



REPUBLIC OF MACEDONIA
GOVERNMENT OF THE REPUBLIC OF MACEDONIA
SECRETARIAT FOR EUROPEAN AFFAIRS

PROJECT TASK (SEP ToR 03/2009)

PREPARATION FOR THE PROCESS OF NEGOTIATIONS

1. INTRODUCTION

1. 1. Task Background Information

As a candidate country for EU membership, the Republic of Macedonia has clearly defined its determination to undertake its responsibilities resulting from the EU membership. The realization of the tasks originating from the Copenhagen criteria, which are the key basis for getting a date for start of the accession negotiations with the EU should be understood in this context. However, a priority objective of the Republic of Macedonia is not only getting a date for start of negotiations, but their successful bringing to an end, i.e. becoming a member state of the European Union as soon as possible.

Recently, the European Commission (EC) recommended that the Republic of Macedonia should get a date for start of the accession negotiations. As the negotiations also presuppose creating the preconditions and preparations for future successful functioning of the Republic of Macedonia as an EU member state, it is necessary to approach the process with utter dedication. Hence, while awaiting the near date for start of negotiations with the EU, it is necessary to support the responsible parties involved in the process, i.e. the future negotiations teams.

The integration of the Republic of Macedonia in the European Union in terms of adopting its achievements and values, as well as full adjustment of the Macedonian institutions with regard to the functioning of the EU institutions started since its independence in 1991 when the EU membership was declared as a strategic goal. The continuing progress in the integration process resulted in signing the Stabilization and Association Agreement in 2001 and its entry into force in 2004.

Gaining the status of candidate country for EU membership in December 2005 represented an important step forward towards the EU integration. As a candidate country, in 2006 the Republic of Macedonia adopted its Pre-Accession Economic Programme and in 2007 it adopted the National Development Plan for the period 2007-2009. With the passing of the National Programme for adoption of the Acquis Communautaire in 2007 (NPAA), and its revisions NPAA 2008 and NPAA 2009, the Government of the Republic of Macedonia, supported by the Parliament of the Republic of Macedonia set out the short-term and mid-term priorities in the process of EU accession.

In cooperation with all state institutions, the Government of the Republic of Macedonia is fully committed to meeting the conditions for EU membership. The priorities established in the European Partnership, the recommendations contained in the Opinion on the application for membership and the Analytical report, as well as the European Commission Annual Progress Reports for the Republic of Macedonia are the main indicator in formulating the Government policies.

In the light of the expectation for the date for start of EU accession negotiations, it is necessary to strengthen the capacities of the persons who will be directly involved in the process. Although the activities for their preparation are ongoing and consistent with all past activities in the process of EU integration of the Republic of Macedonia, it is obvious that the focus should be put on the improvement of their performances.

As a comprehensive endeavor, which has a fast dynamics of implementation, the negotiations require complete readiness of the state bodies and institutions, as well as on the part of

the structures, established for coordination and carrying out negotiations prior to the start of the negotiations process. The Project *Capacity Building for EU Integration* (SPFRE Fund), which is supported by United Kingdom and is aimed to strengthen the capacities of administrative structures for EU integration includes the provision of support to the teams for negotiations enabling them for more effective and efficient realisation of the upcoming process. This project task will also be realised within this framework.

1.2. Responsible Institutions/groups for the task implementation

1.2.1. Secretariat for European Affairs

The Secretariat for European Affairs has a central role as a body for coordination of the EU accession process and it carries the responsibility to organise, coordinate and synchronise the process of EU integration. Simultaneously, the Secretariat has a general responsibility for harmonisation of the national legislation with the *Acquis communautaire*, the translation of the EU legal acts, capacity building of institutions, coordination of foreign assistance and for informing the general public on the EU and the European integration process.

The coordination of programming and implementation of the foreign assistance coming from the European Union is a direct competency of the Vice President of the Government of the Republic of Macedonia in charge of European Affairs, as a national coordinator of the assistance and national IPA coordinator, and of the Secretariat for European Affairs (SEA) as his Office. The Secretariat for European Affairs is also a direct partner of the European Commission and serves as a channel for communication between the national authorities and the relevant Commission services.

For more information, please visit our Website: www.sep.gov.mk

1.2.2. Inter-agency working groups for harmonisation of the legislation

The working groups for preparation of the NPAA and the negotiations positions of the Republic of Macedonia (33 in total) were composed by the Government for each of the *Acquis* Chapters. The teams are chaired by high-ranking civil servants in the Ministries, competent for the relevant Chapter. Their main task is to plan, follow and report on the adoption of the *Acquis* on the level of the respective chapter, to carry out the preparations and participate in the process of verification of the level of national legislation harmonisation with the EU *Acquis* (screening), as well as to prepare the negotiation positions of the Republic of Macedonia in the process of negotiations for EU membership.

The groups include members from different Ministries and other institutions. The SEA, the Secretariat for Legislation and the Ministry of Finance are represented in each of the working groups.

1.2.3. Project: Capacity Building for EU Integration

The Project *Capacity Building for EU Integration*, supported by the British Embassy through the Strategic Programme Fund United Europe (SPFRE) aims to provide technical and consultative support to the Secretariat for European Affairs of the Government of the Republic of Macedonia in administering the European integrations process and to support the Government in providing a planned, coordinated and professional administrative response to the EU requests through 4 different, yet integral project components, namely:

1. Improvement of the legislation and procedures
2. Preparation of the process of negotiations
3. Human Resources and Change Management in the public administration
4. Communicating for Europe

Component 2 of the project – *Preparation of the process of negotiations* as the basis for this project task aims to facilitate the process of EU negotiations and to strengthen the capacities of the persons who will be directly involved in the process.

This Terms of References is under the frames of the project.

2. FRAMEWORK OF THE TASK

2.1. Mission/Task Objective

The concrete Mission objective is to support the working groups for preparation of the NPAA and the negotiations positions of the Republic of Macedonia for negotiations with the EU, in order to provide successful managing of the forthcoming process of negotiations for EU accession.

2.2. Mission Activities

2.2.1. Support to chief negotiator and negotiating team for preparation of the positions for negotiations of RM and providing practical advice and guidelines for successful coordination, communication and management of the negotiations process. The support should be carried out through counseling, which will contribute towards successful realisation of the Analytical overview (screening), reports from the screening, building the negotiations positions, as well as managing the overall process of the EU accession negotiations. The modules should especially include the following:

- Developing guidelines as preparation for the process of negotiations, steps at the preparatory stage (including the explanation on the manner in which the European Union is involved in each stage)
- Acquiring and maintaining control in the negotiations process, for each stage (including the process of decision-making in the European institutions with respect to the opening and closing of chapters and the system of benchmarks for opening and closing of chapters)
- Communications and monitoring of the details of the negotiations process, database of know-how
- Successful management of the negotiations process (managing and implementation of the screening process and the process of creating the proposed national positions on all chapters, the concept of derogations, transitional periods for implementation of the European legislation segments and protective clauses).

Through practical examples and transfer of experiences, the modules should provide input on how to best manage the negotiations process, and therefore offer a direct contribution for most successful management of the future EU accession negotiations.

2.2.2 Sharing practical knowledge and experience and developing skills to the active members of the working groups for preparation of the NPAA and the positions for negotiations of RM (approximately 80 persons, divided into two groups) through two modules. Coaching and training of the NPAA working groups should include practical advice and operative guidelines for successful support to negotiator and negotiating teams in the process of coordination, communication and management of the negotiations. The subject of the training should comprise of the modules explained in section 2.2.1 from backstopping perspective

2.2.3. Preparing recommendations and guidelines for negotiations. The recommendations and guidelines for negotiations should be based on the information acquired on spot, in the course of the working groups consultations, based on the findings regarding the level of their readiness and aimed at their successful handling of the overall process of negotiations. The recommendations should present a practical guide that in the future will enable the negotiations team, which will be composed of the working groups' members, to improve their professional performances for most efficient negotiations with the EU.

2.3. Expected results

2.3.1. Conducted two modules of consultation and mentoring of the main negotiation structures, chief negotiator and negotiating team. Consultation will result with sufficient understanding and knowledge for effective and efficient coordination, communication, management and control of the upcoming process of negotiations with the EU.

2.3.2. Prepared and implemented two modules for two-days consultations with the active members of the working groups for preparation of the NPAA and the negotiations positions of the Republic of Macedonia, which will improve the understanding of the negotiations process and will raise the level of their knowledge in order to provide successful backstopping management of the upcoming process of negotiations with the EU.

2.3.3. Document with recommendations and guidelines for negotiations of the future teams involved in the negotiations on establishing of systems and procedures which will help them manage the forthcoming negotiations with the EU in the most efficient manner.

2.4. Planning, implementing, reporting

Result	Description	When	With whom
2.3.1	Support to Chief negotiator and negotiating teams, through two modules of coaching and consultation (2 modules, 2 days)	December 2009 – March 2010	Chief negotiator and negotiating teams State Advisor - SEA; SPFRE Project Manager
2.3.2	Prepared and implemented two modules for three-days consultations and training (2 groups, 2 modules X 2 days for each module)	December 2009 – March 2010	Active members of the working groups for preparation of the NPAA and the negotiations positions of RM; Coordinators of the NPAA working groups – SEA; State Advisor - SEA; SPFRE Project Manager
2.3.3.	Recommendations and guidelines for negotiations	March 2010	Active members of the working groups for preparation of the NPAA and the negotiation positions of RM;

			Coordinators of the working groups for NPAA – SEA; State Advisor - SEA; SPFRE Project Manager
--	--	--	---

3. ORGANISATION

3.1. Task Implementation Team

In order to fulfill the results 2.3.1, 2.3.2 and 2.3.3 it is necessary to engage an expert.

3.2. Specific requests

The expert should possess the following qualifications:

- Participation in the process of negotiations for EU accession as part of the team for the preparation of negotiations and negotiation process of a country, which has already become EU member state or as its head of the EU negotiations team.
- University degree, or equivalent qualification, and at least 10 years proven experience in EU legislation and institutions
- Have a clear understanding of the EU integration and negotiation process, and be able to mainstream quickly the needs that are raising from the adoption of aquis.
- Excellent analytical skills.
- Be able to think strategically, as well as providing practical solutions

Technical offer

3.3. Timeframe (days)

The period of realisation of the mission will be December 2009 – March 2010.

Result	Number of days	Time period	Note
2.3.1.	4	December 2009 – March 2010	One group, two modules
2.3.2.	12 (2 X 2 X 2 + 2 days for preparation of the modules)	December 2009 – March 2010	Two groups are attending two modules, one module lasts for two days Two day preparation and reporting
2.3.3.	5	March 2010	Guidelines
Total	21		

The exact (proposed) dates should be part of the offer.

The Secretariat for European Affairs preserves the right to redistribute the days according to the

tasks, which will be subject of a written agreement.

The travel costs, per diems and accommodation costs should be specified in the offer. Apart from the total value of the offer, it should also include the value of each separate and single entry.

The payment of costs will be made based on the report on the implemented modules for consultations and the recommendations given and based on the realistically spent number of working days, not higher than the planned ones.

3.4. Logistics

In order to carry out the activities, the Project SPFRE and the Secretariat for European Affairs of the Government of the Republic of Macedonia will provide the following support:

State Advisors - SEA;
Heads of working groups for preparation of the NPAA and the negotiations positions of RM
Coordinators of the working groups on the NPAA – SEA;
SPFRE Project Manager
Logistics Officer, available throughout the whole mission

Payment: 30% within 30 days following the signing of the Agreement, 30% after the completion of the second module of consultations and 40% following the completion of the whole mission i.e. after obtaining the recommendations and guidelines for carrying out of the negotiations.

3.5. Bibliography and documentation

- National Programme for Adoption of the Acquis Communautaire (Revision 2009)
- Association and Stabilisation Agreement between the Republic of Macedonia and the European Community and its member states and the Additional Protocols (2001)
- ANALYTICAL REPORT for the Opinion on the application from the Republic of Macedonia for EU membership
- [http://www.sei.gov.mk/documents/eip/ANALYTICAL_REPORT_CO M\(2005\)562.pdf](http://www.sei.gov.mk/documents/eip/ANALYTICAL_REPORT_CO M(2005)562.pdf)
- 2007, 2008, 2009 EC Report on the Progress of the Republic of Macedonia
- Institutional platform and principles for carrying out the negotiations for accession of the Republic of Macedonia to the European Union
- http://www.sep.gov.mk/portal/eng/doc_pu.asp?id=387

All other relevant documents will be made available upon request by the experts.