on the negotiation process, based on which the Ministry of Foreign Affairs shall interact with the EU institutions and Member States²³. The first composition of the negotiating team consisted of 24 members who were responsible for various chapters of the EU acquis²⁴. From 2013 to 2019, the Chief Negotiator of Serbia was Tanja Mišćević. The role of the Chief Negotiator is important, as they should ensure seamless coordination

23) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/pregovori_sa_eu/decision_negotiating_team_avgust_15.pdf

24) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/pregovori_sa_eu/pregovaracki_tim_clanovi.pdf

Serbia's Institutional Structure in Practice



Source: https://cep.org.rs/wp-content/uploads/2023/04/Serbias-Pursuit-of-Interests-in-the-EU_PB.pdf

of all institutions involved in the negotiation process, as well as have competence and enjoy authority among various political parties, in particular the opposition. Tanja Mišćević was well suited for this role – a political science professor, she headed the Office for European Integration in 2005–2008, was a member of the government negotiating team for the Stabilization and Association Agreement with the EU, headed the negotiating team for the conclusion of the Visa Facilitation Agreement and the Readmission Agreement between Serbia and the EU. Initially, the functions of the Director of the Office for European Integration (later the Minister) and the Chief Negotiator were separated.

After the EU approved an updated enlargement methodology, according to which the accession negotiations now take place based on clusters rather than chapters, Serbia's approach to coordinating the negotiation process also has changed somewhat. In accordance with the

government decree of 2021, the Minister for European Integration now serves as the Chief Negotiator, and the Negotiating team is officially referred to as the “negotiation support team”. The new team comprises coordinators of the negotiation clusters, the State Secretary or the assistant Minister and the Ministry of Finance responsible for the implementation of the economic criteria of the Fundamentals cluster, the Director of the Office for Kosovo and Metohija or his deputy, the Head of the Mission of the Republic of Serbia to the EU, the representative of the Cabinet of the Prime Minister, the representative of the General Secretariat of the Government, the head of the office of the Chief Negotiator – Minister for European Integration, experts. The expert team is usually involved, if necessary, in the preparation of various documents during the negotiation process concerning different chapters or clusters (such as the development of draft laws or financial assessment of

Serbia's accession to the EU)²⁵. It is significant that, unlike previously, in this composition of the negotiating team representatives of think tanks or the academia are not responsible for certain negotiating chapters or clusters. Cluster coordinators are now state secretaries or deputy ministers, and independent experts might be involved in the work of the negotiating team only when necessary. Some clusters have several coordinators – representatives of ministries responsible for a particular negotiating chapter²⁶.

The updated system, however, proved to be less effective than the previous one. Firstly, in Serbia, merging the functions of the Chief Negotiator and the Minister for European integration is fraught with risks of weakening the coordination of negotiations. The Chief Negotiator is responsible for intensive and continuous work to establish good interaction between working groups and other institutions, as well as communication with the EU and Member States. European integration involves a much broader process of legislative harmonization and reform. If human resources are available, these positions are better off segregated to avoid gaps in both processes²⁷.

Secondly, the reformatting of the negotiating team, which now comprises cluster coordinators, has weakened the intermediate level of coordination between the negotiating team members and the working groups. Currently, coordination meetings of the Chief Negotiator – the Minister for European Integration – with cluster coordinators are formally envisaged, but there is no effective mechanism for interaction between working groups to harmonize their negotiation positions for different clusters and chapters before the draft document is sent to the negotiating team for consideration. In addition, the current composition of the negotiating team is vulnerable to political

changes. Secretaries of State, who currently coordinate work by clusters, might be dismissed after the election cycle, which undermines the idea of creating a stable institutional memory. This may result in a significant weakening of Serbia's accession negotiations with the EU²⁸.

Albania

Albania signed the Association and Stabilization Agreement with the EU in 2006, which entered into force in 2009. Three years later, Albania applied for EU membership and received candidate status in 2014. However, the first intergovernmental conference marking the start of negotiations took place only in 2022. Albania is currently in the final stages of legislation screening.

The relevant institutional structure of Albania was approved before the start of negotiations. Albania aimed to build a centralized negotiating structure to accelerate the decision-making process and have stricter controls at all levels. The centralized negotiating structure provides for a clear-cut hierarchy and the bottom-up movement of draft negotiation positions. Unlike some other countries, for the role of the main coordination body Albania chose to create a secretariat with all the ministries subordinate to it rather than entrust this function to the Ministry of European Affairs, which in terms of a hierarchy would be at the same level as other ministries.

The State Committee for European Integration is the highest body in the negotiating structure, responsible for approving negotiation positions for each chapter of EU legislation before their approval by the Council of Ministers. The Committee is also responsible for key matters in the implementation of the Stabilization and Association Agreement between Albania and the EU.

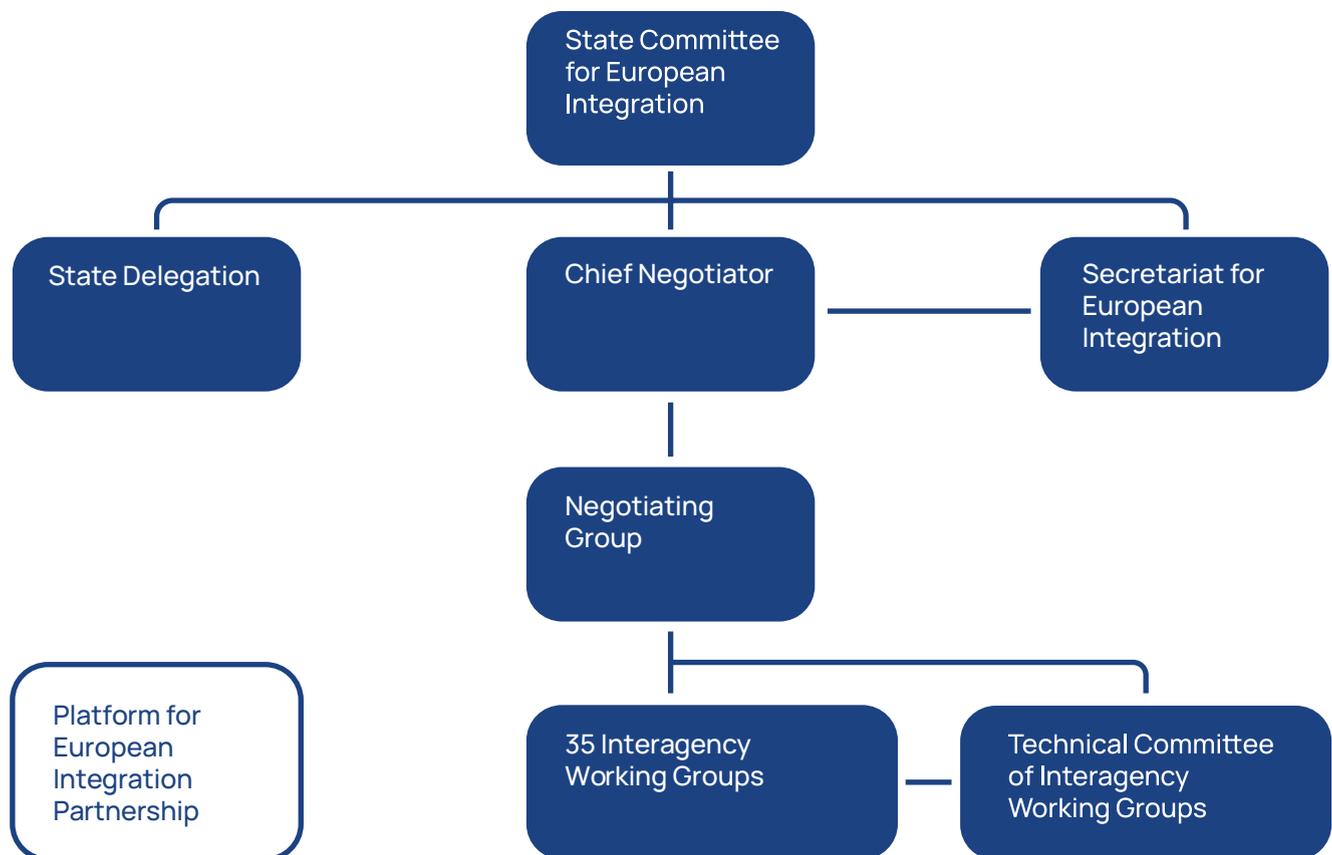
25) <https://pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/vlada/odluka/2021/53/5>

26) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/EN_koordinatori_klastera.pdf

27) Interview with Srdjan Maistrović, Chairman of the Board, Centre for European Policy (Belgrade).

28) Interview with Srdjan Maistrović.

Albania's Institutional Structure



The Committee consists of:

- The Head of the State Delegation, the Minister responsible for European integration;
- Chief Negotiator;
- The Minister responsible for justice;
- The Minister responsible for finance;
- The Minister responsible for internal affairs;
- The Secretary General of the Council of Ministers.
- The Minister responsible for European integration and foreign affairs in the capacity of the Head of the State Delegation;
- The Deputy Head of State Delegation – the Chief Negotiator;
- The Head of the Albanian Mission to the European Union;
- Representatives of ministries and other central institutions, as appropriate.

The State Delegation is the body responsible for political dialogue with the EU institutions, including opening and closing of negotiations on each chapter of the EU acquis. It consists of:

The State Delegation represents Albania's interests in the Intergovernmental Conference Albania–EU. In carrying out its functions, it is supported by the Negotiating Group and the Secretariat for European Integration.

The Chief Negotiator is one of the key positions in the institutional structure. Their main task is to present negotiation positions for each chapter of the EU acquis. The Chief Negotiator participates in negotiations both

at the political level (as Deputy Chairman of the State Delegation) and at the technical level as the Head of the Negotiating Team. They also coordinate the work of the Secretariat for European Integration, as well as intergovernmental working groups.

The Secretariat for European Integration is responsible for coordinating national policies with those of the European Union. The Secretariat is headed by the Chief Negotiator. The main tasks of the Secretariat include coordinating the work of inter-institutional working groups, preparing draft negotiation positions based on the work of inter-institutional working groups and supporting work with the database for monitoring the negotiation process.

The Negotiating Group is the main “technical” body in the institutional structure of Albania. It is chaired by the Chief Negotiator. The Group consists of 7 members. The members of the negotiating team are appointed by the Prime Minister. The performance of functions by the Negotiating Team is supported by the Secretariat. Its main task is to draft assessments of negotiation positions prepared by inter-institutional working groups.

Inter-Institutional working groups are set up for each of the 35 negotiating chapters of the EU acquis. Each inter-institutional working group is chaired by the Deputy Minister or the Secretary General of the relevant ministry, depending on the area of competence and its nexus to the relevant chapter of the European Union acquis, or a representative of an independent institution when the area of competence of the relevant chapter of the EU acquis belongs to an independent institution. The chairperson of each inter-institutional working group manages the activities the working group in accordance with the requirements of the member of the Negotiating Group responsible for negotiating the chapter in question. Inter-institutional working groups consist exclusively of civil servants. Inter-institutional working groups prepare draft negotiation positions, provide expert analysis of policies, legislation, procedures, etc., determine priorities in the process of approximation of Albanian

legislation to that of the European Union, etc.

The chairpersons of Inter-Institutional Working Groups organise the Technical Committee of the Inter-Institutional Working Groups, which serves primarily as a forum for discussing and resolving disputes between Inter-Institutional Working Groups.

Inter-institutional groups prepare EU acquis implementation plans for each chapter every year and send them to the Parliament for approval.

When creating the institutional structure for negotiations, Albania analysed its institutional capacity for each chapter of the EU acquis to establish whether there are enough people to implement each chapter and find out the competence of these employees. The typical problem was their insufficient English language proficiency.

The EU, in its 2023 report on Albania, notes that “building on the experience of the screening process, Albania will need to continue to strengthen its EU negotiating structures and coordination between subordinated bodies and line ministries, while further developing expertise on the EU acquis across the public administration.”²⁹

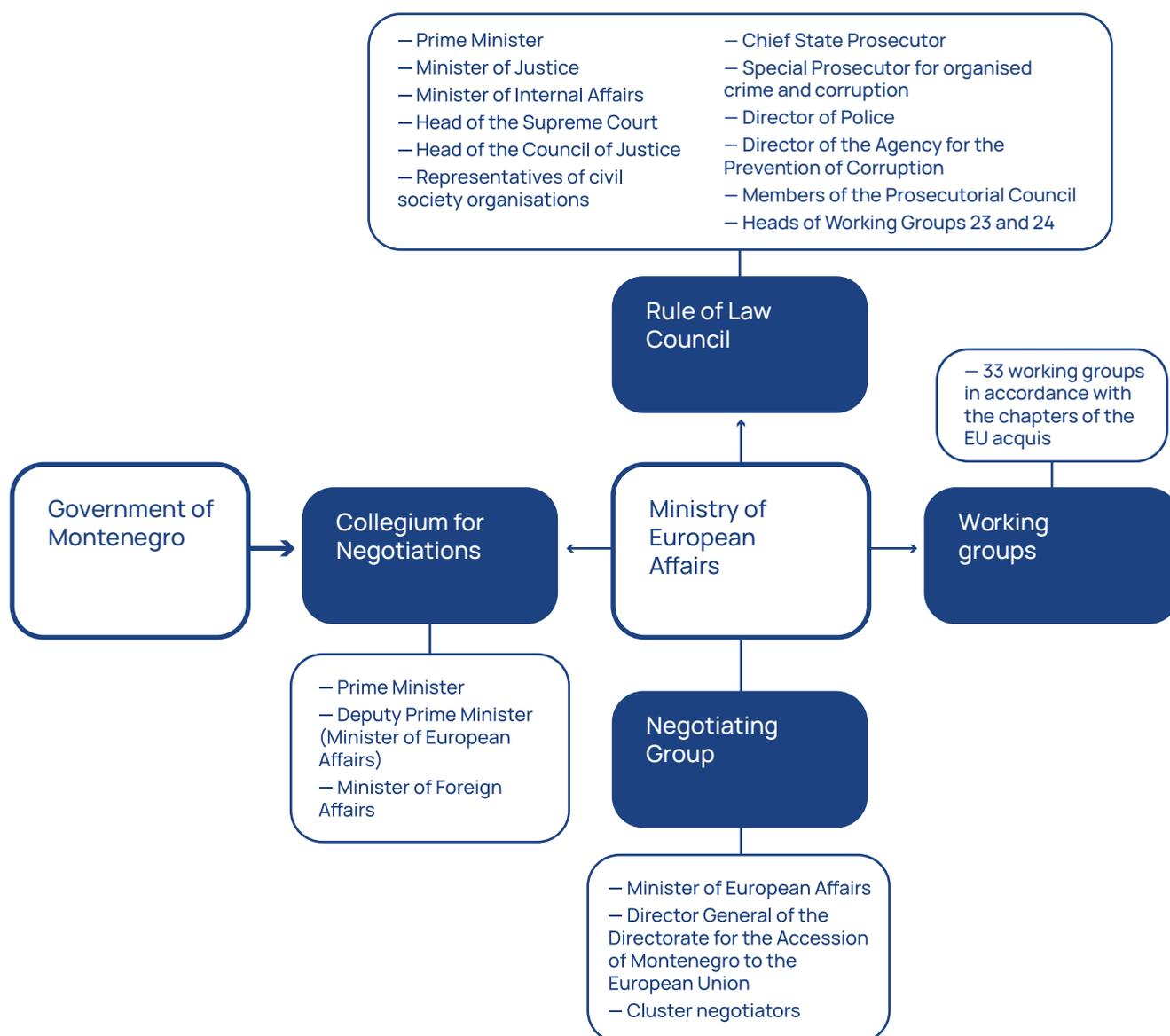
Montenegro

Montenegro established its negotiating structure in February 2012, that is, even before the start of EU accession negotiations in June 2012. Montenegro relied on Croatia’s experience to develop its negotiating structure, which is due to the following factors: (i) at the time, Croatia was concluding its accession negotiations with the EU; and (ii) Croatia and Montenegro, as neighbouring countries, had similar legal frameworks and administrative structures (inherited from the former Yugoslavia).

At the initial stage, the negotiating structure of Montenegro comprised about 1,500 people involved in the screening and opening of the first chapters of negotiations with the EU.

29) https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf

Negotiating Structure of Montenegro



Since then, the negotiating structure of the country has undergone 7 transformations, the latest significant changes took place in August 2022³⁰.

The current negotiating structure consists of the following bodies³¹:

The Government is the highest statutory body in the negotiating structure of Montenegro, responsible for making strategic decisions. According to the domestic legislation of the country, the Government's decision on a certain negotiation position must be

additionally approved by the Parliament (however, disagreements between the Government and the Parliament on this issue are rare).

The Collegium for Negotiations is a collegial government body (council), which includes the Prime Minister, Deputy Prime Ministers and the Minister of Foreign Affairs. Its main task is to discuss negotiation positions and submit them to the Government for approval. It is a high-level political body that meets up to three or four times a year and gives the green light to all negotiation positions.

30) <https://library.fes.de/pdf-files/bueros/belgrad/20077.pdf>

31) <https://www.eu.me/en/negotiating-structure/>

The Collegium also discusses sensitive issues such as state aid or the environment. It is also responsible for preliminary approval of negotiation positions before their approval by the Parliament.

The Negotiating Group is responsible for cooperation with EU institutions and individual Member States in the relevant areas covered by the EU acquis to be implemented. It includes the Ministry for European Affairs, the Directorate General for EU Accession, and cluster negotiators.

When the Negotiating Group was established, the EU enlargement framework did not contain the system of clusters. The negotiating team at that time consisted of ten negotiators, each of whom coordinated several chapters.

In particular, during the discussion of a particular issue (for example, proposals for a negotiation position) at the level of the negotiating group, representatives of various government bodies could comment on the chapters, including those outside their competence. For example, a senior manager of a country's central bank may express his or her views on a customs issue that may affect banking regulation.

The Rule of Law Council is responsible for rule-of-law related reforms.

It includes representatives of many bodies and institutions, many of which are not subordinate to the Government (for example, the prosecutor's office, judges, lawyers, etc.). Consequently, the Rule of Law Council performs functions similar to those of working groups, but was created as a more decentralized entity with a higher degree of autonomy from the Government.

Jovana Marović et al. (2019) argue that the Rule of Law Council failed to ensure the transparency of the negotiation process, for civil society representatives of the relevant working groups were not involved in the work of the Council³².

The Ministry for European Affairs is responsible for policy coordination in negotiations and support for the negotiation process through EU contacts.

At the beginning of the negotiations, the State Secretary for European Affairs of the Ministry of Foreign Affairs and for European Integration acted as the Chief Negotiator with the EU ex officio. After the Ministry was split into separate Ministries of Foreign Affairs and European Affairs, this Secretary of State was appointed Minister for European Affairs and continued to serve as the Chief Negotiator with the EU.

Since then, all authorities within the negotiating structure have included representatives of the Ministry for European Affairs, who acted as coordinators.

In 2022, Montenegro decided to adapt its negotiating structure to the new EU Enlargement Methodology. This meant reorganising the negotiating team, now distributed over 6 clusters (instead of the previous 33 chapters), each cluster being coordinated by the respective negotiator who led the respective working groups. Now the negotiating team, in addition to the Chief Negotiator, includes:

- Bojan Božović, State Secretary in the Ministry of European Affairs, negotiator for Cluster 1 – Fundamentals,
- Goran Jovetić, State Secretary in the Ministry of Economic Development, negotiator for Cluster 2 – Internal Market,
- Bojana Bošković, State Secretary in the Ministry of Finance, negotiator for Cluster 3 – Competitiveness and Inclusive Growth,
- Nenad Vitomirović, State Secretary in the Ministry of Tourism, Ecology, Sustainable Development, and Northern Region Development, negotiator for Cluster 4 – Green Agenda and Sustainable Connectivity,

32) <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>

- Andrija Delić, State Secretary in the Ministry of Agriculture, Forestry, and Water Management, negotiator for Cluster 5 – Resources, Agriculture, and Cohesion,
- Ambassador Milisav Raspopović, negotiator for Cluster 6 – External Relations³³.

It was only in January 2024 that each EU acquis cluster received its own negotiator. The negotiators are responsible for negotiating at technical and expert level with EU institutions and Member States on all chapters within their clusters³⁴.

This change in Montenegro's negotiating structure led to another reduction in the staff involved³⁵ – from the previous 800 to around 350–400 people now³⁶.

Since the beginning of the negotiation process, the Chief Negotiator of Montenegro has already changed several times. In December 2023, Montenegro appointed Dr. Predrag Zenović its Chief Negotiator with the European Union. It should be noted that the current Chief Negotiator is not a professional civil servant, instead he has an academic background. He is a political science professor and researcher at the Humanities Studies Department of the University of Donja Gorica in Podgorica³⁷.

Many external observers have noted that before the restructuring in 2022, the negotiating structure of Montenegro had been gradually deteriorating. This included a lack of both human resources and capacity. The 2021 report of the EU Commission describes the negotiation process as follows: “The negotiating structure was substantially

weakened by the resignation or dismissal of 110 of its 3 members, including 16 chapter negotiators and 24 heads of working groups. Most of these key positions remain vacant. Some key ministries failed to show sufficient commitment and constructive engagement in the EU accession process under their new leadership.”³⁸

At the same time, the restructuring process (including hiring/finding new people) took a long time, and these problems still persist. In the 2023 report, the EU Commission still notes that “Strengthening the administrative capacity to apply the EU acquis remains an important challenge for Montenegro, including the urgent need to re-stabilise a functional negotiating structure.”³⁹

North Macedonia

North Macedonia began creating an institutional framework for negotiations with the EU back in 2005, when it received the status of a candidate for EU membership. When creating the institutional structure, Macedonia relied on the experience of Slovenia, whose key body was the Secretariat for European Affairs.

The National Council for European Integration consists of 15 people. 9 of them are MPs, the Deputy Prime Minister for European Integration, the Representative of the President of the Republic, the representative of the Cabinet of Ministers, the representative of the Macedonian Academy of Science and Arts, the representative of the Union of Local Self-Government Bodies, as well as the representative of the Union of Journalists. The chairperson of the Council is a representative of the opposition, and the deputy chairperson is from the ruling parliamentary party.

33) <https://www.gov.me/en/article/government-appoints-six-negotiators-for-clusters>

34) <https://www.gov.me/en/article/government-appoints-six-negotiators-for-clusters>

35) <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>

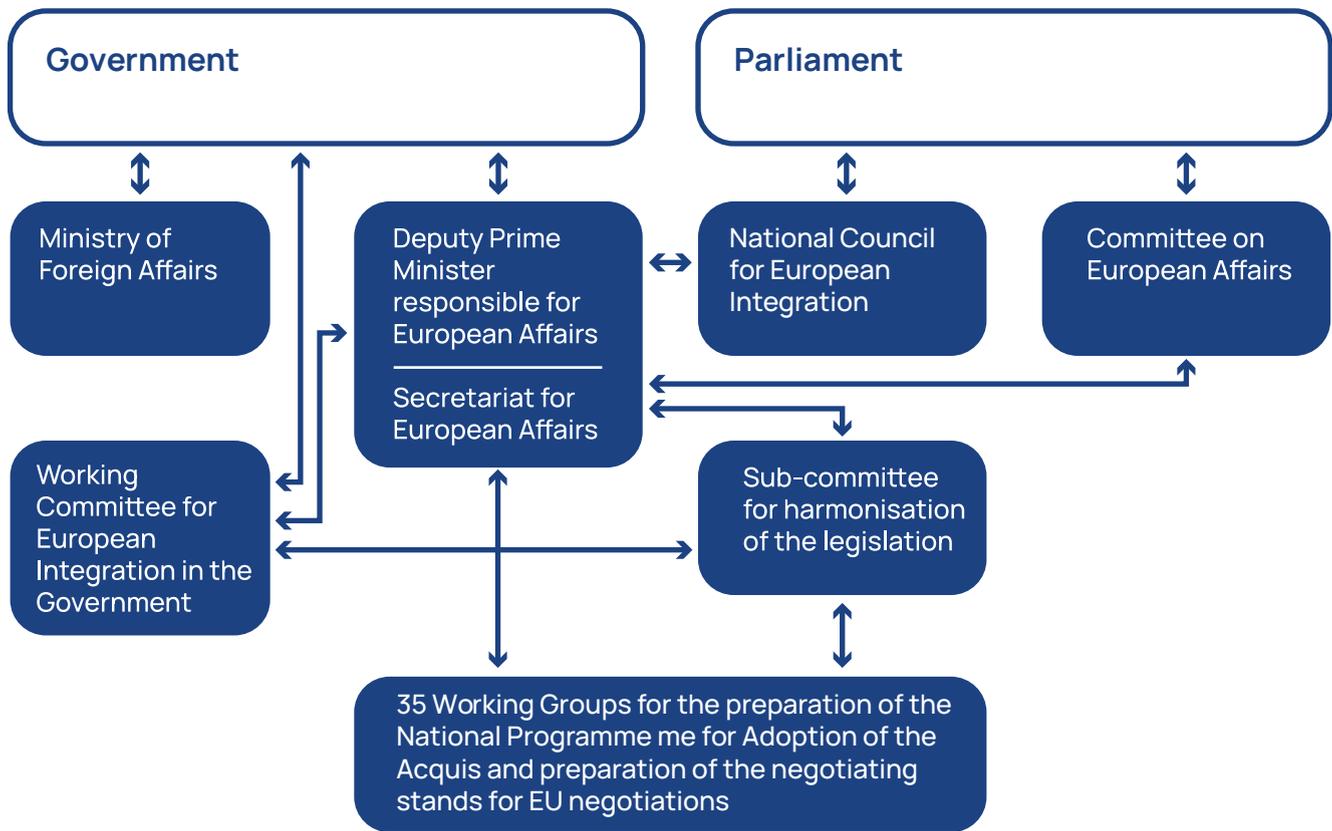
36) <https://library.fes.de/pdf-files/bueros/belgrad/20077.pdf>

37) <https://www.gov.me/en/article/predrag-zenovic-appointed-as-the-chief-negotiator-of-montenegro-with-the-eu>

38) https://neighbourhood-enlargement.ec.europa.eu/document/download/6d45cc87-9d19-4f06-a49f-e3690cde3da4_en?file-name=Montenegro%202021%20report.PDF

39) https://neighbourhood-enlargement.ec.europa.eu/document/download/e09b27af-427a-440b-a47a-ed5254aec169_en?file-name=SWD_2023_694%20Montenegro%20report.pdf

North Macedonia's Institutional Structure for Negotiations



Source: <https://www.sep.gov.mk/en/page/?id=13>

The Council monitors and evaluates the activities related to the accession of the Republic of Macedonia to the EU, as well as prepares its opinion on negotiation positions and harmonization of legislation with the EU acquis.

The Working Committee for European Integration of the Government of the Republic of Macedonia is chaired by the Deputy Prime Minister for European Affairs, and all State Secretaries of Ministries are its members. This interagency body determines the methods and dynamics of the implementation of strategic decisions, policy guidelines and priorities of the Government and monitors the implementation of relevant tasks.

Deputy Prime Minister of the Government responsible for European Affairs manages and coordinates the operational part of the integration process of the Secretariat for European Affairs, ensures coordination and streamlining of the work of public administration bodies and other bodies

and institutions in the preparation of the Republic of Macedonia for negotiations and membership in the European Union. The Deputy Prime Minister also acts as the Chief Negotiator. This person holds two positions at the same time. Therefore, the Chief Negotiator in Macedonia is a partisan position. On the one hand, political appointment to the post of Chief Negotiator gives them greater political influence. On the other hand, when the government changes, they will probably leave the post of Chief Negotiator, and the next official will need time to get into the loop. That is why many candidate countries have tried to appoint persons from the highest levels of civil service, rather than from political positions, as their Chief Negotiators.

The Ministry of Foreign Affairs is responsible for communication with European bodies through the Mission of the Republic of Macedonia in Brussels, collecting reliable and timely information relevant to the integration process, as well as representing common positions in European bodies.

The Secretariat for European Affairs (SEF) was established as a separate expert service of the Government of the Republic of Macedonia in 2005. The mission of the Secretariat is to provide professional support and coordination of public administration bodies and other bodies and institutions in the light of the preparation of the Republic of Macedonia for EU membership. The Secretariat is headed by the Deputy Prime Minister for European Affairs. The position of the Secretariat for European Affairs, headed by the Deputy Prime Minister, is actually higher up in the hierarchy than the positions of the ministries. Therefore, the Secretariat can manage the work of the ministries and require them to perform tasks at the level of the Deputy Prime Minister.

The experience of Macedonia shows that having a Secretariat above ministries might be useful if the Secretariat has politically strong leadership. To manage the work of ministries in the field of European integration, a politically strong figure is needed, to which all others will respond.

In addition to the Chief Negotiator and their deputy, who is the state secretary of the Secretariat for European Affairs, the institutional structure of North Macedonia also includes the positions of chief economist, chief legal adviser and chief lawyer, as well as chief anti-corruption specialist. However, these positions are currently vacant. Also, due to the change in the EU enlargement methodology, Macedonia will soon have to switch to the cluster model in its institutional structure.

The institutional structure of North Macedonia was not established during the entire period of candidacy. In 2018, Macedonia's Chief Negotiator was an advisor to the Prime Minister for some time. The Prime Minister's Advisor did not have a functioning office. Therefore, they set out to create an office of ten people, which functioned simultaneously with the Secretariat for European Affairs, which has 100 people at the level of Deputy

Prime Minister. In the end, this model was abandoned, but changing the structure and returning to the previous one took a lot of time and required administrative efforts that could be aimed at negotiating, rather than changing the institutional structure.

Despite the long experience of candidacy, North Macedonia needs to strengthen its institutional structure. In particular, the 2023 European Commission report notes that "building on the experience of the screening process, North Macedonia needs to continue strengthening its EU negotiating bodies and achieve sound coordination among line ministries and institutions, while further developing EU-acquis-related expertise across the public administration."⁴⁰

Preparation of negotiation positions

First of all, the negotiations on the accession of a candidate country to the EU, in fact, are not really negotiations in the classical sense of the word, the term more properly refers to the "accession procedure" aimed primarily at gradually developing mutual trust between the parties. The context for building such trust involves creating real and confirmed successful cases on the part of the candidate country in the field of the approximation of national legislation to the requirements of the EU acquis. In other words, this should be a situation where the candidate country in practice gradually achieves the targets that were previously set in the national plans. And, accordingly, the pace and results of the negotiations will, first of all, depend on the progress in the approximation of national legislation and its implementation in practice.

Poland

In Poland, the initial negotiation position was formed on the basis of the analysis carried out by the negotiating groups. Formally, the negotiation position and the distribution of areas of responsibility between different state

40) https://neighbourhood-enlargement.ec.europa.eu/document/download/28a9322a-3f18-434e-89d2-0890c90b2f96_en?file_name=SWD_2023_693%20North%20Macedonia%20report.pdf

stakeholders in terms of negotiation process management were approved by a separate government decision. This decision as a whole provided the basis for the state system for planning and conducting negotiations with the EU, which made it possible to effectively coordinate the processing of a large amount of incoming information from various government ministries and agencies. In practice, this process took place through the organisation of working meetings of interested parties, their conduct, drawing up key conclusions based on their results, arbitration among the multidirectional interests of such parties, search for optimal solutions, and, ultimately, formation of a draft initial negotiation position of the country.

The process of forming negotiation positions began with the creation of 38 working groups along with the work on the National Programme of preparation for Membership. To this end, an interagency platform for the preparation of accession negotiations was created, within which the aforementioned 38 negotiating groups began to form. Being “interagency” meant that this platform included representatives of all the line ministries and government agencies whose competence included the implementation and/or execution of certain EU acquis parts. Each of the groups was headed by a line ministry officer, as a rule, it was the deputy minister.

Formally, however, this platform was not institutionalized (although the process was officially led by the Prime Minister) and served mainly to hold meetings and discuss sectoral issues for which it was necessary to find compromise solutions on the basis of which relevant government documents were prepared. These were the initial (draft) negotiation positions, amendments to them, answers to questions from individual Member States that came through the European Commission regarding the receipt of additional information, arguments, data on exemptions/transition periods, etc. Later, all these documents provided the basis for formal decisions taken in the format of intergovernmental conferences, but most of the purely technical discussions and data

(calculations, tables, forecasts, etc.), draft proposals coming from any of the 38 working groups, etc., were adopted during such discussions.

Within each of the 38 groups, there was usually the leading (main) ministry, which led the work of other participants in the working group that had full or partial competence in a specific chapter of the EU acquis. Why were there exactly 38 groups? 31 working groups were formed for each of the chapters of the negotiation process (relevant at the time), and in addition, 7 so-called “cross-sectoral” teams dealt with important “horizontal” issues. For example, one of them was responsible for analysing and assessing the potential socio-economic consequences and aspects of the approximation of national laws to the requirements of the EU acquis in a number of sectors, such as transport, regional policy, environmental protection, etc. Another dealt with the consequences that could transpire for public finance and budget policy, in particular, calculated the expenses that will have to be made from the central and local budgets in order to meet the requirements of the EU, etc. In the future, the presence of such a comprehensive review and analysis of all possible aspects of the negotiation process proved to be an excellent basis for Poland’s initial negotiation position.

Formally, each negotiation position went through several stages:

- working groups held internal discussions and drafted initial versions of negotiation positions;
- working versions of negotiation positions were approved at the level of the negotiating team;
- the approved versions of negotiation positions underwent final verification in two working groups regarding the validity of the indicated costs of their implementation, namely the groups led by the Ministry of Finance⁴¹ and the Centre for Strategic Studies;

41) Even though the Ministry of Finance participated in many working groups and was involved in the development of negotiating positions.

- further, the negotiation positions were submitted to the Committee for European Integration, which usually met once a month under the chairmanship of the Prime Minister, and received a “working” government approval (or were dismissed);
- then the approved negotiation position was submitted for discussion and final approval to the Council of Ministers, where it received the highest government approval;
- then the Government Plenipotentiary presented the position in Parliament, and if approved, it became the official Polish position, which was further communicated to Brussels.

The most common mistake of some members of the Polish negotiating team was to attempt to reach a compromise with the EU via “package agreements” (based on the quid pro quo principle) in various sectors of the accession process, but this approach mostly failed to work in negotiations with the EU. If there is a need to obtain specific exemptions / transition periods from the EU, then the arguments for these should be self-sufficient and convincing, without reference to other negotiating chapters (or other negotiation-related matters).

Unfortunately, there is no single correct approach to creating a negotiating group and a mechanism for coordinating government bodies, specifically with regard to their adequate quantitative composition and structure. At the beginning of the negotiation process, Poland planned to use a mechanism for coordinating the negotiation position on a collegial basis, since the formation of the initial negotiation position requires streamlining a huge number of different points of view of different stakeholders, the key ones being those of line ministries. Therefore, regardless of the principle of building a negotiating team, its main task and purpose of existence is constant efforts to find a common vision in this diversity of opinions and to form compromise solutions

that would allow the country to conduct effective negotiations on accession to the EU. An indirect but also basic function of such a group is to help the government organise the discussion of as many as possible difficult (but obvious in terms of decisions) provisions of the country’s negotiation position at the level of the leadership of ministries (usually deputy ministers), bringing to the highest political level of the Cabinet only the most difficult or financially expensive provisions. By the way, Poland’s Office of the Committee on European Integration played an essential role in coordinating the entire process of forming the country’s negotiation positions, as they planned and carried out all the preparatory work that preceded the discussion in the negotiating team, motivated colleagues from line ministries to work continuously on certain tasks to approximate legislation and comply with the established deadlines, controlled the quality and content of information provided by the ministries to form negotiation positions, etc.

However, the formal approach to organising such a working coordination group is not so important (it can also be completely informal), what matters is that its arrangement should be conducive to discussion and creation of products necessary for negotiations with Brussels, ensuring proper reasoning for various aspects of the country’s negotiation position, and make it possible to promptly respond to potential requests from the EU.

Lithuania

In Lithuania, negotiation positions were formed in 29 working groups created in accordance with the negotiating chapters. The working groups were mostly chaired by deputy ministers from the line ministries, or in some cases – by the directors of the relevant departments. Working Groups (3) Free provision of services and (24) Justice and Home Affairs were headed by the Deputy Director General of the European Committee⁴². This is due to the fact that according to the government’s decision, each working group should include a representative

42) <https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS.97215/>

of the Ministry of Foreign Affairs and the European Committee in order to ensure effective coordination. For the same reason, representatives of the European Committee were appointed heads of working groups.

The working groups were responsible for developing a draft negotiation position based on proposals submitted by the competent institutions, as well as for preparing an explanatory note for the draft document. After endorsement of the negotiation position, the chairman of the working group had to submit the document for review by the Ministry of Foreign Affairs. Based on the submitted draft, the Ministry of Foreign Affairs developed the final version of the negotiation position, which was then sent for approval to all relevant ministries and state institutions, the European Committee and, if necessary, the Committee of Foreign Affairs of the Seimas. With the comments of the above institutions, the document was submitted to the negotiation delegation, and after its approval – to the Commission for European Integration. Further, the negotiation position could be submitted to the government for approval, and then to the European Commission⁴³.

In addition to the working groups, 17 commissions were also established to harmonize Lithuanian legislation with the EU acquis. The commissions were tasked with analysing the problems associated with the transposition of the EU acquis into national legislation, reviewing draft laws and current legislation for their compliance with the EU acquis, and submitting proposals concerning the identified issues to the competent institutions. According to the government decree, the commissions were headed by deputy heads of working groups. That is, members of the commissions simultaneously participated in the activities of working groups, which made it possible to coordinate the work of both bodies. General coordination of the work of the commissions was carried

out by the relevant ministries or departments. The commissions included representatives of competent institutions and the European Committee. If necessary, the commissions could use the services of foreign experts, technical assistance from the EU and other donors, and members of the commissions had an opportunity to participate in internships, seminars and consultations organised by the European Commission or other institutions on the topic of European integration. The activity plan of each commission was drawn up on the basis of measures to harmonize the legislation of the Programme for the Preparation of Lithuania for Membership in the European Union, and the negotiation positions of the working groups were also taken into account⁴⁴. However, the effectiveness of the commissions on harmonization of legislation was affected by the lack of clear-cut accountability to either the ministry or the European Committee⁴⁵.

Serbia

In Serbia, work on the analysis and adaptation of national legislation and the preparation of negotiation positions are performed by 35 working groups created in accordance with the negotiating chapters of the EU acquis. The groups include representatives of line ministries and relevant government bodies⁴⁶. The functions of the heads of these working groups are usually performed by the state secretaries of ministries (who, according to Serbian legislation, act as deputy ministers). Although this position is political and the Secretary of State can be dismissed after the election cycle, this approach was chosen for practical reasons, since apart from the Minister, only the Secretary of State can sign documents on behalf of the Ministry. Therefore, after the working group developed a draft negotiation position, the Secretary of State could promptly sign it and send it to the negotiating team for consideration.

43) <https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS.97215/>

44) <https://e-seimas.lrs.lt/rs/legalact/TAD/TAIS100676/>

45) <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.71717?jfwid=pd6eqb23p>

46) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/pregovori_sa_eu/decision_coordination_body.pdf

The stability of the working groups and institutional memory is maintained due to the Assistant Minister, who acts as the deputy head of the group, and in accordance with the law belongs to civil servants of the highest level. The secretaries of the negotiating groups are also civil servants of the relevant ministries, and the deputy secretaries are representatives of the Office for European Integration (later the Ministry). This system makes it possible for the Office (later the Ministry), as the secretariat of the negotiating team, to stay informed about the current activities of the working groups⁴⁷.

When developing negotiation positions, working groups must consult with the National Convention on the EU (CSO platform) and the Serbian Chamber of Commerce and Industry. The consultation is a mandatory step in the development of negotiation positions in accordance with the government Guidelines for the Coordination of Public Authorities in the Preparation of Negotiation positions, as well as the Guidelines for Interaction with the National Convention on the EU and the Chamber of Commerce and Industry of Serbia. Then the document is transferred to the negotiating team. The draft document approved by the negotiating team is sent to the government for consideration, and then to the Parliamentary Committee on European Integration. The Committee must provide an opinion on the negotiation position, or offer recommendations. To the meeting during which the negotiation position is considered, the Committee members may invite the Chief Negotiator and the chairperson of the working group for more detailed clarifications. Having received the positive opinion of the European Integration Committee, the Government can approve the negotiation position. Further, the Mission of Serbia to the EU submits the document to the European Commission. The negotiation position may be partially made public at once, while certain provisions might remain confidential until the opening of negotiations on the relevant chapter or cluster⁴⁸.

47) Interview with Srdjan Maistrović.

48) https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/pregovori_sa_eu/pregovaracke_pozicije_english_15.pdf

Montenegro

In Montenegro, 33 working groups were established for each chapter of the EU acquis. The working groups are in charge of developing action plans for opening negotiating chapters, monitoring the implementation of these action plans, and consulting on the possibility of closing some negotiating chapters.

Montenegro established all 33 working groups in 2012 and 2013, but their structure, composition and staff (including the number of civil society representatives) have changed since then⁴⁹. Frequent structural and staff changes could have a negative impact on the efficiency of the working groups as a whole.

The working group is the main entity that brings together experts in the relevant field from different government bodies that can solve technical issues at their level. The chair of each working group is expected to be a competent leader who ensures that the group's activities are properly coordinated and organised to guarantee timely and high-quality results.

The working groups are usually structured as follows: (i) the head of the working group, who is a middle-level official at the relevant ministry (ii) the secretary of the working group, who comes from the Ministry of European Affairs, and (iii) members of the working groups.

Unlike other EU candidate countries, Montenegro relied heavily on civil society representatives as members of working groups. In addition, Montenegro included representatives of parliamentary committees in all working groups. Perhaps this is due to the small size of the country (about 600 thousand people), which needed all the available expertise for negotiations.

49) <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>

Sometimes discussions in working groups are not enough, and some issues require additional meetings with external stakeholders – for example, the Chamber of Commerce, or representatives of polluting enterprises when it comes to the implementation of the EU acquis in Chapter 27 – Environment.

The development of key documents, such as negotiation positions, is based on the bottom-up approach – from the WG, which is the first/lowest instance, to the final approval by MPs.

The chairpersons of each working group approve the initial drafts of the documents, and the working group further collaborates with the negotiators of the respective clusters to clarify specific details. Subsequently, these drafts go up the hierarchy, reaching the Chief Negotiator and, finally, undergo consideration by the Parliament and Government at later stages, including consultations with civil society organisations.

The negotiating structure primarily focuses on interaction with internal stakeholders (public authorities, business, etc.) rather than diplomacy with the EU as such. Consequently, negotiators need to negotiate at home with many ministries, politicians, bureaucracies and businesses.

The financial aspect of the negotiation process is also very important. In Montenegro, Ministry of Finance experts conduct a cost-benefit analysis for each negotiation position as it is prepared, assessing the financial implications for Montenegro. The MoF's reports accompany the positions but are not sent to Brussels; instead, they are used for internal decision-making processes.

North Macedonia

In North Macedonia, there are also 35 working groups for each chapter of the EU acquis. They were created back in 2005 at the same time as the publication of the first National Programme for Adoption of the Acquis Communautaire, when Macedonia was granted its candidate status. The activities of the working groups are coordinated by the

Secretariat for European Affairs. Working groups are usually chaired by representatives of the ministry with relevant competence.

For example, the main coordinator for the Chapter 23 (Judiciary and Fundamental Rights) working group is the Ministry of Justice. There are three subgroups in this working group, but the head of the Chapter 23 working group is the Head of the Sector for European Affairs of the Ministry of Justice.

From the experience of North Macedonia, the key thing in the negotiation process is the preparation of a national programme for the harmonisation of legislation with the EU acquis. In addition, the Ministry of Finance should prepare a programme of economic reforms. Also, line ministries should prepare their strategies. But in order not to lose focus because of the excessive number of documents, the key aspects should be captured in a national programme.

Chapter 23 (The Judiciary and Fundamental Rights) will be the most difficult one for North Macedonia. Agriculture is also problematic, although Macedonian farmers have benefited from EU assistance for 20 years. Significant problems are also expected with regard to environmental issues, as there are several factories in Macedonia that heavily pollute the environment.

In the process of negotiations, much more work is done concerning discussions at the national level than with the EU counterparts. The main task is to develop a negotiation position with stakeholders in the country on what and when should be implemented in national legislation. Accession negotiations are often seen as international negotiations, although in fact they are not.

Tools of motivation for civil servants

Training of members of negotiating teams and civil servants involved in the process of **Poland's** integration into the EU began back in 1991, when the country started implementing its association agreement with the EU, and civil servants began to gain their first experience of working with European

institutions. Over the following years, a fairly large-scale training programme for civil service specialists (including at the regional level) was conducted, involving hundreds of participants. It focused on obtaining basic knowledge about how the EU works, the specifics of the EU *acquis* structure (in force at that time), studying the mechanisms of work of European institutions, etc.

Later, this training programme was also expanded to the level of “end-users” of European legislation, in particular sectoral specialists in ministries responsible for the management of agrarian financial subsidies, cohesion funds and regional funds, funds from the EU budget received by Poland, as well as members of business associations, etc. At the regional level, specialists were also trained to perform proper programming and planning of the use EU money from cohesion or regional development funds, procurement under new European rules, etc.

Technically, such training programmes were usually funded through TAIEX and Twinning projects between Polish ministries and their counterparts in other EU Member States, or created as internal refresher training programmes within line ministries for their own employees. For example, such an internal programme existed in the Ministry of Agriculture and Rural Affairs for agencies that were supposed to manage the EU Common Agricultural Policy in Poland.

In **Lithuania**, no special motivational tools were used for civil servants who worked in the area of European integration. Work in the European Committee or European integration departments in ministries was considered prestigious as it opened up opportunities for career growth, in particular further employment in European institutions. For example, the European Committee had no problems with filling vacant positions. On the contrary, there were numerous candidates, which made it possible to choose the best professionals. However, it was so in the Ministry of Foreign Affairs and the European Committee, where, by the beginning of the negotiations, specialists had already received expertise on EU matters by interacting with

European institutions in the implementation of the European Agreement. However, civil servants of the relevant ministries lacked both European expertise and proficiency in English (for example, as of 1998, only 10–20% of ministry employees could communicate in English).

These gaps were eliminated by conducting numerous trainings funded by PHARE and other donors (EU Member States). Although approximately 700 civil servants attended general training courses on EU affairs from 1996 to 1998, these trainings were not systematic. In 1998, the Strategy of Training of Civil Servants in Preparation for EU Membership was approved, which set the goals, priorities and content of training programmes. For the effective implementation of the Strategy, a special Coordination Council was established, which consisted of representatives of the European Committee, the Department of European Law under the Government of the Republic of Lithuania, the Ministry of Foreign Affairs, the Ministry of Public Administration Reforms and local authorities, the Ministry of Agriculture, and the Ministry of Education and Science. The European Committee served as the secretariat and conducted inter-ministerial coordination of the training programmes, while the MFA was responsible for external relations with donors⁵⁰. It is noteworthy that the Coordination Council also included representatives of the Ministry of Agriculture, which obviously attests to the importance of this area for the negotiation process.

In **Serbia**, at the beginning of the negotiation process, civil servants who worked with European integration matters received higher salaries. However, this initiative was subsequently curtailed in order not to discriminate against other ministry employees. Currently, there is no difference between the salaries of the civil servants who are involved in the negotiating structure and, more broadly, in European integration, and those who are not⁵¹.

50) <https://www.sigmaxweb.org/1850942.htm>

51) Interviews with representatives of the Ministry of European Affairs of Serbia.

Albania provided financial incentives for civil servants who participated in the screening process. Screening was a very tedious procedure at times, with civil servants sometimes working up to 20 hours a day. Therefore, such incentives were designed to compensate for overtime work.

Albania is also working on a single information system that will contain all draft decisions in the process of European integration. The purpose of the system is to preserve institutional memory amid high staff turnover in the civil service.

Another important element of institutional capacity is the mechanism that involved training by the most skilled personnel of state bodies of their less competent colleagues.

In **Montenegro**, the heads of working groups and secretaries initially received additional remuneration along with regular salaries. The bonus ranged from 15% to 30% of the salary.

Subsequently, this additional remuneration was received only by the officials who worked with chapters related to the rule of law, in particular Chapters 23 and 24. This decision attests to the priority of rule of law matters and the importance of action plans related to these CHAPTERs.

The new government in 2020 considered the possibility of providing additional compensation to all the working group members. However, they soon realized that this would become a significant financial burden. In the meantime, they observed differences in performance levels across different workgroups: some were highly effective and others less so. In this regard, it was decided to terminate all additional financial incentives.

Currently, no one receives additional remuneration for participating in working groups. Probably, this is the reason behind the shortage of personnel for work within the negotiating structure.

When creating the institutional structure for negotiations in 2005, **North Macedonia** did not provide any special incentives to

civil servants. It was believed that every representative of the civil service is in charge of European integration, so work in this area does not require additional payment. And while bonuses might help attract qualified people to the civil service, they could also contribute to abuse of power when given to people close to the minister rather than those who are the most qualified or involved in European integration work.

Later, they considered providing a bonus equal to 30% of the salary in special circumstances. However, this idea has not yet been implemented, due to the risks of unhealthy competition between civil servants who receive the bonus and those who do not.

What worked effectively to attract qualified personnel to the civil service was a scholarship programme that operated in 2003–2005 with the support of donors. It provided a scholarship scheme for master's programmes abroad to study various aspects of European integration. After returning from training, the scholarship holders had to work in the civil service for 3 to 5 years (depending on the cost of training). The alumni of this programme went to work in the Secretariat and sectoral ministries, some of them still work there. This approach was also applied in Croatia. Such a programme is a long-term investment, and although it requires that an employee be released for 1–2 years for training, but since the negotiation process lasts longer, this makes sense.

Involvement of Civil Society Organisations (CSOs)

In the case of **Poland**, representatives of the non-governmental sector were invited to work directly in negotiating working groups (38 of them operated) to discuss and provide expertise on certain matters, but they did not have access to the full texts of negotiation positions. Moreover, these included not only “classical” representatives of civil society organisations, social partners or business organisations, or sometimes representatives of the academia, but even individual professionals (experts) in a particular field who had deep insider knowledge in a certain CHAPTER of the negotiation process.

A formal structure was also created – the National Council for European Integration – to receive consultations from representatives of social, expert and business organisations, as well as the academia. In total, there were 47 advisers, experts and representatives of CSOs in the sector. The members of this Council were appointed by the Prime Minister and the main purpose of its work was to receive expert support from the government on EU accession and negotiations, as well as to advise the Prime Minister on sensitive political issues related to the accession process (such as the creation of a land market, as mentioned above) and to arrange reasonable communication concerning these topics with society.

In **Lithuania**, the European Committee under the Government organised regular meetings with representatives of the non-governmental sector (business, trade unions, employers' organisations, consulting organisations, bar associations, the academic community, etc.) for consultations and clarifications on negotiation positions and plans for adapting European standards. According to the former Chief Negotiator of Lithuania, one of the most difficult areas to reach consensus was agriculture. Due to the lack of trust between the government and agricultural enterprises, the latter had doubts concerning the application of European standards and even resorted to lobbying their own interests at the European level at the expense of national ones.

In general, communication with the public about the negotiation process took place through the communication department of the European Committee. In this regard, well-informed journalists who professionally disseminated information to the wider public were helpful.

In **Serbia**, civil society representatives are not part of the working groups, and the new structure of the negotiating team involves them only when necessary. The government interacts with non-governmental stakeholders through the National Convention on the European Union, which includes more than 800 civil society organisations (CSOs), representatives of business, trade

unions, political parties and independent experts. Within the framework of the Convention, working groups have been formed for all negotiating chapters, headed by representatives of relevant CSOs.

The Convention facilitates regular consultations between government institutions and other stakeholders, monitors the negotiation process and informs the wider public about European integration.

As mentioned above, the government officially recognizes the Convention as the main representative of the non-governmental sector, as enshrined in the Guidelines for the Preparation of Negotiation positions. Although this document relates to the operational level of the negotiation organisation and has no legal force to oblige the government to consult with the Convention, such official recognition still adds credibility to CSO representatives in working with the government. First of all, it makes it easier to establish contacts with government working groups on various negotiating chapters.

However, in practice, the intensity of interaction between the Convention and the government may differ depending on the negotiating chapters. For example, with regard to internal market matters, representatives of the Convention rate cooperation with the relevant working groups as good – the government is open to proposals and CSOs do not have problems with access to government documents. It should be added that the effectiveness of interaction significantly depends on who coordinates the working group of the Convention: an expert with past experience in government bodies is more likely to quickly find a common language with representatives of government working groups, since he or she has a better understanding of internal processes.

Other studies, however, demonstrate that the recommendations developed by the Convention's working groups are not always taken into account by government institutions, and public discussions of action plans or draft laws do not always produce a constructive dialogue between the public and government representatives.

Therefore, the Convention has a limited impact on the negotiation process and the quality of European integration draft laws related to sensitive negotiating chapters, such as: Chapters 23, 24, and 35 (relations with Kosovo)⁵².

In addition to the Convention, there are other CSO initiatives in Serbia, which primarily focus on monitoring the negotiation process in separate chapters. For example, Coalition 27 works with issues related to Chapter 27 (ecology, climate change). PrEUgovor is an informal coalition of organisations that monitor commitments under Chapters 23 and 24.

In **Albania**, there are two advisory bodies created to involve civil society in the European integration process: the National Council for European Integration of the Parliament of Albania and the Partnership Platform for European Integration.

The National Council for European Integration of the Parliament of Albania was founded in 2015 in order to establish a dialogue between civil society, the Parliament and the Government.

The Partnership Platform for European Integration is designed to involve civil society, stakeholders, academia, and local government in the EU accession negotiations and the Stabilization and Association Agreement process. The platform was created because of the need to involve expertise from non-governmental sectors in the negotiation process. The platform also serves as a mechanism for consultations with stakeholders on European integration reforms. The Platform's Steering Board is chaired by the Minister for Europe and Foreign Affairs and consists of 15 members (including the Deputy Minister for Europe and Foreign Affairs, the Chief Negotiator, management level officials of MEFA and representatives from local government associations, civil society, business

community, employee associations and academia). In addition, 33 round tables have been created within the framework of the Platform in accordance with each chapter of the EU acquis.

The Partnership Platform for European Integration consults on:

- the draft negotiation position of the Republic of Albania on the relevant chapter of the acquis;
- the monitoring of European Union assistance;
- the drafting of the National Plan for European Integration or other plans in the framework of the European integration processes, etc.

An online survey of 122 Albanian civil society organisations showed that only a few CSOs are involved in formal structures such as the National Council for European Integration (3%) and the Civil Society Partnership Platform (11%). Participation in the negotiation and integration processes takes place through the networks to which the CSOs belong, as well as on their own initiative. The main challenges faced by CSOs include limited knowledge and capacity to follow the highly technical negotiation process. These challenges are compounded by a lack of information and financial resources for boosting their capacity⁵³.

Effective involvement of civil society in the negotiation process requires transparency in the work of the institutional negotiating structure, as well as consistent publication of key documents and regular communications on progress in the fulfilment of European integration commitments⁵⁴.

52) J. Marović, I. Stefanovski & I. Ivanovic, "Civil Society in the Western Balkans Involvement in the EU Accession Negotiation and EU Integration Processes from Initiatives to a Structured Dialogue", The Balkan Trust for Democracy, April, 2019, pp. 17-18.

53) <https://scidevcenter.org/wp-content/uploads/2024/05/Raporti-FES-web.pdf>

54) <https://scidevcenter.org/wp-content/uploads/2024/05/Raporti-FES-web.pdf>

In **North Macedonia**, civil society representatives were involved in explanatory screening. In this case, the screening took place online due to the COVID-19 pandemic. Occasionally, representatives of civil society are invited to meetings of working groups, for example, to develop roadmaps. However, there is no formal document that would regulate the involvement of civil society in the negotiation process, so the participation of CSOs is informal. Civil society is also involved in monitoring the use of European IPA funds⁵⁵. Individual representatives of civil society were also involved in the preparation of the National Programme for Adoption of the Acquis Communautaire⁵⁶.

Currently, discussions are underway in North Macedonia concerning potential inclusion of representatives of the civil society sector in working groups, as well as on the creation of so-called “small conventions,” or specialized advisory groups including representatives of the civil society sector (following the example of the National Convention in Serbia).

Since North Macedonia has long established an institutional structure for negotiations, it has already faced an outflow of personnel from the civil service. So, now there is a discussion about how to involve these people in the negotiations again as representatives of civil society.

Montenegro included representatives of the academia, chambers of commerce and industry, business associations, think tanks, CSOs and trade unions in the working groups. Extensive participation in working groups has proved to be a two-way street. On the one hand, businesses and interested organisations had the opportunity to express their concerns during the discussion on the implementation of the EU acquis.

On the other hand, they became aware of the future transformation brought about by European integration and got an opportunity to become better prepared for it.

The non-governmental sector was directly involved in the preparation of the Action Plans under Chapters 23 and 24. The involvement of civil society representatives in the working groups contributed to increasing the overall transparency of the process and provided an opportunity for other actors to submit comments on the measures and content of documents under Chapter 23 (putting pressure on the competent authorities to organise public hearings)⁵⁷.

However, CSO representatives have never had full access to the information held by the working group. Thus, in certain periods (before they won the right to access them), CSO representatives had had no access to the reports of EU expert missions, opinions of the European Commission on key laws, statistics sent by the working group to the EC along with reports on the implementation of the Action Plan for Chapter 23, etc.⁵⁸

Initially, CSO participation in WGs had a tangible positive effect, but pretty quickly this inclusiveness turned into a formality⁵⁹. The 2021 report of the European Commission in Montenegro emphasizes that “the role of civil society is recognised and promoted, however the current legal and institutional framework needs to be further improved to strengthen the consultation and cooperation mechanisms between state institutions and the civil society in the context of the EU accession process.”⁶⁰

55) <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>

56) <https://idsocs.org.mk/wp-content/uploads/2020/07/CSO-and-accession-negotiations.pdf>

57) <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>

58) <http://www.centaronline.org/userfiles/files/publikacije/comparative-study-civil-society-in-the-western-balkans.pdf>

59) <https://library.fes.de/pdf-files/bueros/belgrad/20077.pdf>

60) https://neighbourhood-enlargement.ec.europa.eu/document/download/6d45cc87-9d19-4f06-a49f-e3690cde3da4_en?file-name=Montenegro%202021%20report.PDF

Experience in negotiating transition periods

In **Poland**, the drafting of almost each of the provisions of the negotiation position required involvement of very high-quality technical expertise on the part of the negotiating teams, since purely political grounds for transition periods or exemptions from the EU acquis seldom worked in negotiations with the EU. For example, for Poland, the most difficult negotiation positions to form were those on metallurgy (analysis at the level of individual products and plants), the chemical industry (plant protection products), the food industry (for example, with regard to implementing the HACCP standard in each of the milk processing enterprises, it was necessary to justify the transition periods for investing in new equipment for almost every relevant company), etc. Ultimately, the candidate country's arguments concerning a certain exemption or transition period should answer three key questions: (i) "why is it necessary?", (ii) "how long (in years) will it take to adapt?", and (iii) "how will the country achieve this approximation during the transition period?".

For Ukraine, it is also important to determine an adequate internal deadline for completing the internal work on preparation for accession to the EU. In particular, such a deadline is critical for shaping the position of the country when, where, and why Ukraine will need some duly justified transition periods or temporary exemptions from the application of EU acquis. Poland, for example, during the negotiations was able to get about 40 such transition periods, although the experience of almost 20 years of Poland's membership in the EU proved that most of them were unnecessary in practice. Also, as the Polish experience shows, the relevant definitions and their wording are often developed under the pressure of internal groups of influence that protect their industries, rather than a really objective need for them, and have become the subject of rather tough negotiations with the EU.

But if such exemptions / transition periods are required within the national negotiation process, then in order to have a chance at negotiations with the EU, they must have very good reasons behind them, for example, that this or that sectoral case of approximation to the EU acquis will require significant years-long investments on the part of the candidate country or long-term building of the institutional capacity of the government in the sector, etc. It is also important to provide specifics on how the candidate country is going to complete the "residual" most difficult tasks of compliance with the EU acquis within 2, 4 or even 7 years after it becomes an EU Member State. The longest transition periods that Poland was able to receive from the EU were postponements in the implementation of European regulation relating to the acquisition of land by non-citizens of Poland (12 years) and the application of environmental standards in the energy sector (EU regulation on large combustion plants), which involved negotiations on each thermal power plant in the country and individual exemptions obtained in this area were valid until the end of 2017.

Lithuania received a total of 22 transition periods, 8 of which were in the agricultural sector (in particular in the field of phytosanitary standards, meat and dairy enterprises). Other transition periods were granted regarding licences for the sale of pharmaceutical products, transport (installation of tachographs, technical roadside inspections, and transportable pressure equipment), energy, environmental protection (for example, Lithuania received postponements until the end of 2015 to reduce air pollution by combustion plants)⁶¹. To be granted a transition period by the EU, the candidate country usually needs to negotiate each such case, providing technically and financially sound arguments to the European side. In this situation, consultation with domestic stakeholders in the country is key to determine which exemptions and why should be required during negotiations.

61) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52003SC1204>

Serbia is currently negotiating 20 chapters of the EU acquis, the negotiations are closed under 2 chapters, which had never required any significant transposition (25 – Science and research; 26 – Education and culture). Of the 20 negotiating chapters that are still open, Serbia asked for transition periods only for two: 15 – Energy; 27 – Environmental protection and climate change. Regarding Chapter 27, Serbia received 19 transition periods – all of which were described as necessary in the negotiation position. For Chapter 15, Serbia requested 2 transition periods (20 and 30 years) for nuclear waste management, but was not granted any. According to the EU Common Negotiation position: “The EU requests Serbia to provide further information to justify its request, as there are no clear grounds for granting such transition periods.” This example confirms the importance of providing the European party with strong arguments for transition periods.

Montenegro requested transition periods and some exemptions (including permanent exemptions). Some were easy to get because other candidates got them. Some are country-specific. To justify the exemptions, it is necessary to provide statistics and relevant data. Montenegro asked for a reduction in VAT for marina services, as these are an important factor in the development of tourism in the country.

CHAPTER 2

Key Takeaways from the Experience of the Candidate Countries and Recommendations for Forming Ukraine's Negotiating structure

Although the experience of accession to the EU of the above-mentioned candidate countries took place at different times, and the negotiating structures were built based on the national specifics of the public administration system, nevertheless, their experience might provide a number of key takeaways that will be useful for understanding the construction of key elements of the negotiation process and avoiding critical mistakes that accompany it:

Takeaway No. 1

The initial factor for the success of the work of any institutional structure of negotiations is the presence of a clear integration strategy in the country, which is supported by a medium/long-term programme of preparation for EU membership.

Each candidate country needs such a programme, and it should be developed by the government and approved as a government document. The programme greatly helps to structure the negotiations, organise a proper work planning process and calculate the amount of resources (financial, human, etc.) necessary for the proper approximation of national legislation to EU acquis. In practice, such planning of the accession process and its consolidation by the relevant decisions of the government makes it possible to clearly establish coordination, distribute the areas of competence and responsibility between different participants in the negotiation process and is, in principle, the minimum sufficient condition for the organisation of the “internal” part of the negotiation process and the formation of the country's negotiation positions. Also, the National Programme for the Implementation of the EU acquis should be a key strategic European integration document so that it does not get “lost” among numerous sectoral strategies, plans and programmes.

Takeaway No. 2

In order to be effective, political coordination of the negotiation process, must be based on the right balance of centralization and “horizontal” sectoral coordination.

In general, horizontal (sectoral) coordination of the negotiation process solves the key task of choosing its strategic goals and setting the government’s political priorities, as well as their communication to the EU and domestic audience. From the point of view of certain areas (chapters) of the negotiation process, in the process of political coordination specific sectoral strategies are determined and harmonized with the identified priorities of the government, including development of a strategy for communication with the public. However, it is also essential to come up with a mechanism of its vertical subordination, or to determine which government body (existing or newly created) will be authorized to coordinate the negotiation process at the political level, since it affects the future effectiveness of the coordination mechanism and serves as a cornerstone for building an atmosphere of trust with the relevant EU institutions. Situations when the formal negotiating structure exists only pro forma, and the preparation of negotiation positions and political coordination are, in fact, performed informally (or under supervision of a public authority that is not formally in charge of it) negatively affect the dialogue with the EU. Another problem that affects effective coordination of the negotiation process is transitions from one model to another, after the negotiation process has begun. In this case, the implementation of the necessary regulatory, structural and personnel changes de facto jams the negotiation process for some time.

Takeaway No. 3

Ensuring technical coordination of the negotiation process (at the level of working groups, development and coordination of negotiation positions) is, without exaggeration, fundamental to the negotiation process.

Establishment of a simple (and even informal) coordination process, distribution of areas of competence and responsibility between different participants in the negotiation process is, in principle, the minimum sufficient condition for the organisation of the “internal” part of the negotiation process and formation of the country’s final negotiation position.

However, it is highly advisable that the mechanism of such coordination be properly formalized, and the roles of each of the parties, the way they interact and resolve disputes at the technical (expert) level should be adjusted as closely as possible through relevant government decisions to ensure maximum involvement and contribution from all stakeholders involved, especially at the level of negotiating (working) groups, as well as between working groups and the negotiating team (to discuss final draft negotiation positions). Coordination and regular communication between the heads of the European integration departments of ministries are of critical importance; otherwise there is a risk of conflicts between the parties involved when it comes to negotiation positions resulting in delays in their development and inadequate quality.

Possible options for establishing such coordination (and dispute resolution) at the technical level might be based on the following examples:

- Montenegro: where, in order to solve this problem, each of the government bodies involved in the negotiating structure included representatives of the “horizontal” Ministry for European Affairs,
- North Macedonia: where State Secretaries of Ministries were members of the Working Committee on European Integration,
- Albania: where the heads of interagency (or sectoral) working groups solve problematic issues and disputes using a special formal platform – i.e., the Technical Committee (interagency working groups).

Another crucial task associated with technical coordination is to determine the correct place in the government hierarchy of the technical government body (office) that coordinates the work (processes) at the level of working groups and giving it sufficient powers to do so. In order to be able to exert influence on line ministries, this body should be higher up in the government hierarchy – for instance, it might be included the structure of the Cabinet secretariat and report directly to the Prime Minister – and its head should have sufficient political weight (formal and informal) to demand that the ministries fulfil the tasks of the European integration process.

The structure of the technical government body (office) should make it possible for this body to take the necessary decisions (in the interests of the government and working groups) on the key tasks of the negotiation process. In particular, in addition to purely sectoral departments (which supervise the adaptation of legislation in the context of negotiating chapters, as well as carry out cross-sectoral coordination), the office should ideally also cover:

- economic or cross-sectoral cluster of issues (for example, models of integration into the EU Single Market, assessment of the consequences of the implementation of EU regulations for individual sectors / economy as a whole/ budget),
- ensuring the real implementation of relevant reforms approved at the level of the law (in accordance with the steps specified in the national EU acquis implementation plan) by putting pressure on line performers,
- effective communication of European integration reforms and steps that the country makes (is going to make) within the negotiation process. Since some European integration reforms might be unpopular with the public, it is necessary to maintain honest communication and explain the reasons for the decisions made by the government, and official communication should be simple and trustworthy.

Takeaway No. 4

It is somewhat paradoxical, but the job of the Chief Negotiator of the candidate country is 90% focused on working with internal stakeholders, and only about 10% of the time is devoted to communication with the EU itself.

In practice, this means that the Chief Negotiator acts as a kind of “mediator” between different groups of influence within the country, whose interests are affected by the transposition of EU standards and, accordingly, the Negotiator must be a well-trained technocratic specialist. Such “internal negotiations” usually require finding compromises between the positions of different ministries and trying to convince them to set a realistic bar for sectoral requests in negotiation positions, and thus increase the chances of success in negotiations with the EU. The main problem here is that the initial negotiation positions are often distorted by the informal influence of different lobbying groups, even to the detriment of reaching compromises with the EU, and therefore the Chief Negotiator must have sufficient technocratic authority and technical expertise to convince stakeholders to compromise. On the other hand, the Chief Negotiator should have sufficient “bureaucratic” and political weight to gain some leverage over the public authorities involved in the negotiation process, and at the same time continue to lead the negotiation process regardless of political changes within the country (as a carrier of expertise and institutional memory).

Takeaway No. 5

The “final authority” in matters involving controversial negotiation positions should be assigned at the political level.

Very often, in countries with coalition governments, purely political conflicts between representatives of competing parties arise around the approval of final negotiation positions at the level of a certain political body that coordinates negotiations, but their resolution stalls because of the collegial nature of decision-making and/or excessive autonomy of the ministries involved. Therefore, a mechanism for resolving such issues should be established at the highest level, so that someone at the highest political level is in charge of final compromise (and often unpopular) decisions on negotiation positions and takes political responsibility. Usually, this role is assigned to the Prime Minister, but other options are possible, depending on the political system of the candidate country and its de facto negotiating structure (for example, in Ukraine during martial law, this function is performed by the President).

Takeaway No. 6

It is of critical importance to ensure the sustainability of the negotiation process at the level of negotiating / working groups.

If members of the Coordination Body / negotiating teams change at the political coordination level (PMs – Deputy Ministers), then professional civil servants in the working groups involved in the development of negotiation positions and the transposition of EU acquis should remain in their positions for as long as possible (at least for the duration of the negotiations). To preserve institutional memory and manageability of working groups at the cluster level, it is advisable to consider the possibility for “working group clusters” to be headed by specialized state secretaries of ministries protected from the effects of election cycles. Staff turnover in negotiating teams can lead to significant delays in the preparation of negotiation positions and back-pedal the entire negotiation process. Conversely, if personnel policy is effective, the specialists of the negotiating groups could make up an effective core of managers who might be delegated to work in the EU institutions immediately after accession.

Takeaway No. 7

Parliament’s involvement in the process of endorsing/approving final negotiation positions is an important factor in ensuring the transparency of the negotiation process.

The candidate countries applied different approaches to involving Parliament in the formation of negotiation positions, from a purely political model (for example, in Poland), when parliamentary committees discussed only the final decisions of the government team on negotiation positions (and MPs were not even provided with full texts), to direct and deep technical involvement of parliamentary committee members in the development of positions in individual working groups (i.e., in Montenegro). This, by and large, depends on the ability of the Parliament to contribute to the technical aspects of the negotiations, and at the level of the Parliament’s influence on government decision-making. However, it is also necessary to avoid excessive politicization of negotiation positions through “deep” involvement of MPs, which can prevent working groups from achieving compromises. But what matters most is the ability of the Parliament (namely its relevant sectoral and EU committees) to communicate effectively with the government (Office and ministries) on the adoption of the necessary changes to legislation and to reach compromises on problematic issues before they arise in the session hall and lead to delays in the legislative integration. Also, in the process of negotiations, the Parliament should perform its own (essential) function of parliamentary diplomacy with individual EU Member States, which have a significant impact on the approval of decisions to “green-light” / block the progress of candidate countries at the level of the Council of the EU.

Takeaway No. 8

One of the functions of political coordination, along with controlling the implementation of reforms and resolving conflict situations, is to create a spirit of healthy competition between government executives in the negotiation process.

In most cases, the system of motivation / punishment for immediate performers of the tasks within the accession process is constructed at the level of “ministers–prime minister”, the progress with work and “the rating of performers” is analysed during the meetings of the political coordination body.

Takeaway No. 9

Involvement of external (non-governmental) actors in the negotiation process is highly advisable, but at the same time should not entail loss of the manageability of the accession process for the government.

From the point of view of openness and positive public perception of the negotiation process, the involvement of non-governmental actors (CSOs, business associations, the academia, etc) is highly advisable, and the level of such involvement and its format is unique for each candidate country (from the creation of separate discussion platforms to full participation in working groups). However, it is important to ensure adequate representation of such stakeholders by selecting the most authoritative representatives in each category, otherwise adequate proposals for negotiation positions that could strengthen the government may go unnoticed among the plethora of other proposals from non-state actors. On the other hand, if the participation of non-state actors is purely formal, civil society may lose interest in contributing to the negotiation process.

Takeaway No. 10

Properly trained civil servants in line ministries (entities in charge) are indispensable to the success of the transposition process, implementation of the relevant legislation and development of adequate negotiation positions.

In addition to addressing the systemic issues associated with civil service reform, the negotiation process also requires civil servants involved in it to combine sectoral knowledge and experience with a similar expertise of EU law, proficiency in foreign languages (used in the EU), a profound understanding of the work of EU institutions, as well as the ability to negotiate with their European counterparts. A core group of such civil servants within each ministry is a guarantee that the process of negotiations and implementation of relevant reforms will be of high quality and will not cause objections from the EU.

Therefore, systemic education and training of civil servants are necessary to get them ready to support the accession process and interact with the EU institutions. It might be both a separate track within the overall civil service reform and a separate policy (for example, Lithuania had a special Strategy for Preparing Civil Servants for EU Accession and the government Coordination Council to implement it). This process can be supported in terms of expertise and finance both from the internal resources of ministries and from EU technical assistance programmes (including internships at EU institutions).

Another important issue is the introduction of a motivational system of bonuses above the basic remuneration for civil servants involved in the European integration tasks and/or accession process of the candidate country. There is no optimal solution here, since a significant gap in compensation between “European integration” specialists and other employees of line ministries will produce a pronounced demotivational effect on the latter (since they also de facto work on the implementation of European integration policies/reforms). Hence, to retain such specialists, it is necessary to apply a flexible system of bonuses and non-financial motivation (for example, opportunities to work further in the EU, compensation bonuses for acquiring specific knowledge in the field of EU policies, etc.). It is significant that the motivational system should be established at the very beginning of the negotiation process and should not change after a while as a result of political populism, which usually leads to a loss of confidence in the government and reluctance of sectoral professionals to work for the state.

Takeaway No. 11

Combining the functions of the Chief Negotiator and the political lead in the European integration process (the Minister for European Integration, for example) in one person is fraught with the risk of weakening the coordination of negotiations.

These are two very resource and time intensive areas of the accession process, which can be tentatively described as “external” (negotiations as such) and “internal” (fulfilment of the goals of legislative harmonisation and carrying out reforms). Therefore, if enough human resources are available, these positions are better off separated; otherwise there is a risk of gaps / slowdown in both processes.

Takeaway No. 12

Negotiations with the EU based on the principle of “package agreements” (obtaining transition periods or exemptions in a particular sector at the expense of concessions in other sectors) usually fail.

If there is a need to obtain specific exemptions / transition periods from the EU for a particular sector (cluster), then the arguments in support of such suggestions in the negotiations should be self-sufficient and convincing, without reference to other negotiating chapters (or other matters within the negotiation process).

Takeaway No. 13

Obtaining an exemption or transition period with regard to the application of the EU acquis in a particular sector should be duly justified. It is unlikely to persuade the EU to grant them through political or “package” agreements, or some technical manipulations.

Ultimately, the candidate country’s arguments for obtaining a certain exemption or transition period from the EU should answer three key questions:

- “why is it necessary?”,
- “how long (in years) will it take to adapt?”, and
- “how will the country achieve this approximation within the transition period?”.

It is also essential to set an adequate internal deadline for completing the internal work on preparation for accession to the EU, since compliance with such deadlines makes it possible to plan appropriate reforms during the exemptions / transition periods and, most importantly, to request adequate amounts of financial assistance from the EU.

CHAPTER 3

Assessment of plans for designing the structure of the negotiation process in Ukraine (as of the end of June 2024)

Immediately after the positive conclusion was made public in the Report of the European Commission on Ukraine's progress within the framework of the Enlargement Package in November 2023 (after the provision of recommendations for the opening of the accession process), Ukraine began preparations for the launch of the negotiation process.

The first step at the political level was the approval of general guidelines for the Government by the President ([Decree No. 744/2023 of 8 November 2023](#)) on measures to prepare for the negotiations on Ukraine's accession to the European Union. In particular, in order to form a negotiating structure, the government was supposed to:

- start consultations with the EU on the coordination of the organizational aspects of the negotiation process,
- draw up proposals for the delegation of Ukraine to participate in the negotiations,
- make changes to the mechanism for coordinating the activities and interaction of public authorities that will be involved in the negotiations.

After the official opening of negotiations with Ukraine in December 2023, the government presented a preliminary vision of the negotiation process and the institutional structure of the negotiations, which included (i) a negotiating delegation divided into separate negotiating groups; and (ii) an advisory coordinating body at the political level to organize the negotiation process and implement the provisions of European legislation; as well as sectoral expert groups to develop negotiation positions (a total of 34, with a separate group for each chapter of the negotiation process).

Also, to conduct the negotiation process, on 21 June 2024, a Delegation was formed, which is to participate in the negotiations on accession to the EU ([Presidential Decree No. 365/2024 of 21 June 2024](#)), which on June 24 took part in the 1st Intergovernmental Conference, at which it presented Ukraine's common negotiation position to the EU. Currently, Ukraine is at the stage of bilateral screening.

The Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine became the Head of the Delegation and the Chief Negotiator on the part of Ukraine¹. The Delegation consists of 35 members, including

1) Later, in September 2024, after changes in the government, the post of Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine was merged with that of Minister of Justice.

deputy ministers and heads of other CEBs, the Representative of Ukraine to the European Union, as well as 4 representatives of the Office of the President.

Work on the finalization of the negotiation structure lasted about six months and, finally, on 27 August 2024, it was approved by the government resolution on the Interagency Working Group on ensuring the negotiation process on Ukraine's accession to the European Union and the adaptation of Ukrainian legislation to EU law (hereinafter referred to as the IWG Resolution)². In accordance with this resolution, the main coordinating political body of the EU accession negotiations will be the temporary advisory body of the Cabinet of Ministers, namely the above-mentioned Interagency Working Group (hereinafter referred to as the IWG), which will meet at least once every 3 months.

At the political level, the IWG will be headed by the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine (hereinafter referred to as DPM), who will thus be responsible for the entire negotiation process. The composition of the group itself is currently formed on the basis of a broad collegial approach, namely, in addition to the purely "government-based wing" (DPM, Director General of the Government Office (secretary of the IWG), Deputy Secretary of State of the Cabinet of Ministers, representatives of ministries / CEBs and the Representative of Ukraine to the EU), both the Office of the President and the Verkhovna Rada will also have some representation and influence. It is also expected that the composition of the working group will be quite flexible and, if necessary, will change, depending on the current tasks of the negotiation process (relevant at a certain period). In addition, the IWG received the right to request information and invite to its meetings any other representatives of the government/CEBs, local authorities or state-owned enterprises, as well as representatives of the non-governmental

sector (representatives of academia, civil society, and business, and even individual independent experts), which makes the format of its work quite inclusive (and innovative when compared with the experience of other candidate countries), but at the same time it results in some overlaps (at the level of the IWG and working groups). It is also important that the technical support of the work of the IWG be carried out by the Government Office, whose representatives will provide both organizational and expert assistance to the Chairman and members of the IWG.

The key roles of the IWG are as follows:

- coordination of the process of forming (i) a consolidated negotiation position at the level of ministries / other CEBs and (ii) negotiation positions on negotiating chapters;
- political arbitration, namely solving problematic issues that arise during the formation of Ukraine's negotiation position;
- planning and monitoring the implementation of internal European integration reforms, for example, the recommendations of the European Commission or the tasks of the National Programme for the Adaptation of Legislation to EU Law;
- ensuring a bilateral dialogue with the EU to assess the progress of adaptation of Ukrainian legislation to EU law.

In accordance with the Resolution on the IWG, it is sectoral working (negotiating) groups that have been made in charge of the formation of negotiation positions on individual negotiating chapters and planning of work on the implementation of the provisions of European legislation in particular sectors. In total, 36 such groups have been created, which they will cover the issues of 33 sectoral (negotiating) chapters of EU law and 3 "horizontal" ones on economic criteria, the functioning of democratic institutions, and public administration reform.

2) Resolution of the Cabinet of Ministers of Ukraine No. 987 dated 27 August 2024 "Certain matters of provision for the negotiation process on Ukraine's accession to the European Union".

An analysis of the provisions of the IWG Resolution and the latest political changes in the Cabinet of Ministers (which took place on 4-5 September 2024) suggests that Ukraine is forming its own institutional structure for negotiations with the EU on the basis of a fairly centralized model, with a focus on political positions (members of the IWG and heads of working groups are usually deputy ministers/heads of other CEBs) and the dominant role of the relevant DPM (on European and Euro-Atlantic integration). Thus, after the recent “rebooting” of the government, Olha Stefanishyna, the current Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine, not only retained the positions of DPM and Chief Negotiator from Ukraine, but also was appointed Minister of Justice. Thus, all 3 key political positions that are crucial for conducting accession negotiations with the EU “converge” in one official; the Government Office has retained its place in the government system (in the CMU Secretariat) and will continue to act as the main technical office for the negotiation process and the implementation of the necessary European integration reforms.

The chosen model of the institutional structure of accession negotiations has both its advantages and challenges (risks). Based on the available official information and interviews with government representatives, and their critical analysis, we have come up with the following list of advantages and risks for the political and working (technical) levels of the negotiation process:

Political level – IWG

Advantages:

- Creation of a single “control centre” for accession to the EU and the concentration of powers on key areas of the negotiation process in the hands of one high-ranking official greatly simplifies the coordination of this process within the government. Thus, Olha Stefanishyna will simultaneously manage and control both the implementation of internal European integration reforms in the country (as the specialised DPM and the head of the IWG) and negotiations with the EU (as the Chief Negotiator from Ukraine and the head of the IWG), as well as supervise the key horizontal reforms in the Fundamentals cluster, which is of critical importance for the entire negotiation process (as the Minister of Justice).
- The IWG, as a mechanism for political coordination, has a rather flexible structure that will potentially ensure (a) taking into account the positions of all key stakeholders in the negotiation process and (b) the possibility to dynamically change the composition of the IWG to solve the most pressing tasks related to the negotiations (currently, for Ukraine, it is a matter of Fundamentals).
- In addition, the presence of such a single centre will simplify political and technical communication with the European Commission at the level of the President of the EU and DG NEAR, which are already accustomed to communication with the relevant DPM in the format that was used for fulfilling the commitments under the Association Agreement with the EU.

Challenges (risks):

- The greatest challenge for the normal functioning of the IWG is to ensure effective bureaucratic influence on the formation of negotiation positions, since formally the IWG has the status of an advisory body, albeit chaired by the specialised DPM. Accordingly, the question arises how effective this model is in ensuring the DPM's influence over ministries/other CEBs to make them implement some complex and unpopular reforms related to the approximation to EU law, as well as develop adequate sectoral negotiation positions. The experience of other candidate countries shows that the political coordination of negotiations is often carried out directly by the Prime Minister and is based on the political authority of the head of the coordinating body and/or the Chief Negotiator.
- The status of the IWG as an advisory body also raises the issue of having an “arbiter of last resort” at the highest level to resolve the most controversial issues of the accession process. Obviously, the format of “broad involvement” of all stakeholders in the work of the IWG is aimed at avoiding such situations in principle, but the experience of other candidate countries shows that such problematic issues (especially cross-sectoral ones or those that are unpopular among the public) still arise sooner or later, and final decisions are made, as a rule, by the Prime Minister, who bears political responsibility for them. With the IWG, the Prime Minister plays no role in the negotiation process, and its design does not even provide for a procedure that would allow the PM to be involved as the “arbiter of last resort” in the event of such issues.
- The concentration of all the main accession process tracks in the hands of the DPM on European integration—the Minister of Justice—the Chief Negotiator (as mentioned above), albeit simplifies the coordination of accession efforts within the government, results in an excessive load on one person who must simultaneously cope with these large-scale areas, each of which requires a high level of expertise, significant resources and constant attention. Each of these three positions in itself involves a full work load, hence, there is a risk that such excessive concentration will lead to an overload of the management system (the convergence of three such positions in one person might result in dispersion of attention and inability to devote enough time to each area), thwart coordination between different units, and result in delays in the negotiation process.

Apart from this, the concentration of the functions of the Chief Negotiator, the head of the Delegation and the head of the IWG in one person might generate significant risks if another political force comes to power in the country. Since the position of Deputy Prime Minister is political, it is obvious that with a power shift, the current Deputy Prime Minister will have to leave this position. A new person appointed to these positions will have to spend a very long time preparing before they start effective work. By separating these roles and appointing a politically independent technocrat at least to the position of chief negotiator, Ukraine could mitigate this risk somewhat.

In addition, the Ministry of Justice is one of the largest ministries in Ukraine with a wide range of functions. The coupling of this position with that of the Chief Negotiator might negatively affect the Ministry's efficiency in solving its day-to-day tasks. Euro-Atlantic integration is also a separate area of work that requires considerable effort and coordination with NATO partners, which has recently received critical priority.

- Also, the stability of the newly created institutional structure of negotiations will always be under threat due to the incomplete reform of the civil service, which, among other things, provided for the creation of a special “European integration” component within line ministries / other CEBs, which, however, has never been completed. Meanwhile, the preservation of sustainability and institutional memory is especially critical for structures such as the IWG and working groups, since the negotiation process might take a very long time.

Working (technical) level – working (negotiating) groups

Advantages:

- undoubtedly, a positive aspect for working (negotiating) groups in the proposed structure is the clear distribution of areas of responsibility and political consolidation of certain chapters of the negotiation process. Each of the working groups will be headed by a political representative of the relevant line ministry or CEB, whose political sphere includes work on the relevant chapter of the negotiation process (hence, one ministry/CEB can lead several expert groups), namely the deputy minister/head of the CEB. Although the resolution on the IWG does not specify it (except for two cases, the members of the IWG and the members of the working groups are deputy ministers), it is obvious that the working groups will be chaired by deputy ministers / heads of other CEBs on European integration. Such a structure will not only attach political responsibility for individual chapters of the negotiation process to the government but will also create a demand for teams of specialists within each ministry / CEB that will assist in the negotiation process (however, the process of forming departments for European integration is still at the implementation stage -- for details, see the section on civil service reform).
- Another important positive aspect is the creation in each working group of the position of secretary, which will be held by the relevant representative of the Government Office (with appropriate sectoral expertise). This is important for preserving institutional memory within the working groups and managing the negotiation process at the technical level in cases where deputy ministers or heads of other CEBs change at the end of political cycles. Firstly, such a configuration will make it possible to preserve the institutional memory and manageability of the processes in the working group after changes of the heads of working groups in political cycles (deputy ministers in Ukraine are political figures). Secondly, at their level, secretaries will be able to coordinate the work of purely “technical” specialists in ministries/CEBs, especially with regard to matters that affect several negotiating chapters at once (e.g., the European Green Deal) and provide them with the necessary support (for example, to ensure communication with stakeholders from the EU, if it has not yet been established). Thirdly, this channel will ensure the correct model of communication between sectoral ministers/other CEBs and Brussels, when instead of direct (and often disorderly) contacts between Ukrainian ministries and sectoral Directorates General (DGs) of the European Commission, information exchange and contacts will go through the “Government Office–DG NEAR” line, and from there the work tasks/communication process will be referred down to the level of ministries/DGs. This will make possible proper time management and resource distribution not only for Ukraine, but also for the EU, taking into account the mechanics of work of the European Commission.

- Another positive signal is that the working groups will be designed, just like the IWG, on the basis of a broad collegial approach, i.e., not only government/CEB representatives will be involved in their work, but also members of the European integration and sectoral committees and the VRU, representatives of the Office of the President and the Cabinet Secretariat, representatives of the non-governmental sector (business associations, public associations, associations of employers and academia, etc.). Although this may lead to some overlaps (see above), it will hypothetically help attract high-quality external expertise for the formation/justification of negotiation positions.

Challenges (risks):

- However, despite the fact that the IWG resolution mentions the option of involving a wide range of stakeholders in the development of negotiation positions, the very procedure for the activities of working groups and the mechanism for developing and approving sectoral negotiation positions are not specified at all, which could potentially generate conflicts at the level of ministries / CEBs or lead to delays in the development of negotiation positions.
- Also, the resolution on the IWG does not contain an answer to the question of how to design the process of forming negotiation positions on cross-sectoral matters (e.g., on the above-mentioned EGD matters, which simultaneously cover the issues of environment, energy, transport and agriculture) and the method of interaction of working groups concerning such issues. The adopted resolution on the IWG does not specify how such issues will be coordinated at the level of the IWG itself (it only mentions the general “coordination of the activities of working groups”), because these processes should also be coordinated at the level of the IWG and at the level of working groups, where the core technical work takes place (drawing up amendments to legislation, justification of negotiation positions with the relevant figures, etc.). However, due to the interviews, we know that the coordination of cross-sectoral matters (at the level of the negotiation process clusters) will be carried out by certain advisers to the DPM–Minister of Justice, who do not have any formal status, which raises questions as to their ability to formally influence the processes within the relevant sectoral working groups.
- The resolution on the IWG also fails to establish a clear mechanism for the development and especially approval (at the level of the Cabinet and the IWG) of sectoral negotiation positions, which could potentially lead to unnecessary delays in their formation. For example, will negotiation positions be approved only at the level of the IWG or will they also require approval from the Prime Minister and/or Parliament? How will preliminary versions of negotiation positions be developed at the level of ministries/other CEBs, and how will their final versions be approved at the level of the working group, etc.?
- As for the mechanism for involving non-governmental actors in this process, the IWG resolution mentions it only as an informal invitation for non-governmental players to join working groups and specifies selection criteria and responsibilities. Currently, this mechanism is in the process of development. It is supposed to identify such important points as criteria for the admission of non-governmental actors to participation in working group meetings, the procedure for discussing and taking into account proposals for negotiation positions, rules for ensuring the confidentiality of information at the stages of forming negotiation positions, etc.

Along with the preparation of the negotiation structure, attempts are being made to increase the capacity of civil servants to take part in negotiations with the EU and form negotiation positions, which has significantly deteriorated after the beginning of the full-scale invasion of the Russian Federation³ and led to a shortage of professionals in the civil service who can adequately assist in the negotiation process and the implementation of the EU acquis into national legislation. In particular, this refers to:

- gradual restoration of open tenders for civil service positions suspended for the period of martial law in accordance with the OECD/SIGMA recommendations,
- reform of the remuneration system for civil servants based on the classification of positions, which is to be launched in 2025 and will provide for a decent level of remuneration for civil servants,
- increase in the number and capacity of employees of the Government Office in terms of coordinating the activities of working groups and providing support to line ministries / other CEBs, given their special role in working groups and the rapid increase in the number of tasks after the completion of bilateral screenings and the de facto start of accession negotiations,
- implementation of short-term training programmes on European integration for Ukrainian civil servants who deal with European integration issues in cooperation with European institutions (e.g. Natolin4Capacity Building programme).

- another problem is the insufficient level of English proficiency (about 60% of civil servants lack it, according to the NAUCS). A number of educational courses have been launched to address this issue (e.g., the NAUCS project in collaboration with the educational organization EF Language Learning Solutions).

The involvement of civil society in the negotiation process is currently insufficiently formalized, coming down to rather general statements in the resolution on the IWG. The recently released invitation (see above) demonstrates that representatives of NGOs and think tanks will be included in the working (negotiation) groups directly (in particular, the DPM has announced the involvement of business representatives in the negotiation process⁴, and the selection of representatives of the non-governmental sector in the working groups is currently underway). Also, according to the interviewed government officials, all other formats of cooperation will be involved, such as consultations, discussions, public events, etc. (for example, non-governmental players have already been involved in the development of draft road maps in the Rule of Law sector (chapters 23-24) of the negotiation process⁵), and therefore the approach to involving non-governmental players will not be formally regulated, which should make it quite flexible. But on the other hand, such an “informal” mechanism will require a high level of trust between the government and representatives of the non-governmental sector and constant (rather than situational) involvement of non-governmental expertise and proper consideration of proposals from non-governmental participants in working groups. There were also proposals to create a broad advisory body under the Cabinet of Ministers of Ukraine, but there are no specific details concerning this matter yet.

3) For details, see UCEP study “Towards European Integration: A Study of Existing Projects and Stakeholder Needs in Ukraine” for ISAR Ednannia.

4) <https://www.facebook.com/UA.EU.NATO/posts/pfbid0rfJ9Uk-4DvnbN9x8ggBG8VDpVbE3cnS84DfnAerVQZzEmbTMk6B19Vgq-TM1Uok8bsl>

5) <https://www.facebook.com/goeei.ua/posts/pfbid02aoQPrT-CxHyar3Socw5kF3booUaXVFRiMEqGduQCTEKnb125xeB-ZVE7o6TrzGdjfI>

CHAPTER 4

Recommendations on the priority steps to be taken to ensure the sustainability of the institutional structure of the negotiation process in view of the public administration reform

The establishment of an institutional framework for EU accession negotiations should also be considered in view of the public administration reform, as these two processes should be aligned to ensure the necessary sustainability and continuity of the rather lengthy negotiation process. In addition, the requirement to implement this reform is part of the commitments undertaken by Ukraine.

Implementation of public administration reform is key for the effectiveness of policymaking and will have several important implications for the functioning of the institutional structure of negotiations, the most important of which are the following:

- Providing the basis for effective negotiation: its implementation can ensure a clear distribution of powers between government bodies, increase their capacity, as well as improve the coordination of the activities of various authorities in solving complex tasks of the accession and approximation of Ukrainian legislation.

- Fulfilling one of the accession criteria: the implementation of this reform is part of the country's commitments with regard to the Copenhagen criteria; in addition, it concerns Ukraine's actual ability in the future to function as a full-fledged member of the EU.
- Ensuring the long-term sustainability of the institutional structure of negotiations: the implementation of public administration reform is an effective tool for ensuring balance within the power triangle, which in turn is an important factor in curbing the politicization of the process.

In the context of civil service reform, the following recommendations for designing the institutional structure of negotiations are proposed:

1. Organization of effective and transparent coordination of the negotiation process:

- It is extremely important for ensuring the stability of the negotiation process. The creation of advisory bodies within the Cabinet system might serve as an effective solution for developing negotiation positions. However, first

of all, in order to ensure an effective negotiation process and fulfilment of obligations, it is necessary to give fresh impetus to the reform of public administration.

- The establishment of the IWG under the leadership of the Deputy Prime Minister is a useful but additional tool, as it does not play a major role in terms of policymaking and commitment fulfilment. It is important that this body function transparently and accountably, and its activities be aimed at ensuring the coordination of the efforts of various public authorities in the negotiation process.

2. “Modernization” of the Government Office for Coordination of European and Euro-Atlantic Integration and upgrading its role to that of the Directorate responsible for ensuring coordination of European and Euro-Atlantic integration within the structure of the Secretariat of Cabinet of Ministers of Ukraine (SCMU):

- This institution plays an important role in coordinating European integration at the working level within the country and in addition maintains working communication with the EU, in particular, it serves as a counterpart for the Directorate General for Neighbourhood and Enlargement Negotiations of the European Commission (DG NEAR).
- However, it should be borne in mind that the current structure and staffing were established at the stage of AA implementation. The negotiation process for accession is inherently more subtly structured and comprehensive. With this in mind, there is a need to strengthen the capacity of the Government Office (GO). This process should include an important component – i.e., a functional audit and analysis of the needs of the negotiation process on Ukraine’s accession to the EU, as well as the preservation of powers concerning Euro-Atlantic integration.

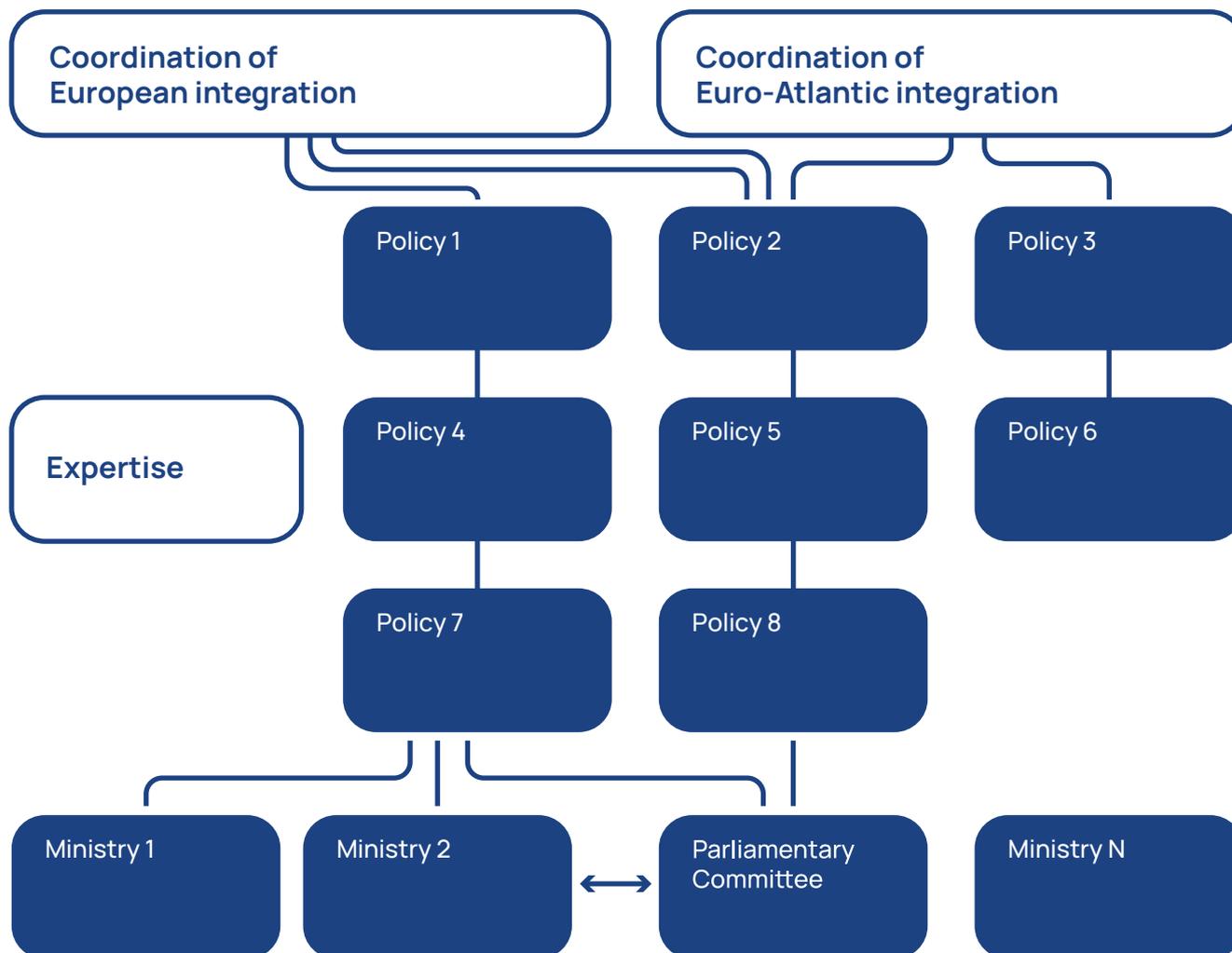
The approximate structure might be reasonably based on the layout of public policy, taking into account the need to ensure effective interaction with the relevant structural units of the ministries (see figure below). The staffing of the GO should be based on the needs and workload, taking into account the characteristics of the chapters within the negotiation process. At the beginning of the negotiation process, there may be a need to provide some units of the GO with a larger number of specialists in case of low capacity of the individual units of the ministries responsible for policymaking.

- It is also worth noting that the reform of the GO should be carried out as part of the implementation of changes aimed at strengthening the main body of the government core – the SCMU, since the functions of the government core are crucial at different stages of the negotiation process (cross-sectoral matters and compliance with policy documents, financing and state budget, priorities, etc.). Thus, the place of the GO in the structure of the SCMU should be that of a Directorate responsible for ensuring the coordination of European and Euro-Atlantic integration.

3. Reformatting and setting a clear-cut public policy framework for EU accession negotiations:

- The effectiveness of the negotiation process on Ukraine’s accession to the EU largely depends on the structuring of public policy in this area. Currently, there are numerous overlaps and “blind spots” with certain areas of the negotiation process that go non-covered by any politicians and, conversely, several ministries/other CEBs might work on the same area.
- In particular, the areas of competence of the Cabinet of Ministers of Ukraine should be specified and the structure of public policy should be approved by law, taking into account, among other

Potential scheme for reorganizing the Government Office for Coordination of European and Euro-Atlantic Integration as a SCMU Directorate



things, the distinctive structure of the negotiation process on Ukraine's accession to the EU. This will make it possible to synchronize the actions of different authorities, avoid dispersion of resources, and ensure consistent implementation of European integration commitments in the context of general public policy.

- It is crucial to properly structure public policy in order to ensure its consistency and effective coordination among all public authorities. Focusing on clearly defined areas of competence, ministries can be created that will be responsible for policymaking within these areas and directorates that will take care of

each component of the policy. This approach will help cover all areas of public policy, avoid gaps due to the lack of a responsible body, and ensure consistent policymaking in each area. This approach can also be used to improve the interaction between the Government and the Parliament, namely due to the use of a legally set list for the creation of VRU committees, as well as by aligning the structural units of the Government Office for Coordination of European and Euro-Atlantic Integration. Such structuring can be implemented by amending the Law of Ukraine "On the Cabinet of Ministers of Ukraine."

4. The institutional capacity of the negotiation process should be urgently strengthened:

- The insufficient number and low efficiency of the work of policy directorates in ministries create serious obstacles to policymaking and implementation, in particular with regard to the fulfilment of Ukraine's commitments to the EU.
- In particular, the following measures should be taken:
 - Amend the laws “On the CMU” and “On CEBs”: to lay down that the ministry is the executive body responsible for public policymaking and ensuring its implementation (and not vice versa, as it is now¹) and to transfer to the CMU the authority to determine the list of directorates in each ministry and their areas of competence (today it is up to ministers²).
 - Accelerate the establishment of policy directorates: it is necessary to complete the process of establishing policy directorates in all ministries as soon as possible, ensuring that they are adequately funded and staffed. Policy directorates should have the power to analyse policies, develop strategies, coordinate matters with other authorities and the public, and monitor the implementation of European integration measures.
- Ensure interagency coordination: it is necessary to create an effective system of coordination between the policy directorates of different ministries and other stakeholders (for example, the committees of the Verkhovna Rada).
- Establish an effective monitoring and evaluation system: this system will be necessary for the work of policy directorates as well as progress in the implementation of European integration measures.
- The importance of policy directorates for successful European integration lies in the fact that they should become key players in bringing Ukrainian legislation into line with EU law. In the future, the policy directorates of Ukrainian ministries should become full-fledged partners for the directorates of the European Commission, ensuring effective communication and cooperation within the framework of the negotiations and after Ukraine's future full-fledged membership in the EU.

5. The current mingling of positions of (i) Deputy Prime Minister for European and Euro-Atlantic Integration, (ii) Chief Negotiator and (III) Minister of Justice should be avoided as it places an excessive burden on one person and poses significant risks to the effectiveness of the negotiation process.

1) According to the current version of the Law of Ukraine “On Central Executive Bodies”, ministries are responsible for both public policy making and implementation. Ministries should ensure public policy making in certain areas. Instead, other central executive bodies (CEBs) perform functions aimed at implementing these policies. This distinction is intended to ensure a clear division of responsibilities: ministries focus on policy development and direction, while other CEBs focus on policy implementation.

2) According to Article 8 of the Law of Ukraine “On Central Executive Bodies”, it is the minister that approves the administrative structure of the ministry. This entails certain difficulties for the centralized establishment of directorates in all ministries, since each minister independently determines the structure of his agency, which may lead to a lack of a unified approach and impede coordination between ministries.

□ In particular, the following measures should be taken:

- Delegation of the powers of the Chief Negotiator: the most optimal solution would be to delegate the powers of the Chief Negotiator to an official who could focus exclusively on negotiating with the EU.
- Creation of the post of Deputy Chief Negotiator: the Deputy could take over part of the routine work, ensure effective communication between working groups and other institutions, as well as represent the country in some negotiations.
- Optimization of the structure of the Ministry of Justice: it is necessary to consider the possibility of delegating the administrative powers of the Ministry of Justice to other public authorities specializing in certain areas of policy implementation. First of all, to withdraw from the Ministry's administrative structure the units responsible for the implementation of the registration and penitentiary policies, as well as the enforcement service.

6. It is advisable to assign the duties of the deputy chairman of the working group on the implementation of EU law to the director of the policy directorate of the relevant ministry.

□ This will ensure:

- Continuity of work: even with a change in political leadership, the director of the directorate as a civil servant will continue to work on European integration processes.
- Institutional memory: the director will have in-depth knowledge of the area and experience of the previous stages of negotiations. He will be able to quickly bring the new head of the working group up to speed, ensuring a smooth transition.

- Synergy with the policymaking process: European integration will become an integral part of the overall policy of the Ministry.

□ This approach is in line with European practice and will contribute to the effective conduct of negotiations on Ukraine's accession to the EU.

7. Creation of separate cross-sectoral working groups within the Government Office is excessive. Instead of creating new units, it is necessary to optimize the work of existing ones, strengthening their role in coordinating cross-sectoral matters of European integration. This will allow for more efficient use of limited resources and ensure better coordination of work of all stakeholders.

□ Why it is a bad idea to create separate groups?:

- Overlaps of functions: this will disperse resources and make coordination between different units more difficult.
- Increased bureaucracy: The creation of new teams will require additional financial and human resources.

□ Coordination of such matters may well be performed by existing entities:

- Government Office: should focus on strategic planning and coordination of cross-sectoral European integration processes at the level of working groups.
- Cabinet Secretariat (SCMU): As the main body of the government core, the SCMU has sufficient resources and powers to coordinate cross-sectoral matters at the level of public policymaking in general.

□ How to address cross-sectoral matters?:

- Inclusion of representatives of all ministries responsible for specific policies in sectoral groups with potential cross-sectoral matters. This will ensure that the matters are considered in a comprehensive manner and that the interests of all stakeholders are taken into account.
- Joint meetings of sectoral groups: complex issues that go beyond one area can be discussed at joint meetings of the respective working negotiating groups. If complex cross-sectoral matters are not resolved, certain aspects may be submitted to the meeting of the main interagency working group chaired by the DPM.

- The best option involves active participation of relevant parliamentary committees in the discussion of negotiation positions. Discussion of negotiation positions and the results of negotiations with the European Commission is an effective mechanism for monitoring the implementation of European integration commitments and increasing interaction to prevent deviations from the obligations undertaken with regard to the legislative process.

8. Effective communication between Ukraine's EU accession negotiations delegation and the working negotiating groups should be ensured at the level of the heads of such groups.

- However, it should be noted that taking into account Ukraine's progress in the negotiation process, the heads of the working negotiating groups should be included in the main interagency working group. Currently, not all heads of working negotiating groups are included in its structure. This aspect will be particularly important after the opening of the clusters following the Fundamentals cluster.

9. The role of the Parliament in the process of European integration should be balanced.

- Involvement of the entire Parliament may slow down the process, and restrictions on its role could drive it away.



The Ukrainian Center for European Policy (UCEP) is an independent think tank for policy analysis and development, established in 2015.

Our mission is to promote reforms in Ukraine for sustainable economic growth and to build an open society in partnership with institutions at all levels.

Priority activity areas:

- development of expert-analytical materials to promote European integration reforms in Ukraine;
- promotion of European values among Ukrainian society;
- informing the public on opportunities and benefits of close cooperation with the EU;
- promoting enhanced economic, political, and trade cooperation between Ukraine and the European Union;
- informing the international community about the challenges and achievements of Ukraine's reform process under the EU-Ukraine Association Agreement.

The Centre of Policy and Legal Reform (CPLR) is not a classic human rights organization, but it is the value of human rights that determines the nature and purpose of the organization.

The Constitution of Ukraine, adopted in 1996, established high standards of human rights, the primacy of international law over national law, and established democratic institutions. However, it was clear that the adoption of the Constitution is only the first step, and its implementation requires a number of reforms in the political and legal sphere.

Since its inception and until now, the CPLR has focused on developing and facilitating reforms that will ensure democracy and the rule of law in Ukraine and lead our country to EU membership in the future.

According to the Copenhagen criteria, a state that aspires to be part of the European political community must ensure the stability of institutions that guarantee democracy, the rule of law, respect for human rights and the protection of minority rights.

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