

Quo vadis, North Macedonia?

Civil Service Reform-Compliance in the Context
of the EU Enlargement

Thesis submitted for the degree of Bachelor of Science

Sebastian Schade (s1979280)

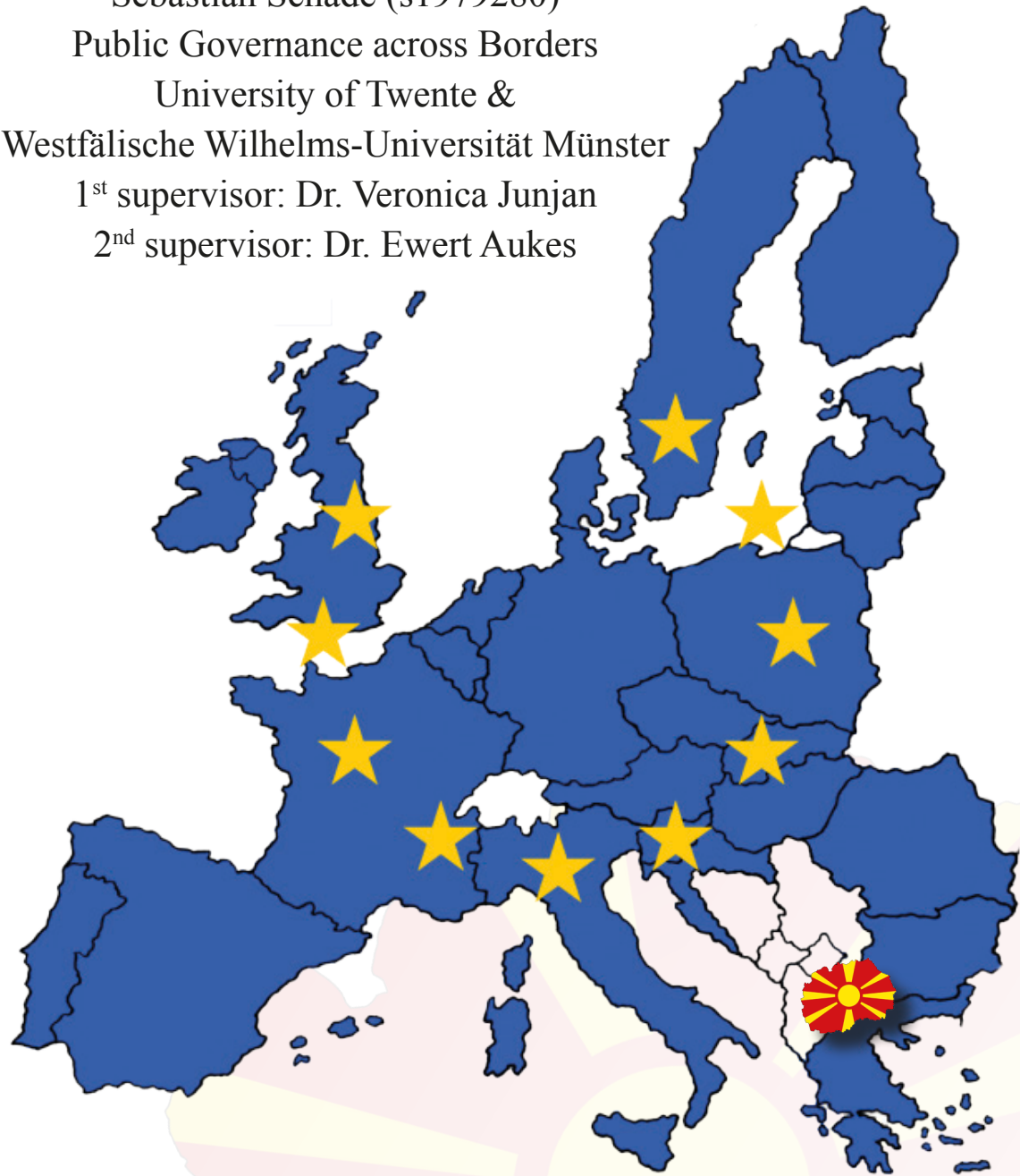
Public Governance across Borders

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1st supervisor: Dr. Veronica Junjan

2nd supervisor: Dr. Ewert Aukes



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Abstract

After the name dispute with Greece was put aside, North Macedonia encompasses higher chances of accessing the European Union (EU) than ever before. On the way of becoming a member state of the EU, North Macedonia must undergo several reform steps in order to comply with the EU accession criteria. Therefore, the EU practices outside pressures on the candidate country so that it receives a credible EU membership status. Reforming the public administration based on the Public Administration Reform (PAR) is one of the conditions the country has to fulfil as part of the *acquis communautaire*. The impact of the reform also entails the development of an accountable, transparent and effective civil service that serves its citizens on the highest possible standards. This raises the question whether North Macedonia meets PAR requirements. The longitudinal research explores EU reform compliance in North Macedonia on the basis of qualitative data in the form of EU monitoring reports ranging from 2005 until 2018. The mainly explanatory study offers new insights into the actual contribution of EU monitoring on the civil service reform compliance. The study concludes that EU monitoring consistency has an ambiguous effect on rule compliance.

Table of Contents

1. INTRODUCTION	6
1.1 RESEARCH QUESTION.....	7
1.2 THE THEORETICAL AND SOCIETAL RELEVANCE	8
1.3 CONTEXT OF THE RESEARCH.....	9
1.4 STRUCTURE OF THE THESIS.....	10
2. THEORETICAL FRAMEWORK	12
2.1 ADMINISTRATIVE CAPACITY IN THE PUBLIC ADMINISTRATION.....	12
2.2 PUBLIC ADMINISTRATION REFORM IN THE CIVIL SERVICE	13
2.3 EUROPEANISATION IN THE CONTEXT OF POST-COMMUNIST CANDIDATE STATES	15
2.4 MONITORING OF THE EUROPEAN COMMISSION.....	17
2.5 DOMESTIC FACTORS THAT DETERMINE THE LEVEL OF EU COMPLIANCE.....	19
2.6 COMPLIANCE WITH EU LEGISLATION AS GOAL ACHIEVEMENT	21
3. METHODOLOGY	23
3.1 RESEARCH DESIGN	23
3.2 THREATS TO THE RESEARCH DESIGN	24
3.3 CASE SELECTION AND SAMPLING	25
3.4 DATA COLLECTION	26
3.5 OPERATIONALISATION	27
4. ANALYSIS	32
4.1 ANALYSIS OF PROGRESS AND ENLARGEMENT REPORTS	32
4.2 EU MONITORING EFFECT ON RULE COMPLIANCE	47
4.3 ADDITIONAL FACTORS	50
5. CONCLUSION	52
5.1 ANSWERING THE RESEARCH QUESTION	52
5.2 SUGGESTIONS FOR FURTHER RESEARCH.....	53
5.3 PRACTICAL IMPLICATIONS FOR POLICYMAKER	54
6. REFERENCES	56
7. APPENDICES	60

List of tables and figures

Figure 1: Development of bilateral relationship	10
Figure 2: Theoretical expectation of the study	22
Table 1: Dimensions and indicators of the civil service reform	28
Table 2: Coding of EU rule compliance.....	30
Table 3: Coding of EU monitoring consistency.....	30
Table 4: Legal status of civil servants (based on author's calculation)	36
Table 5: Entrance examination and candidate selection (based on author's calculation).....	39
Table 6: De-politicisation of the senior civil service (based on author's calculation).....	42
Table 7: Training and development of civil servants (based on author's calculation)	45
Table 8: EU rule compliance (based on Dimitrova, 2005); Assessment based on author's calculation	48
Table 9: EU monitoring consistency (based on author's calculation)	48

Abbreviation list

CEE	Central and Eastern Europe
Commission	European Commission
Council	European Council
CSR	Civil Service Reform
CSA	Civil Servants Agency
EAS	European Administrative Space
EU	European Union
IPA	Instrument for Pre-Accession Assistance
LA	Law on Administration
LAS	Law on Administrative Servants
LGAP	Law on General Administrative Procedures
LCS	Law on Civil Servants
LPS	Law on Public Servants
MISA	Ministry of Information Society and Administration
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
North Macedonia	Republic of North Macedonia
OECD	Organization for Economic Co-operation and Development
OFA	Ohrid Framework Agreement
PAR	Public Administration Reform
SAA	Stabilisation and Association Agreement
Sigma	Support for Improvement in Governance and Management
URP	Urgent Reform Priorities

1. Introduction

Being elected as a member of accession in 2005, The Republic of North Macedonia (North Macedonia) was the first country in Central and Eastern Europe (CEE) to be under the scrutiny of the EU that is carefully monitoring the transformation process of the state (European Commission, 2005). Since 2009 the European Commission (Commission) recommends the European Council (Council) to open membership talks with North Macedonia just recently stressing that the country has ‘shown a strong determination to advance on the EU path and achieved results that are concrete and must be irreversible’ (European Commission, 2019a). However, the Council has postponed the decision on the EU accession to a later time.

Whether a European state is eligible to enter the European Union (EU) is dependent on many factors. Having the eastward enlargement in mind, the EU introduced political, economic, and juridical criteria in the accession process, namely the Copenhagen criteria (1993). These criteria lay down the administrative and institutional requirements to comply with the *acquis* and fulfil the requirements for membership. In essence, the candidate state has to adopt democratic values and norms which promote the transformation of post-communist countries. This has established the rules for accession and therefore strengthened the role of EU conditionality in the accession process (European Parliament, 2013). More recent members and candidates needed to develop their institutional capacities to be able to take on the *acquis* due to their history of communism. A variety of bilateral agreements have been used to manage and support this process (European Parliament, 2013). In general, recent years and the latest enlargements have also seen the development of broader and more stringent requirements accompanied by greater scrutiny of applicants throughout the accession process, allowing the Commission to assess a candidate's progress and if necessary recommend postponing the accession.

Besides the crucial role of the rule of law and economic governance in the accession procedure, the political criteria build a fundamental pillar of the enlargement process. Political criteria mainly focus on the Public Administration Reform (PAR) that aim to establish a well-functioning public administration with sufficient administrative capacity. Since the Commission declares the right to good public administration, the domestic governments need to guarantee the delivery of political decisions and the provision of essential services to its citizens (European Commission, 2005). As

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

determined by the EU, the professionalism of the domestic civil service that ought to guarantee accountability, efficiency, a high qualification among the civil servants and (political) independence becomes of utmost importance if a candidate state considers a credible Union membership (European Commission, 2005; Meyer-Sahling, 2009). Civil servants are usually top-ranked and highly skilled employees who serve the public's interest in government agencies, departments, offices, or other duties depending on the role and position (Markic, 2004). Hence, the Union stresses the significant feature of the civil service and necessity for strengthening administrative capacity through the further advancement of civil service reform (CSR).

1.1 Research question

The above-stated section introduces the central research question which is as follows: *To what extent does European Union monitoring contribute to the compliance with the Public Administration Reform in the civil service of North Macedonia between 2005 and 2018?* In other words, the thesis aims at analysing the compliance with reform legislation in the civil service of North Macedonia in a specific time frame, lasting from 2005, when North Macedonia became a candidate for accession, until 2018. In order to guarantee a well-structured approach to conclude the main research question and furthermore conduct an in-depth analysis concerning all relevant factors, this section introduces the following sub-questions:

SQ1) *What is the consequence of EU administrative conditionality on reform compliance?*

SQ2) *To what extent does North Macedonia's public administration comply with the prescribed civil service reforms of the EU?*

SQ3) *To what extent is the reform monitoring of the European Union consistent within the reform process?*

SQ2 and *SQ3* are analytical and serve as a leitmotif within the analysis. It is further argued that *SQ1* clarifies the theoretical assumption and asks whether EU administrative conditionality contributes to rule compliance. The main research question is of explanatory and descriptive nature, investigating the effect of EU monitoring (X) on the compliance with EU requirements in the civil service (Y). The unit of analysis refers to the candidate country named North Macedonia and its civil service. The setting takes place between 2005 and 2018.

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1.2 The theoretical and societal relevance

To study Europeanisation in the context of CEECs lacks empirical evidence in the fields of EU rule transition in the pre-accession procedure, EU governance, and enlargement (Schimmelfennig & Sedelmeier, 2005, Jusufi, 2018). Contributing to Europeanisation scholars, the research incorporates literature on EU enlargement and pre-accession compliance with the *acquis*. Whereas enlargement scholars argue that CEECs perform better in terms of EU rule compliance than older member states (cf. Sedelmeier, 2008), this study investigates the EU compliance prior to accession and the reputation-seeking of candidate states (Zhelyazkova & Schimmelfennig, 2013).

Given that the Commission does not dispose of treaty-based competences, the structure and coordination of the civil service remain in the hands of the candidate state. This interesting division of competences provides more reason to observe rule compliance in the pre-accession process while expecting post-accession reform reversals (Meyer-Sahling, 2011). Whereas Dimitrova (2005) and Meyer-Sahling (2011) study post-accession durability in the civil service policy, pre-accession compliance with civil service legislation remains a blind spot in academic literature (Dimitrova, 2011). That is why the innovativeness lays within the focus of performance monitoring in the civil service of a candidate state. Does EU monitoring contribute to EU rule compliance? Also, investigating the causal relationship between EU monitoring and civil service reform compliance at the country level detects valuable insights into the relationship between the candidate country and the EU. Consequently, discussing EU monitoring consistency in the accession process provides a fruitful subject to debate and research for other explanatory studies. The research will be of interest for scholars that aim at debating the effectiveness of enforcing prescribed rules on CEECs and the role of EU monitoring within the rule adoption process.

Assessed from a politico-administrative perspective, policy formulation, implementation, and evaluation have changed from a traditional Weberian approach to hybrid forms. (Pollitt & Bouckaert, 2017). Therefore, the politico-administrative role allocation has changed and, ever-more advisors and experts complement the process. This new approach constitutes a switch from a bilateral relationship between politicians and bureaucrats to an interlinked relationship with third parties and hence changes the politico-administrative dynamics within the EU which also bears

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

changes concerning the bilateral relationship between civil servants and state executives. (European Group for Public Administration, n.d.).

The civil service functions as an essential service provider for the citizens and is therefore of societal relevance. Becoming a member of the EU brings along changes within the nation. According to current numbers, 87 % of the North Macedonian population support joining the Union primarily thinking that the economy will improve after EU accession. Even the majority of the voters preferred the name change in order to receive a credible EU and NATO membership (International Republican Institute, 2018). Besides the economic benefit, the EU promotes peace and stability through democratic structures and the rule of law. Moreover, the EU improves the quality of life (European Commission, 2014). North Macedonia demonstrates an interesting example where the vast majority of the population is eager to join the EU.

1.3 Context of the research

This chapter clarifies the context of the research. First and foremost, the section provides an overview of the bilateral relationship between the EU and North Macedonia. To date, the EU has started several reform steps in order to prepare the country to join the Union.

Even before 2005, the EU has provided democratic and financial assistance to North Macedonia. After the collapse of communism, the relationship between the two parties emerged. The interest to reform the public administration after the fall of the socialist regime, and hence, change the state's administration in the name of democracy and the market economy has shaped the post-communist time. Still, changes have been moderate, especially in practice (Cierco, 2013).

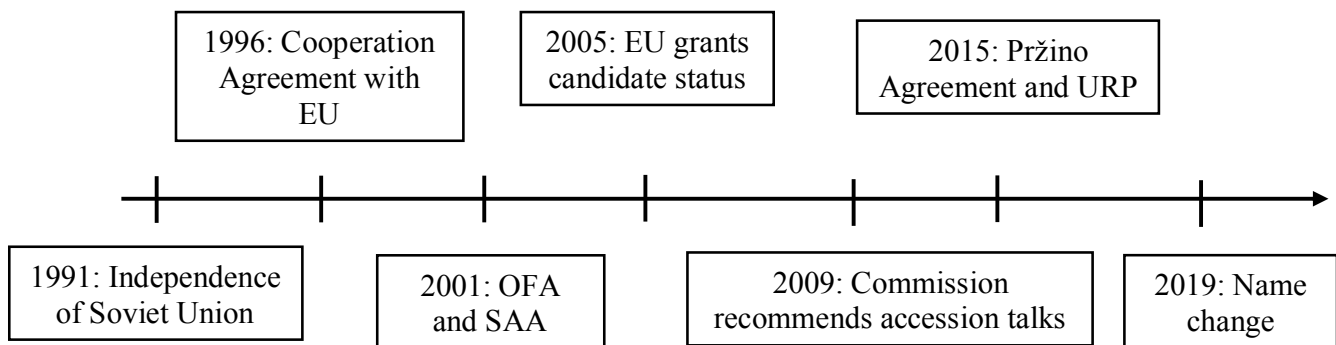
Since 1991, when North Macedonia declared its independence, the country undergoes a intense reformation process towards a democratic state with a functioning market economy (European Union, 2018). A Cooperation Agreement with the EU was signed in 1996. North Macedonia was the first state in the Western Balkans to sign a Stabilisation and Association Agreement (SAA) in 2001, getting granted a duty- free access to the EU market and a political framework for the integration process. After the country went through a crisis in 2001 when ethnic Albanian groups

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

combated in pursuit of greater rights which ended in the Ohrid Framework Agreement (OFA), North Macedonia concentrated on establishing democratic institutions and a stabilised economy.

North Macedonia formally applied for a union membership in 2004 and was granted candidate status by the Council in 2005. Since 2009, the Commission has recommended the opening of accession negotiations. As the serious political crisis in 2015 and the introduction of the Urgent Reform Priorities (URP) has tightened the relationship between the EU and North Macedonia, the country's stability suffered due to undermining democratic values. In the same year, the EU and North Macedonia resolved the crisis because of the introduction of the Pržino Agreement. Still, in 2018 the Council agreed to set out a path towards the opening of accession negotiations in 2019. Also, in 2019, North Macedonia – formerly known as the Former Yugoslavia Republic of Macedonia - has undergone a name change that resulted out of a decade-long dispute with Greece has paved the way for the European state to enter the Union. *Figure 1* visualises the development of the bilateral relationship graphically.

Figure 1: Development of bilateral relationship



1.4 Structure of the thesis

Chapter One presented the overall research topic in order to provide the reader with an approximate idea of the project. Chapter Two provides a theoretical framework reviewing the existing literature. The section presents the main theoretical concepts, on sectoral reforms in the public administration. The literature on Europeanisation lays out the reasons for rule adoption and focusses on EU monitoring as an instrument to affect rule compliance. Chapter Three deals with the methodological approaches of the study. After discussing the research design, *subsection 3.2* poses questions

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

regarding case selection and sampling. *Section 3.5* operationalises the theoretical concepts that were previously presented within the theory. Chapter Four presents the analysis of the Progress Reports and Enlargement Strategies. The second part of the analysis examines the relationship between EU monitoring consistency and rule compliance. Lastly, Chapter Six concludes the study. Besides answering the research and sub-questions, it presents the suggestions for further research and practical implications for policymakers.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

2. Theoretical framework

Chapter Two patterns a structure within the paper, providing an insight into theoretical foundations that pervade throughout the thesis. Therefore, this paper discusses administrative capacity in the context of EU enlargement as it promotes reform implementation in the public administration. It remains a key priority of the Union in order to comply with EU standards and ultimately receive a credible EU membership perspective. Within this thesis, the literature on Europeanisation focusses on post-communist candidate countries in the pre-accession period. The asymmetrical power-relationship between the EU and the candidate state prior to accession allows the EU to exert pressure on rule compliance. In this process, EU progress monitoring functions as an instrument to consistently supervise the reform process of the candidate states. The last section deals with determining factors for rule compliance. Ultimately, Chapter Two answers *SQ1*.

2.1 Administrative capacity in the public administration

Administrative capacity makes up an essential part regarding the implementation of public sector reforms. A well-functioning public sector that can implement precise policies contributes to the quality of the public administration. (El-Taliawi & Van Der Val, 2019). As Cierco (2013) stresses, neither contractual provisions nor legal guidelines regulate the domain of public administration within the EU. However, following the eastward enlargement, the EU recognised the substantial importance of the transposition from supranational law into national law and therein the crucial role of an effective public administration determining the successful implementation of the *acquis* (Cierco, 2013; Drechsler, 2005; Pollitt & Bouckaert, 2017). The lack of sufficient capacity in the post-communist countries to deal with the membership requirements was appended to the Copenhagen criteria subsequently when the Commission outlined the terms of administrative and institutional conditions.

With a particular priority on the organizational-operational capacity, El-Taliawi and Van Der Val (2019) identify that administrative capacity is most important for effective reform implementation. In this context, organizational-operational capacity relates to administrative capacity, which is defined as follows:

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

‘the ability of the government to manage its human and physical resources to deliver on its objectives. It focuses specifically on how policy implementation and delivery are organized, and how agencies and networks and their managers, responsible for delivering on policy promises, operate and perform.’ (Painter & Pierre, 2005: 2).

This shows that poor policy outcomes trace back to weak implementation capacity in the public sector (El-Taliawi and Van Der Val, 2019). The incompetence of the state’s administration to undergo fundamental administrative reforms evidences a lack of capacity in the provision of service delivery to citizens, policy formulation and other administrative functions (El-Taliawi and Van Der Val, 2019).

2.2 Public administration reform in the civil service

In the process of EU accession, the public administration reform remains a crucial element. In the domain of public administration programmes, the PAR relies on basic democratic principles of economic, political, and juridical implications set by the EU (Dimeski, 2011). As the public administration functions as ‘the apparatus through which decisions are executed’ (Cierco, 2013: 481), it consists of many elements including the civil service, the basic service provider within a country. The implementation of laws on the civil service ensures independence, transparency, and the professionalisation of the public administration (Cierco, 2013). However, the post-communist structures of CEECs instead demonstrate the non-professionalisation of the civil service and lack of efficiency in the civil service management given the administrative incapacity (Dimitrova, 2005).

Reforms in the public administration aim to harmonise politico-administrative features of the candidate states to create administrative unity, the so-called European Administrative Space (EAS) (Olsen, 2003; Staroňová, 2017). Meyer-Sahling et al. (2015) include the fundamental principles of civil service governance, such as openness, transparency, accountability, efficiency, and effectiveness. Thus, Meyer-Sahling (2011) lists eleven dimensions to address the civil service: (1) status of the civil service in public administration reform programmes, (2) legal basis for the civil service, (3) central co-ordination for the civil service, (4) open competition, (5) system of entrance examinations and candidate selection, (6) management and the de-politicisation of the senior civil service, (7) protection of civil service employment, (8) systems of evaluation and reforms, (9)

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

salary systems, (10) systems of training and development of civil servants, (11) systems of rights and obligations.

Scientific research stresses the significance of four civil service dimensions. Therefore, a professionalised and de-politicised civil service system is key in order to achieve successful implementation concerning EU rules on the national level during the accession procedure (Falkner & Treib, 2008; Cierco, 2013; Staroňová, 2017). To define the legal status of civil servants remains of utmost importance in the accession process (Dimitrova, 2005). Meyer-Sahling (2009) states that the law stabilises the public administration and promotes the objectives of the EU regarding the professionalisation of the civil service. Furthermore, the standardised examination procedure and fair candidate selection based on meritocracy aim at preventing favouritism and political patronage (Meyer-Sahling, 2009). Establishing a merit-system and open competition contribute to the effectiveness and professionalisation of the civil service, especially in the selection procedure to filter the most competent candidates.

The Commission emphasises the de-politicisation process of the civil service in order to develop political neutrality (Meyer-Sahling, 2011; Milenkovska & Remenski, 2016). Since the politicisation of the Senior Civil Service traces back to the communist legacy (Agh, 2013; Dimitrova, 2005), the political independence of the civil service is one of the most critical EU principles in the PAR (Meyer-Sahling, 2009). Finally, the EU values the development of policy area-specific skills in the civil service (Meyer-Sahling, 2009). Also, Dimitrova (2005) notes that the EU requires the continuous training of civil servants.

This subsection shows that the implementation of public sector reforms enhances the administrative capacity. Whereas administrative structures from the age of communism function as a burdensome factor concerning the reformation of the civil service throughout the EU accession process, administrative reforms in post-communist countries contemplate the shift towards a well-developed public administration to meet EU standards. In particular, the professionalisation of the civil service requires an effort of both the EU and the target country. Furthermore, this section emphasises the CSR. North Macedonia undergoes the reforms in order to meet EU standards. The exercise of EU administrative conditionality explains such phenomenon and is therefore further outlined in the following subsection.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

2.3 Europeanisation in the context of post-communist candidate states

The term Europeanisation denotes the adoption procedure of EU legislation at the national level. Due to the external pressures from the EU, national administrative institutions modify (Kapanadze & Dekanozishvili, 2016). Schimmelfennig and Sedelmeier (2005) refer to Europeanisation as external incentives set by the EU on target countries that are willing to adopt EU rules in order to receive rewards that lastly result in a credible EU membership (Schimmelfennig & Sedelmeier, 2005). Notwithstanding, the reinforcement by reward mechanism does not presuppose that a candidate state is an object to punishment in the case of non-compliance. On the opposite, adopting EU standards does not carry along additional rewards (Schimmelfennig & Sedelmeier, 2005). It is the country's responsibility to meet the criteria and thus receive EU assistance. On the other side, it is in the Union's interest to provide specific conditions.

An asymmetrical power relationship characterises the EU and the target country. The bargaining power of the target country is highly limited throughout the accession process. This restricts the possibility of the non-member state to exercise power. Hence, the relative bargaining power of the EU is higher than the bargaining power of the candidate state suggesting that 'a state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs' (Schimmelfennig & Sedelmeier, 2004: 672). The EU practices the top-down approach and substantially holds back two rewards, namely assistance and institutional ties, if the candidate states do not comply with the rules (Schimmelfennig & Sedelmeier, 2005). Schimmelfennig and Sedelmeier (2005) and Schweltnus (2005) distinguish between various models and mechanisms of EU rule adoption. The explanatory approaches display the existence of different mechanisms of Europeanisation. As a consequence thereof, the conditions that incentivise non-EU members to adapt to the pre-given rules are dependent on two dimensions: (1) the predominant actor in the adoption process and (2) the logic of rule adoption (Schimmelfennig & Sedelmeier, 2005).

The main actor during the adoption process can either be the EU or the non-member. The EU, as the principal actor in the process, requires full compliance with the EU *acquis* in all supranational policy areas and demands active leverage of its candidate states prior to accession. Hence, the transformation process is EU-driven provided the target country would not have considered the adopted rule if the Union did not promote it. Otherwise, the procedure is CEEC-driven as soon as

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

non-members initiate EU rules without the active intervention of the EU (Schimmelfennig & Sedelmeier, 2005). Successful European Integration depends on the adoption of EU rules in the candidate states (Zhelyazkova & Yordanova, 2015). Therefore, Europeanisation literature lays emphasis on the trajectories in the national compliance performance (Schimmelfennig & Zhelyazkova, 2013). Assuming that the EU initiates the transformation process following the 'logic of consequences' (Schimmelfennig & Zhelyazkova, 2013: 3), implies that the participating actors seek for maximisation of utility and welfare (Schimmelfennig & Sedelmeier, 2004). Given that non-members follow the 'logic of appropriateness' (Schimmelfennig & Sedelmeier, 2005: 9) indicates the internalised motivation to adopt new rules. Thus, identification serves as a motor for rule adoption rather than external incentives by the EU.

As Schweltnus (2005) argues, 'rule adoption can be driven by external or initial forces' (Schweltnus, 2005: 52) unfolding that the adoption either relies on promoting EU rules actively or the voluntary rule adoption of CEECs. The author elaborates that the procedure of rule adoption can never be regarded as solely dominated by the EU. Hence, the realisation and implementation of the rule transfers always depends on domestic aspects in the target country (Schweltnus, 2005).

As an executive instrument prior to accession, EU conditionality and the suspension of external incentives have been an impactful strategy concerning the adoption of democratic values and norms, promoting the transformation of post-communist countries (Meyer-Sahling, 2009). The Union's enlargement strategy and the dispersion of political norms just like democracy, the rule of law, human rights and peace, allow the EU to exert a high level of impact on the national institutions. Dimitrova (2005) employs the term administrative conditionality in order to address the reformation plans of the EU in the domestic administrative systems, including the civil service. Generally, the EU demands the professionalisation, impartiality, and political neutrality of the civil service as a condition in order to join the EU. Practicing EU conditionality and in addition to that setting external inducements must go along with the assurance so that it can be processed in the candidate state. As laid down by Schimmelfennig and Sedelmeier (2005) EU conditionality, works best if (1) the conditions are clearly defined, (2) rewards are quickly settled, certain and valuable, (3) the credibility of possible threats to restrain the remuneration is given, (4) minor costs for adoption and (5) the number of veto players is held low.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

To answer *SQI*, this implies that EU administrative conditionality can be a successful instrument if certain criteria are met (cf. Schwellnus, 2005). For instance, EU credibility initiates the candidate state to comply with EU legislation. Research on the pre-accession influence of the Commission in the domain of the civil service proves that EU conditionality plays a central role in the adaption process of the PAR, especially emphasizing the contribution of EU credibility (Dimitrova, 2005; Jano, 2016; Meyer-Sahling, 2011).

2.4 Monitoring of the European Commission

The instrument of the EU to supervise the reform process is progress monitoring. Preceding the accession of a candidate state, EU monitoring documents the progression or regression of an associated EU member in specific policy areas. EU policy monitoring inside of conditionality safeguards the documentation of the target country's process within comprehensive 'Progress Reports' and 'Enlargement Strategies.' Whereas the literature on post-accession monitoring and the national implementation performance is abundant (Zhelyazkova & Yordanova, 2015; König & Mäder, 2014; Sedelmeier, 2008), the literature on pre-accession monitoring and the role of performance measurement prior to EU membership is rather scarce.

Research conducted by De Bruijn (2007) and Rainey (2014) provides insights into public sector monitoring in schools, hospitals, and government agencies. Rainey (2014) concludes that successful policy implementation demands the monitoring of changes. König and Mäder (2014), as well as Zhelyazkova & Yordanova (2013), offer insights into EU monitoring and its influence on EU member states. In her work, Lantschner (2017) considers both pre-accession and post-accession monitoring. According to De Bruijn (2007), the monitoring process is divided between two actors that mutually exchange information: the manager (Commission) and the professional (candidate state). Rainey (2014) uses the terms employee (candidate state) and leader (Commission). At state-level, this implies that the Commission designs the process, assesses the implementation, and transfers the information to the candidate state (De Bruijn, 2007).

König and Mäder (2014) test the level of compliance between Commission that represents the centralised monitoring system of the EU, and the implementer, the member state. The authors claim that the EU monitoring is effective and results in the high level of rule compliance amongst the

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

member states. This mostly concerns EU directives that leave a scope of implementation to the implementing agent in order to adapt to the EU rule (König & Mäder, 2014). The authors conclude that rule compliance depends on ‘the probability of enforcement success and the potential sanctioning costs’ (König & Mäder, 2014: 259). Nevertheless, one could argue that monitoring prior to accession differentiates from the post-accession monitoring mechanism (Zhelyazkova & Yordanova, 2015). Throughout the process, the Commission possesses the power to start and terminate all proceedings in the case of non-compliance. Following Giandomenico (2009), the Commission obtains all the information and is, therefore, better informed than the member states in the accession process. Hence, the Commission must assess the EU Progress Reports due to the information deficit of the member states.

EU monitoring is transparent, which allows the foreseeability of the monitoring that applies equally to all states and thus reduces the risk of subjectivity. Additionally, it enables judgement and will stay context-dependent making it more than a technical tool. The IPA (Instrument for Pre-Accession Assistance) regulation of 2014 (2014-2020) formulates that political reforms shall be monitored in a pre-defined, clear, transparent, and country-specific way so that a measurement tool can be objectively assessed over time. That way the, progress towards meeting the accession criteria can be registered. The clear and transparent indicators by the Commission seem to continuously improve, however, as Lantschner (2017) states, the methodological approaches of the Commission seek enhancement.

Furthermore, Lantschner (2017) and Meyer-Sahling (2011) detect a backslide in reform implementation of CEECs in specific domains, including the civil service reforms after EU accession. According to the former, this raises questions about whether new tools need to be introduced concerning pre-accession monitoring. Monitoring requires indicators that measure the progress over a specific period. Therefore, she proposes consistency, which includes extensive and systematic reporting within the monitoring. In fact, monitoring needs to stay a manageable task for the agency; however, should include many domestic factors and indicators (Lantschner, 2017). Indeed, every candidate state departs from a different position when entering negotiations. Therefore, it is essential to monitor the main content but adjust the monitoring contextually, respecting specific indicators regarding the social, political, and economic situation within the state (Lantschner, 2017).

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Joining the Union requires continuous policy development and is therefore closely supervised. On these grounds, and in order to supervise the rule transfer of the target states, the EU is consistently monitoring rule compliance. Reform efforts in the accession-process should not be seen in isolation from the overall aim. While emphasising the blind spots in the accession process, candidate states should concentrate on the problematic policy areas so that the performance can improve progressively (Lantschner, 2017).

This section exhibits that EU monitoring should follow particular patterns to be effective (cf. Lantschner, 2017). Ideally, the Commission provides clear indicators, and follows a systematic and consistent approach while monitoring the progress with regard to domestic developments. However, Lantschner (2017) raises the question whether monitoring before the EU accession needs different mechanisms.

2.5 Domestic factors that determine the level of EU compliance

Demonstrating reform efforts and complying to the EU rules remains a key factor throughout the accession procedure. However, domestic developments and administrative structures can impede the rule compliance and hence, EU accession. Therefore, this subsection provides a theoretical overview of rule compliance and determinant factors that promote compliance.

Research of pre-accession rule compliance grounds on theoretical assumptions from Europeanisation and EU enlargement literature. The most prominent publications focus on EU conditionality (Jano, 2016). Besides that, Dimitrova (2011) and Giandomenico (2009) mention the historical-institutional perspective. This approach understands compliance as path-dependent and as a consequence of the historical past of the post-communist states. Jano (2016) conducts a comparative analysis researching the EU law compliance of SEECS in the pre-accession phase. He investigates the impact of several explanatory factors in order to comprehend compliance with EU legislation prior to accession. The literature on EU enlargement proposes that the candidate state is expected to comply with EU legislation in the pre-accession process (Jano, 2016; Schimmelfennig & Sedelmeier, 2005). Jano's (2016) empirical evidence concludes partial compliance with legislative acts in the pre-accession period. Additionally, the outcome presents a variety between and within the pre-accession states depending on the specific reform area.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Jano (2016) emphasises the impact of EU credibility as the determinant for pre-accession compliance. The scientific literature confirms that EU credibility is a decisive factor throughout the accession process (Dimitrova, 2005; Schimmelfennig & Sedelmeier, 2005). Credibility remains the dominant motivator for EU candidate states to comply with the prescribed rules (Schimmelfennig & Sedelmeier, 2005; Jano, 2016). Additional literature stresses that shortly after EU accession, EU rule compliance decreases, meaning that compliance changes over time depending on the accession stage (Jano, 2016; Meyer-Sahling, 2011; Sedelmeier, 2008).

Often, EU compliance relies on the domestic factors within the state. This finding is state-dependent; however, Jano (2016) argues that especially CEECs are subject to compliance difficulties. In general, the membership prospect is in the far distance, and costs of adjustment are larger, although domestic capacities and EU normative justifications are smaller (Jano, 2016). Besides the significance of the EU membership credibility, the author stresses additional factors that determine the level of rule compliance. As such, the government's attitude towards the EU law and the extent of political constraints, the relationship between the candidate state and the EU and the state's capacities determine the level of compliance (Jano, 2016). For instance, Dimitrova (2005) Schimmelfennig and Sedelmeier (2005) suggests that the key factors refer to a powerful EU credibility with a small number of veto players, pro-European attitude of the government towards EU law and the prevalence of a political will to implement the reforms. In conclusion, EU compliance requires an 'interplay of explanatory factors at both the EU and the domestic level' (Jano, 2016: 18).

In this context, Cierco (2013) points out that post-communist countries encounter unique constraints throughout the reform process, making rule compliance strongly dependent on social capital, just like the social trust in political institutions. Cierco (2013) also adds the importance of cooperation between stakeholders and institutions. The inclusion of civil society and non-governmental organisations (NGOs) contributes to sustainable reform compliance. Further on, the reform should be of long-term and the society willing to endure losses in the short-term (Cierco, 2013).

Implementation success depends on domestic factors, and it is therefore difficult to work out a general procedure. Recent research shows a trend to include stakeholders, third parties, and citizens in the reformation process (cf. Schwellnus, 2005). As already laid down in *section 1.3*, this recent

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

development can be mainly observed in developed countries. A modernisation process is path dependent and grounded on preceding policies. The governments of the affected states should develop mechanisms that support unique national conditions. Reforms should be seen in their contexts in order to assess how to design the implementation. Rule compliance is furthermore dependent on the organization's environment and the chosen adoption structure. Changes in the political environment cause agenda setting and prioritising. Consequently, sustainable implementation of reforms is rather hard to achieve (Rainey, 2014).

2.6 Compliance with EU legislation as goal achievement

Reform effectiveness measurements remain debatable and context-dependent. Rainey (2014) introduces several models of effectiveness measurement tools within public organisations. Depending on the assessment of organisational effectiveness. As König and Mäder (2014) argue, measuring the effectiveness of EU rule compliance is hard to achieve. In this respect, the authors stress that the states can still follow their own policy interests neglecting EU rule compliance. However, this aspect is rather applicable for member states as candidate states are generally expected to comply with EU legislation (Jano, 2016). Dimitrova (2005) reckons that a candidate state can disregard partial conditionalities if it awards no central significance to a particular policy area. Nonetheless, in this case, the state still has to satisfy the overall performance criteria in the accession process.

Dimitrova's (2005) study concentrates on civil service reforms in CEECs. In this regard, she distinguishes between three types of rule adoption: full, partial, or no reforms. According to her, full reforms constitute the implementation of civil service and public administration laws (basic laws) and reform strategies (secondary implementing legislation). The classification of partial reforms indicates that legislation concerning the civil service has been passed, however, has not yet been implemented and no reform legislation is scheduled to follow up several years afterwards. If no legislation passes, Dimitrova (2005) alludes that no reform has started. In her study, she evaluates a single case of full implementation regarding the civil service reforms in the CEECs.

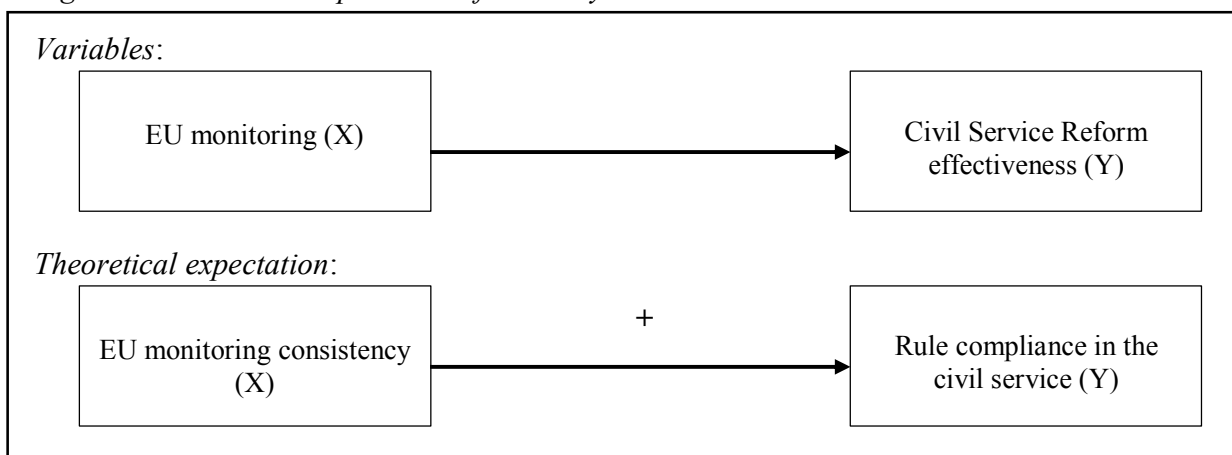
Today there has been little agreement on a conclusive model of assessing effectiveness. Organisational goals are often conflicting, especially short-term and long-term objectives, and

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

further, every organisation pursues different goals (Rainey, 2014). Rainey (2014) refers to this phenomenon as goal ambiguity. Measuring effectiveness can be done through measuring goal achievements through the monitoring reports (Rainey, 2014). The goal approach assesses its effectiveness by looking at whether the organization achieves its goals or not. The EU sets goals that the candidate state has to fulfil in order to receive a credible membership prospect. As a result, it is contended that if the candidate fulfils a goal, this implies that the candidate state complies with the EU rule.

The last two subsections clarify that rule compliance depends on domestic developments within the state. Factors, just like the political commitment of the government towards the reform process, social acceptance amongst the citizens and the inclusion of third actors in the reformation process contribute to rule compliance. *Subsection 2.6* develops a theoretical framework on how compliance can be assessed. In sum, the theoretical framework suggests that public sector reforms increase the administrative capacity in the post-communist states. This contributes to the understanding of EU administrative conditionality, which is an instrument to enforce the compliance with EU reforms. A mechanism of EU conditionality refers to EU monitoring. The EU should monitor the reform process of the candidate states in a consistent way to ensure reform compliance. With the theoretical framework in mind, the following expectation is formulated: *The more consistent the EU monitoring is, the higher is the level of compliance concerning the civil service reforms in North Macedonia.* Figure 2 visualises the transition from the variable to the theoretical expectation.

Figure 2: Theoretical expectation of the study



Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

3. Methodology

Chapter Three discusses the methodological approach of the study. This information strengthens comprehension and allows the replication of the research. Therefore, the first section displays the rigorousness of the applied research design. The following section describes the case selection and sampling decisions. *Subsection 3.4* explains the data collection. Concerning the analysis, *subsection 3.5* presents the operationalisation and coding process of the two main concepts ‘EU rule compliance’ and ‘EU monitoring consistency’.

3.1 Research design

A research design generally refers to how research is conducted (Babbie, 2007). To assess the rigorousness of the research design, Yin (2015) suggests analysing five components that determine its quality of the design: *study questions, study propositions, unit of analysis, linking data to propositions and interpreting the findings*. First, the author proposes that the central study question, as well as, the sub-questions should be reflected within the substance of the study. The research question of the explanatory and descriptive study investigates the relationship between EU monitoring and its effect on the compliance of the civil service reform. Hence, the present study investigates the effectiveness of EU monitoring in the civil service of North Macedonia between 2005 and 2018. The identified research design is a longitudinal study because of the lengthwise measurement.

The study proposition derives from the theoretical expectation of this research and goes as follows: The more consistent the EU monitoring is, the higher is the level of compliance concerning the civil service reforms in North Macedonia. The independent variable (X) is the EU monitoring. The dependent variable is the extent to which North Macedonia complies with the reforms in the civil service. The unit of analysis refers to the EU candidate country named North Macedonia and its civil service. The research operates on country-level and follows a holistic single case design. This is because North Macedonia functions as a closed entity. The procession of data can happen in multiple ways following many approaches (Yin, 2015). In this case, the policy documents will be evaluated and coded based on their wording. The qualitative content and document analysis is based on EU monitoring and enlargement reports, which annually report the progress with EU legislation.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

3.2 Threats to the research design

In social science, the quality of the research design can be judged based on four criteria (Yin, 2015): *construct validity, internal validity, external validity, and reliability*. Critics of case study research claim that the selected measurements are subjectively chosen and disregard 'to develop a sufficiently operational set of measures' (Yin, 2015: 34). Using multiple sources of evidence is one way to satisfy this claim. In the thesis, EU progress and enlargement reports serve as the main source of evidence. As a first-hand source, the EU collects and processes the data. Hence, the data can be perceived as inherently biased, supposing that the mono perspective of the EU constitutes a threat to validity. Contrarily, the data seems to be reliable because of the credible way the EU collects data (Flick, 2014). Jano (2016) faces similar concerns; however, he argues that the qualitative evaluation of the Commission can be considered as valid, given the fair assessment of the institution in the accession procedure. He argues that the Commission objectively assesses EU rule compliance since prior EU enlargements of the CEECs have set 'clear and precise benchmarks' (Jano, 2016, p.4) regarding the member state's progress, even though the data quality cannot be observed by the researcher who processes the information (Bowen, 2009). Still, this study considers additional data from the Macedonian government and other institutions to counterbalance potential biases.

Threats to internal validity only concern explanatory studies in which establishes causality between X and Y (Yin, 2015). The present study examines the relationship between EU monitoring (X) and its effect on the civil service reforms in North Macedonia (Y). Tests on internal validity mostly question the spuriousness of the relationship (Yin, 2015). With the chosen research design, it is somewhat problematic to check on the correlation and non-spuriousness. However, the research can encounter these issues with the method through the possibility to cross-check data. Hence, a policy document analysis, besides potential limitations, also possesses several advantages (Bowen, 2009). The method is less time-consuming and less costly. Furthermore, policy documents, especially published by the EU, are a public domain and thus accessible for everyone. Additionally, the Progress Reports follow a specific pattern over a particular period implying that documents 'are suitable for repeated reviews' (Bowen, 2009: 31). Because of that, the limitations of the research design are only potential threats that are outweighed by the advantages of a policy document analysis.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

3.3 Case selection and sampling

On the grounds of the recently resolved name dispute with Greece that has been blocking EU and NATO membership for North Macedonia for decades, a possible EU accession of the European state has again encountered public attention. Although North Macedonia illustrates an interesting and understudied example of a unit of analysis when referring to PAR and civil service research, a lot of empirical research is conducted concerning the reform steps undertaken by the EU8 that joined in 2004, Bulgaria and Romania (2007) and Croatia (2013) (Giandomenico, 2009, Schimmelfennig & Zhelyazkova, 2013; Dimitrova, 2005). North Macedonia was officially awarded EU candidate status in 2005. Thenceforward, the Commission annually publishes monitoring reports. Until today, thirteen progress and twelve enlargement reports serve as main data.

The specification on EU compliance in one specific EU candidate country in a particular policy area arises due to the limited scope of the study and to keep the data collection manageable. The feasibility of data is one of the main aspects to consider when facing sampling decisions. Even just considering one case does already imply facing sampling decisions which refer to the 'times, settings, or individuals [selected] to observe' (Maxwell, 2009: 234). In qualitative research, purposeful sampling is one of the most practiced sampling strategies. It refers to cases that are chosen to be investigated due to the provision of important aspects (Maxwell, 2009). In this case, even a small sample which has been subject to purposeful selection provides more valuable information than randomised variation. Purposeful sampling studies information-rich cases for an in-depth analysis (Patton, 1990).

North Macedonia is a single holistic case (Yin, 2015). Following Seawright and Gerring (2008), a deviant case study involves one or more cases that deviate from each other. Small-N studies are commonly deviant case study types. The method implies that the case deviates score an unexpected value related to similar cases (Seawright & Gerring, 2008). This includes outliers or cases that superficially appear to not correspond to the general proposition. Northern Macedonia is a post-communist country with a turbulent past regarding ethnical conflicts and political instabilities. Once the Western Balkans pioneer in terms of bilateral relations with the EU (Giandomenico, 2009), the CEEC was far away from EU membership in the last years. Even other Western Balkan

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

states, which were only appointed candidate states long after 2005, had overtaken North Macedonia in the reform process. Not only the name dispute with Greece, but also political unrest, severe cases of corruption, and continuous disregard for the Commission's proposals further delayed accession although North Macedonia consolidates institutional ties with the EU.

No case can satisfy the common complaint that case studies are hard to generalise (Yin, 2015). Nonetheless, they provide a basis for analytical generalisability rather than statistical generalisability. The former applies to case study research and aims at generalising particular outcomes to a broader theoretical assumption (Yin, 2015). The generalisation on a theoretical rather than statistical sense is a subject to qualitative studies (Flick, 2014). Seawright and Gerring (2008) point out that neither a randomised case selection procedure nor pragmatic selection approaches guarantee overall representativeness. Thus, the case selection process must be purposively applied (Yin, 2015). Even though the outcome provides a basis for new findings in an unspecified and less representative matter, the results could be a fruitful fundament for further discussion in this domain due to its contribution to a long-term analysis of determinants of public sector reforms.

3.4 Data collection

The methodology of the study recommends a document and content analysis. It acquires data from EU Progress Reports and Enlargement Strategies (*Annex I*) which function as a unit of observation. As Jano (2016) points out, the reports assess EU rule compliance systematically and comprehensively. Policy monitoring enables to observe whether reform implementation is sufficient and appropriate. Hence, progress monitoring is context-dependent and enables judging (Lantschner, 2017). The Commission aggregates the data, evaluates and publishes it via Progress Reports or Enlargement Strategies that assess the status quo of reform implementation of the candidate country and advises reform priorities (European Commission, 2019b). Hence, the regular reports on the reform process serve as the 'most authoritative source' (Meyer-Sahling, 2011: 11). *Annex I* lists the specific documents within the analysis.

The EU governments demand the Commission to report the reformation progress of the candidate states annually. Reporting the progress enables the EU to assess the compliance with EU legislation that needs to be implemented before joining the Union. The qualitative approach assesses

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

‘institutional, legislation, and policy change’ (Jano, 2016: 4). Furthermore, the reports concentrate on relative, rather than absolute outcomes. Therefore, the starting point of the candidate country and the status quo of EU rule compliance need to be considered (Jano, 2016). In total, 25 reports observe the progress in the civil service of North Macedonia. In 2016, the Commission decided to move its reporting cycle of the Enlargement package from autumn to spring. Due to the new reporting cycle, no Enlargement package was adopted in 2017 (European Commission, 2016a).

3.5 Operationalisation

This subsection describes the operationalisation of the theoretical concepts that were introduced within the theoretical framework. In applied research, Maxwell (2009) states that operationalising the theoretical concepts is a rather flexible process. This section includes the operationalisation and coding of the two variables ‘rule compliance’ and ‘monitoring consistency’.

Coding procedure

The data analysis assumes that the type of evaluation makes it possible to reduce the complexity of the data in such a way that the results are manageable (Flick, 2014). It ‘requires decisions about how the analysis will be done’ (Maxwell, 2009: 236). In that event, the chosen type of analysis is coding which is a categorising strategy in qualitative research in which a document analysis is especially considerable based on ‘intensive studies producing rich descriptions’ (Bowen, 2009: 29). Empirical data is consequently assigned to codes. Coding in qualitative research refers to the rearrangement of data so that the comparison between different categories and within the same category can be facilitated. The advantage in categorising the data lays within the comprehension, generalisation, and organisation of the data (Maxwell, 2009; Bogdan & Biklen, 1982).

Coding and interpreting the data requires creative thinking to investigate the data holistically (Maxwell, 2009). It is hardly possible to develop a category system that functions without the scope of interpretation of the individual encoder during the application (Flick, 2014). The researcher must reduce the extent of data collection to organise, split up, synthesise, and rearrange the data into logical patterns. A coding scheme pictures the data in a clear and meaningful way. In this research, (1) the set of words to describe the reform compliance in the civil service are coded and (2) the consistency of the progress monitoring. The data will be evaluated based on individual scores. The

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

document and content analysis identifies to what extent EU monitoring impacts reform compliance. The EU document analysis reviews and evaluates material and depends on the examination and interpretation of the data so that empirical knowledge can be acquired (Bowen, 2009).

Operationalising EU rule compliance in the civil service

The EU continually emphasises the significance of a professional, accountable, and politically neutral civil service. Meyer-Sahling (2009; 2011) lists eleven ‘precise minimum standards’ (Meyer-Sahling, 2011: 238) in the civil service that need to be fulfilled by the candidate countries before their accession. *Subsection 2.2* argues that four dimensions provide a general overview of the civil service reform that North Macedonia has to undergo. The restriction of indicators is a purely pragmatic choice since the scope of the thesis does not allow too much complexity. The indicators, are namely: (1) legal status for the civil service focussing on the adoption and compliance of civil service law, (2) system of entrance examinations and candidate selection as a dimension for merit-based recruitment and open competition, (3) management and de-politicisation of the Senior Civil Service and (4) systems of training and development of Civil Servants in order to investigate the competences of the civil servants (Meyer-Sahling, 2009). *Table 2* visualises the dimensions and indicators.

Table 1: Dimensions and indicators of the civil service reform

Dimension	Indicator
Legal basis of the Civil Service	Laws that define the legal basis of civil servants Laws that define administrative procedures (In)stability of civil service laws Scope of legislation Quality of drafting Fragmentation of law
Standardised examination and candidate selection	Merit-based recruitment Open competition Written examination systems Interviews and selection commission
Management and de-politicisation of the Senior Civil Service	Political independence of Senior Civil Service Political neutrality
Systems of training and development for Civil Servants	Policy area-specific skills of Civil Servants Training institution for Civil Servants Continued investment in the training of civil servants

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Coding of EU rule compliance

Dimitrova (2005) distinguishes between three types of reform and rule compliance: full, partial, and no reforms (Dimitrova, 2005). This paper investigates the extent to which EU monitoring determines EU rule compliance. Therefore, it is to distinguish between three stages of EU rule compliance: No compliance with EU standards, partial compliance with EU standards, and compliance with EU standards. *Table 3* visualises the coding decision. However, little changes need to be made in order to adapt the classification in the specific context of the study. ‘Compliance with EU standards means that North Macedonia generally complies to EU requirements. This presupposes that basic laws on the civil service are implemented and North Macedonia fully complies to the principles of public administration. ‘Partial compliance with EU standards’ indicates that North Macedonia mostly complies to EU requirements, including the adoption of basic law or compliance with the principles of public administration. ‘No compliance’ means that the majority of EU requirements are not met.

Every term has a symbol attached to it that categorises the compliance visually. Importantly, the wording needs to be interpreted in its textual context. The outcomes are based on the author's calculation (cf, Jano, 2016). The qualitative data from the reports under scrutiny qualify to be investigated since they are reporting the progress of the states in each policy area that needs to be reformed before accession to comply with the *acquis*. Taking a closer look at the selected data, it is coded and categorised based on its characteristics, to uncover themes pertinent to a phenomenon (Flick, 2009). *Table 3* displays that a positive annotation of a word is ranked with a plus (+) (e.g. addressing ‘significant improvements’), a word describing a decline or backdrop and hence possesses a negative annotation is indicated with a minus (-) (e.g. ‘undermining civil service legislation’). Lastly, given the situation that an indicator has moderately improved or first steps towards a positive development have been adopted, however, the current state of the art cannot yet be seen as high as the EU wishes the target country to perform, the +/- sign will be introduced (e.g. indicating ‘good progress’). If a particular indicator remains unchanged over time, its perception is dependent on the status quo of the reform process. Considering that the level of reformation is already high, the particular indicator's quality can be summarised with a plus, if the status quo of the reform is quite low implying that the situation has not yet progressed at all or is still very weak, the indicator receives a minus.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

However, as indicated before, the assessment is context dependent. *Annex 3* visualises the precise wording of the reports and marks the decisive terms that have determined the author's assessment.

Table 2: Coding of EU rule compliance

Symbol	Interpretation
-	No compliance with EU requirements
+/-	Partial compliance with EU requirements
+	Compliance with EU requirements
n/s	Level of rule compliance cannot be assessed

Coding of EU monitoring consistency

As laid out in *subsection 2.5*, Lantschner (2015) puts forward the importance of consistent EU monitoring. In this regard, monitoring consistency assesses the constant and extensive reporting on the civil service dimensions. To establish a uniform method of measurement and enable to research the relationship between EU monitoring and the reform compliance in the civil service of North Macedonia, the coding scheme adapts the features of *Table 3*. However, the interpretation of the symbol adjusts to the dependent variable. In this context, a plus (+) indicates that the Commission provides an extensive reference to a particular dimension of the civil service reform. This includes, for example, to mention precise measurements or budgeting. This also implies that the situation is extensively described and information is transferred comprehensively and systematically. If the reports refer to a particular civil service reform dimension, nevertheless the provided information is rather insubstantial and less precise, I introduce the plus-minus symbol (+/-). The minus symbol (-) indicates the absence of information. If a report does not contain any data concerning the civil service reform or does not mention any indicator of the preselected dimensions, this sign summarises such lack of monitoring consistency. *Table 5* portrays the coding of the dependent variable. Moreover, *Table 6* displays to what extent EU monitoring is consistent or not. Again, the analysis is based on the author's calculation.

Table 3: Coding of EU monitoring consistency

Symbol	Interpretation
-	No reference
+/-	Reference
+	Extensive reference

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

The study proposition of the paper states as follows: The more consistent the EU monitoring is, the higher is the level of compliance concerning the civil service reforms in North Macedonia. Based on the symbols that indicate the progress, it is possible to capture whether a goal has been achieved, partially achieved, or not achieved at all (Dimitrova, 2005). Additionally, the graphic allows assessing the consistency of EU monitoring. Given that the presentation of the results visualises if the EU monitoring has been present in year x, it can be checked whether this goal is also followed in the upcoming years.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

4 Analysis

Chapter Four presents the analysis of the study which aims to answer the research question: *To what extent does European Union monitoring contribute to the compliance with the Public Administration Reform in the civil service of North Macedonia between 2005 and 2018?* In the context of the analysis, sub-questions *SQ1* and *SQ2* will be answered. First and foremost, the Progress Reports and Enlargement Strategies are analysed. This subsection is structured according to the dimensions that are investigated to give an overview of the candidate country's performance. *Subsection 4.2* connects the findings of the separate assessments in order to analyse whether consistent EU progress monitoring contributes to rule compliance in the civil service of North Macedonia. Besides the discussion of the results, this section seeks for additional factors that help explain the results of the study. In addition, Chapter Four considers context-related information and other country-specific data to verify the data provided by the EU.

4.1 Analysis of progress and enlargement reports

The first part of the analysis outlines what the Commission has reported concerning the reformation process over the past years. In this matter, the analytical report of 2005 marks the beginning of the analysis and therefore signals the status quo before the EU started publishing monitoring reports. Officially, the first report measuring the progress of North Macedonia's performance was published in 2006 (European Commission, 2006).

EU monitoring consistency measures the extent to which the Commission monitors North Macedonia's reform progress on a consistent basis. Within the consistency measurement, this study differentiates between three stages of monitoring: 'No reference', 'Reference' and 'Extensive reference'. Going through the Progress Reports and Enlargement Strategies allows to assess whether the EU is monitoring rule compliance consistently. Given the theoretical assumption, consistent monitoring should positively influence rule compliance. EU rule compliance measures the extent to which North Macedonia complies to the civil service reforms set by the EU. The study differentiates between 'No compliance', 'Partial compliance' and 'Compliance' (cf. Dimitrova, 2005). The Commission reports encompass the data that is needed to analyse the level of compliance. The assessment bases on my own calculation and is context-dependent.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Lastly, it is important to explain why this research focusses on ‘compliance’, rather than ‘implementation’. First of all, (rule) compliance entails to agree with a demand. It is the first step a candidate state has to take before the implementation of relevant legislation. Secondly, to successfully implement EU legislation is a lengthy process that requires time, resources and sufficient capacity. In this sense, referring to rule compliance in the analysis appears to be the more pragmatic approach. Moreover, the Commission can predominantly monitor compliance with EU rules due to the limited capacity to supervise the process (Zhelyazkova et al., 2016).

Legal basis of civil servants

The Law on Civil Servants (LCS) regulates the status, rights, responsibilities for civil servants. Moreover, it requires the establishment of a Civil Servants Agency (CSA; was later renamed Administration Agency) that supervises the implementation of the law. The CSL only accounts for the civil servants. For instance, public servants and different parts of the public administration fall under general labour relations law (European Commission, 2005).

EU rule compliance (2005-2018). The analysis detects no rule compliance with the civil service legislation from 2005 until 2008. More precisely, although the LCS has been further implemented in 2006, other legislation remains little used. In 2007, the Commission detects a ‘slowdown in reforms’ (European Commission, 2007b: 36). The public administration remains weak and inefficient since North Macedonia does not dispose over the necessary capacity to fully comply to the law (European Commission, 2007a). In this matter, the Commission criticises the weak capacity of the CSA that aims to make the civil service more accountable and transparent (European Commission, 2007a). The LCS is implemented incrementally but the legislation is hardly used (European Commission, 2007b).

In 2008, LCS has been further implemented, however the quality of the law leaves room for improvement. Overall, the report of 2008 anticipates little progress in the implementation of the LCS. In 2009, the Commission reports a significant improvement in the legal framework that (1) introduces amendments to the LCS to strengthen the status and rights of the civil servants and (2) attaches more competences to the CSA. Even though, the Commission raises concerns whether the law unfolds its effectiveness, it is a first step towards partially complying with EU legislation

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

(European Commission, 2019). In 2010, North Macedonia partially complies to requirements concerning the implementation to civil service laws. The Law on Public Service (LPS) was enacted to come into force in 2010. This law assigns new competencies to the CSA which ultimately has an effect on civil service legislation. The Commission emphasises that the amendments of 2009 entered into force meaning that ‘most of the relevant implementing legislation’ (European Commission, 2010: 10) was adopted. Still, North Macedonia does not fully comply to EU legislation. The legal basis for civil servants remains partially fragmented and allows ‘for too much exceptions’ (European Commission, 2010: 10). Additionally, the quality of the law-drafting needs improvement. The Commission raises concerns about the functioning of the legislation since unlawful acts dominate the promotion system (European Commission, 2010). Sigma (2010) reports that the Law on General Administrative Procedures (LGAP) continues to contemplate the communist and authoritarian definition of public administration. It does not yet legally protect civil servants against administrative decisions and continues to promote ‘unnecessary complicated and lengthy procedure’ (Sigma, 2010: 4).

As of 2011, the harmonisation of the LPS and LCS continues under the supervision of the Ministry of Information Society and Administration (MISA). Thus, the Commission concludes that the legislative framework within the public administration progressed. The amendment of the LCS could signalise commitment of the authorities to harmonise components of the public sector into a uniform civil service system (Sigma, 2010). Corresponding amendments strengthen the legal basis for civil servants. Nevertheless, these amendments do not address the existing challenges appropriately (European Commission, 2011a). Therefore, further enhancements concerning the key legislation, including the LCS, is needed to guarantee full compliance to EU requirements. The legal framework remains fragmented and fails to unfold its effectiveness to regulate the status of civil servants. The Commission recommends to guarantee the principles of public administration.

Between 2012 and 2013, North Macedonia partially complies to EU requirements. In 2012, North Macedonia has adopted a National Programme. New amendments towards the Law on Administration (LA) and a LGAP are in planning (European Commission, 2012a). Such laws strengthen the rights of civil servants. The limited scope of the LCS fails to provide a sufficient legal basis for civil servants since a vast range of civil servants are subject to general labour law or other legislation (European Commission, 2012a). This endangers the transparency and

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

accountability of the civil service. Therefore, North Macedonian authorities are addressing these issues in a new law that consolidates fundamental principles of civil service legislation. In 2014, the Commission stresses that the EU accession process is at an impasse. The government failed to address important policy issues and damaged the reform sustainability accordingly (European Commission, 2014a). Still, the PAR follows a progressive trend. The reform strategy of North Macedonia provides a comprehensive framework and a new legislative act was adopted early in 2014 that regulates the legal status of civil servants.

In order to resolve the political crisis in 2015, the Commission introduced the 'Urgent Reform Priorities' (URP). Besides that, North Macedonia made some progress in the legislation of the PAR as well as in the service delivery to the citizens. The 2015 report exhibits that relevant legislation has been adopted (European Commission, 2015a). The following year, a new law entered into force regulating and facilitating the general administrative procedures. Further, the implementation of the new legal framework lacks behind. Even the implementation of the URP, that was prioritised in 2016, only makes little progress. Therefore, North Macedonia does not comply with EU legislation in 2016. The political crisis of 2015 has negatively influenced the level of rule compliance. The Commission states that the backlog corresponds with the unwillingness of the political actors to implement the EU reforms (Appendix X). Previous reforms by the Commission were also neglected and not considered for implementation.

In 2018, the amendments to the Law on Administrative Servants (LAS) were adopted. Nevertheless, the law is not yet systematically applied and is additionally undermined by other legislation. The Law on the Organisation and Operation of the Administrative Bodies does not sufficiently distinct the clear responsibility of the institutions leaving the public administration rather fragmented (European Commission, 2018). The laws remain unapplied and shortcomings in the quality of the legislation hamper the professionalisation of the civil service (European Commission, 2018). The legislation that aims at facilitating administrative procedures lacks of a systematic application. Despite that, it contributes to the harmonisation of 169 specific laws. The Commission is further concerned about the monitoring capacity of the MISA that needs to be enhanced to adapt to the legislation (European Commission, 2018). Thus, North Macedonia does not provide a sufficient legal basis for its civil servants in 2018.

Table 4: Legal status of civil servants (based on author's calculation)

Legal status/ Year	Rule compliance	Monitoring consistency
2005	-	+/-
2006	-	+/-
2007	-	+/-
2008	-	+/-
2009	+/-	+/-
2010	+/-	+
2011	+/-	+
2012	+/-	+/-
2013	+/-	+/-
2014	+/-	+/-
2015	+/-	+
2016	-	+/-
2017		
2018	-	+

EU monitoring consistency (2005-2018). Table 4 displays that the process of complying to civil service legislation is continuously supervised by the Commission throughout the observation time. Even if the Commission fails to provide extensive information about the progress in the beginning of the monitoring period (2005-2009), it gets evident that it refers to the progress extensively in 2010 and 2011. During that time period the Commission predominantly focussed on monitoring the harmonisation of the LCS and LPS (European Commission, 2010; 2011a). Moreover, the Commission begins to monitor on the Law on Administrative Procedures (LAP), which defines the right on administrative appeal, and the Law on free access to public information (European Commission, 2011a). Since 2012, the Commission discusses the implementation of relevant legislation less extensively. Mostly, the Commission continues to monitor on the fragmentation of the LCS and LPS. In 2014, the Commission also reports the provision of a PAR strategy which aims to enhance the administrative framework. The Commission continues to extensively supervise the North Macedonian reform efforts in 2015 and 2018. In 2016, the Commission decides to predominantly monitor the implementation of the URP and the Pržino Agreement (2015) which aimed to resolve the political crisis and therefore neglects to monitor on the legal basis of civil servants as extensively as one year before.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Entrance examination and candidate selection

The LCS also concerns the transparent and accountable candidate selection procedure under the principles of merit-based recruitment and open competition which aim to decrease political interference. Apolitical recruitment based on the qualifications of the applicants by passing written examinations and individual interviews with a selection commission needs to be established in order to guarantee this key principle of the EU (Meyer-Sahling, 2009).

EU rule compliance (2005-2018). The 2005 Progress Report addresses the candidate selection procedure which should be based on meritocracy where applicants are selected by a commission under the CSA. This should prevent political inference. However, candidate selection in the civil service does not respect meritocracy in 2005 (European Commission, 2005). Given that North Macedonia fails to comply to EU legislation in 2007, the report highlights that recruitment and promotion must be objective and merit-based (European Commission, 2007a). On one hand, the CSA enhanced the meritocracy principle in the selection procedure of candidates in the public administration in 2008. On the other hand, the recruitment process is characterised by non-transparency. The overall progress remains limited even though the role of the CSA has been strengthened. Still, merit-based selection procedures are not applied consistently (European Commission, 2008a). Due to the lack of competences, the CSA cannot yet actively participate in the selection procedure. Given the absence of control mechanisms, the agency cannot guarantee the legality and regularity of the recruitment (European Commission, 2008a).

In 2009, the Commission determines that the newly established criteria regarding the candidate recruitment require at least three years of experience in the senior management in public administration. So, the procedures have generally been optimised. The CSA publishes all decisions concerning the candidate selection which makes the process more transparent. Additionally, clear deadlines in the recruitment process and a new promotion system for civil servants were introduced (European Commission, 2009). Although, an increasing number of staff obtains temporary contracts which undermines meritocracy. Still, a general increase in reformation compliance can be detected which results in partial compliance with EU requirements.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Nevertheless, the merit-based recruitment is not assured in 2010. In this respect, the domestic public administration lacks of a probationary period, equal promotion systems and the competences of the CSA are inadequate regarding the expertise, allocation of funds and infrastructure (European Commission, 2010). In conclusion, the recruitment procedure creates space for too much discretion undermining transparent patterns in the recruitment of civil servants (European Commission, 2009). Moreover, the temporary recruitment of administrative staff and arbitrary dismissal and replacement of civil servants do not correlate with the goal to establish an open, transparent, merit-based and competitive public administration. This regression in the reform process and hence North Macedonia does not comply to EU requirements in 2009.

In 2011, the principle of merit-based recruitment maintains insufficient. Even though temporary positions were transformed into permanent ones, the conversion process disregarded the merit-principle and administrative procedures laid down in law. Significant shortcomings determine the case of non-compliance. North Macedonia lacks of consistency regarding the fulfilment of EU requirements as employment appears to be tailor-made (European Commission, 2011a). In the area of staff recruitment, no changes can be detected by the Commission in 2012. The merit-based criteria for recruiting the staff is still inconsistently assessed and the employment of temporary staff continues. Staff employment continues to be based on social policy rather than institutional needs (European Commission, 2012a). Within the Enlargement Strategy (2012-2013) the Commission stresses that North Macedonia's government targets 'ambitious reform targets [...] defining the specific measures and time frame for their delivery' (European Commission, 2012b: 13). This ambition does not reflect in the Progress Report of 2013 where the recruitment procedure does not yet respect the merit principle in the candidate selection. North Macedonian administration features irregularities in the candidate selection. The main challenges remain: the public administration offers tailor-made vacancies and employs staff as a response to social policy measures rather than institutional needs (European Commission, 2013a).

As of 2014, the Commission still recognises inadequate efforts in implementing a merit-based recruitment procedure (European Commission, 2014a). The procedure lacks of transparency concerning the dismissal and selection process. In 2015, the candidate selection procedure continues to disregard the merit-based approach resulting in the demise of public trust in the political institutions of North Macedonia. A law to converse temporary positions into a permanent

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

employment contract was adopted early in 2015. However, the Commission discovered that North Macedonia continues to offer tailor-made positions, practices arbitrary dismissals and political recruitment (European Commission, 2015a). Despite the fact that the law was adopted without public consultation, it disregards the principle of open competition and meritocracy (European Commission, 2015a).

North Macedonia's incapacity to implement the meritocratic recruitment procedures maintains in 2016. Instead of suspending temporary contracts, the country continued the conversion into a permanent employment relationship, neglecting the principles of meritocracy and open competition (European Commission, 2016a). Compared to other candidate states in the Western Balkans, North Macedonia performs poorly concerning the merit-based recruitment and dismissal of senior civil servants. The country does also not provide sufficient professional training and development for civil servants (Sigma, 2017). In 2018, merit-based recruitment is still not in place for civil service positions. Some positive changes have been achieved through adopted legislation. For the employment in the public sector, psychological and integrity tests were abolished. A fast track promotion was introduced, however the Commission states that this undermines transparency and objectivity in the candidate selection (European Commission, 2018). On a continuing basis, temporary recruitment remains high as well as arbitrary promotions. Also, the government has not transferred information on the staff recruitment procedure to the Commission. Throughout the whole observation period, there is no single case of partial or full compliance.

Table 5: Entrance examination and candidate selection (based on author's calculation)

Entrance examination/ Year	Rule compliance	Monitoring consistency
2005	-	+/-
2006	n/s	-
2007	-	+/-
2008	-	+/-
2009	+/-	+/-
2010	-	+
2011	-	+/-
2012	-	+/-
2013	-	+/-
2014	-	+/-
2015	-	+/-

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

2016	-	+/-
2017		
2018	-	+/-

EU monitoring consistency (2005-2018). Monitoring for the entrance examination and candidate selection is mostly consistent but hardly extensive. Besides failing to monitor the progress on the area in 2006, the Commission is consistently monitoring the adoption of merit-based criteria in the candidate selection with a lack of extensive monitoring throughout the years. Despite 2010, where the Commission laid an emphasis on the progress concerning the compliance to the merit-principle in the public administration. To establish meritocracy in the public administration remains a priority in the accession procedure and is monitored throughout the whole observation period. Merit-based recruitment is therefore the predominant indicator which is addressed within the reports. In 2009 and 2010, the Commission also reports its concerns about the contempt of the principle of open competition within the candidate selection (European Commission, 2009; 2010). Beginning in 2012, the Commission monitors tailor-made vacancies and recruitment to address social policies (representation of minorities) rather than institutional needs (European Commission, 2012a). Only in 2018, the Commission detects the elimination of integrity tests in the candidate selection and hence addresses an additional indicator.

De-politicisation of the Senior Civil Service

According to Meyer-Sahling (2009), the Commission reports and Sigma focus to a great extent on the de-politicisation of the senior civil service and political neutrality in the civil service of CEECs. The EU wants to ensure the political independence of civil servants, political recruitment and politicised formal processes to professionalise the public administration.

EU rule compliance (2005-2018). After the parliamentary elections in 2006, arbitrary dismissals of public officials took place after the government change. This illustrates the political interference and endangers the professionalisation of the civil service. As the Commission stresses this caused ‘a legislative backlog’ (European Commission, 2007a: 9). Therefore, independence and political neutrality of the civil service need to be guaranteed (European Commission, 2006). In 2007, the Commission reports that the political and administrative level need to be distinguished remarking that North Macedonia lacks of a professional and accountable public administration

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

given the political interference (European Commission, 2007a). The dismissal of public officials the year before interrupted the functioning of the public administration which resulted in a even poorer quality of the legislation (European Commission, 2007a).

The 2008 report documents that the senior civil service positions are recruited externally disregarding the qualifications and experience of the candidate. In this context, the Commission records that the number of illegal promotions decreased significantly from 500 in 2007 to 57 in 2008. Still, the CSA is not actively involved in the process of reassignments of personnel and the comprehension of performance assessment (European Commission, 2008). In 2010, senior management positions in the civil service were filled disregarding the selection criteria and in absence of the merit-based principle. Different reports register that qualified professionals were arbitrarily replaced by temporary staff with less experience in several institutions (European Commission, 2010). The decision-making power rests by the top of the administration and which negatively impacts the quality of administrative decisions and undermines the principle of accountability (Sigma, 2010).

As of 2011 and 2013, the public administration still suffers of political influence. The principle of apolitical recruitment has not yet been followed by the candidate state (European Commission, 2011a). The 2013 report monitors the politicisation at local and central level (European Commission, 2013a). As of 2014, new positions base on social policies or the will to exercise of political influence which undermines meritocracy. This is why the Commission again raises serious concerns about the high degree of politicisation within the public administration of North Macedonia. The independence of state institutions remains low and impedes the development of a transparent public administration (European Commission, 2014a). The Commission strongly encourages the authorities to take actions in order reduce the issue.

In 2015, the political crisis endangered the independence of the administration. The URP cover serious concerns about the politicisation of the civil service. The Commission notices that the legislation addresses the recruitment principles for the lower positions but excludes the senior civil servants. Consequently, concerns about the politicisation arose (European Commission, 2015a). In fact, the political crisis has sharpened the debate about the politicised public administration and the concern has been generally 'heightened by the content of the leaked wiretaps' (European Commission, 2015a: 10). The Commission notices that the political will for change must prevail

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

(European Commission, 2015a). In the electoral year of 2016, politicisation of the civil service remains a serious concern of the Commission. North Macedonia expends political commitment to ensure the independence of the public administration (see Appendix x, para. 40). The Commission therefore suggests the limitation of political appointments and dismissals in the senior civil service. For example, the report monitors that employees suffer of pressure and threats to join counterdemonstrations (European Commission, 2015a).

Within the 2018 Progress Report, the Commission acknowledges the efforts of the government to combat politicisation in the civil service. In 2017, the government terminated the contract to all top managers in 85 institutions to de-politicise the top civil service (European Commission, 2018). Still, the appointment criteria for the top managerial positions must follow an open competition and meritocratic features in order to de-politicise. Also, the reasons for dismissal require transparency to guarantee the de-politicisation and professionalisation of the civil service (European Commission, 2018). However, a first big step towards the de-politicisation of the civil service has been made which indicates partial compliance to EU requirements.

Table 6: De-politicisation of the senior civil service (based on author's calculation)

De-politicisation/ Year	Rule compliance	Monitoring consistency
2005	n/s	-
2006	-	+/-
2007	-	+/-
2008	-	+/-
2009	n/s	-
2010	-	+/-
2011	-	+/-
2012	n/s	-
2013	-	+/-
2014	-	+/-
2015	-	+/-
2016	-	+/-
2017		
2018	+/-	+/-

EU monitoring consistency (2005-2018). The monitoring of the de-politicisation process in North Macedonia lacks of evidence in 2005, 2009 and 2012. Hence, between 2005 and 2012, the reporting

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

mechanism of the Commission is rather fragmented and inconsistent. From 2006 onwards, the Commission stresses the inadequacy in the professionalism and accountability of the civil service. Political neutrality cannot be ensured without the deep impact of political changes (see Appendix x, para. 30). In addition to the central level, the Commission reports the presence of politicisation in the local public administration in 2013 and 2014 (European Commission, 2013a; 2014a). The following years, it gets evident that the government exerted pressure on the civil servants. This clearly shows the political influence of the government on the civil service which seriously concerned the Commission. That is why the Commission urged the responsible authority to act against the politicisation of the public administration (European Commission, 2013a).

From 2013 onwards, EU monitoring is consistent but remains broad. The Commission lays special emphasis on the apolitical recruitment which causes the politicisation of the senior civil service. Towards the end of the reporting period under investigation, monitoring gets more consistent and references to the dimension are more or less extensive. After the political crisis in 2015, the Commission also considers to mention the importance of political commitment towards the PAR (European Commission, 2015a). Overall, *Table 6* shows that monitoring in the certain area remains broad. The Commission fails to perform extensive monitoring at any year.

Training and development of Civil Servants

To establish comprehensive training and development opportunities for civil servants is a priority of the EU in order to obtain area-specific skills (Meyer-Sahling, 2009). Civil service training develops new competencies for the state employees and affects the professionalisation of the civil service.

EU rule compliance (2005-2018). As of 2005, there has been no training and development institutions for civil servants. Already in 2004, the government decided to increase the capacity of the CSA that should coordinate the training programs in the near future. However, this did not take place until 2005 (European Commission, 2005). In 2006, the system for the training and development of civil servants enhanced. The CSA adopted the strategy concerning the coordination and the training of civil servants which then offered training courses and seminars (European Commission, 2006). Besides some shortcomings, this implies partial compliance with EU requirements.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

However, in 2007, comprehensive training and development systems for civil servants have not been established in due time. The Commission states that training programmes were submitted by individual ministries, however they have not been accepted by the government. This means that training opportunities are still funded by international donors. The CSA's efforts to introduce a national training system was rejected. Also, on the local level, the training of civil servants remains limited. This means, that the training and development opportunities of civil servants is not in place which indicated no compliance with EU requirements. The Commission reviews that little progress has been made in 2008 (European Commission, 2008a). Although, training records were sent to the CSA concerning the planning of a national system of civil service training and a three-year strategy came into force on the central and local level, the Commission finds administrative incapacity and inadequate organisation to execute the training opportunities. Most of all, units are under-represented and lack of personnel (European Commission, 2008a). The training and development of civil servants should be prioritised (European Commission, 2008b).

In 2009, the CSA received training programme suggestions that enabled the establishment of a civil service training system. The CSA monitors the three-year training strategy to which the state has allocated budget (European Commission, 2009). Thus, the training is independent of international funding. The Commission states that the system unfolds its function although the 2010 Sigma report states that budgetary restrictions caused some shortcomings in the training of civil servants. (European Commission, 2009). Given the newest development this implies partial compliance with EU requirements. Further on, the CSA created plans and expertise units to monitor the training for civil servants in 2010. These plans, however, are incomprehensive and incoherent. Due to budgetary restrictions, the training system could not be provided for 2010 (European Commission, 2010). Additionally, the training facilities remain inoperative. The reform progress appears to be unsustainable given that the government does not comply to EU requirements again in 2010. In 2011, the government provided training opportunities for civil servants. According to the report, progress has been achieved in the implementation of annual training systems (European Commission, 2011a). In 2015, the training opportunities do not yet apply uniformly and not all of the institutions provide development trainings in order to professionalise the civil service (European Commission, 2015a).

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

However, training and development opportunities seem to be in place given what the Commission monitors in 2016. This example shows clearly that the analysis is context dependent. The professionalisation of the civil service continued throughout 2016. Training was offered to the civil servants (European Commission, 2016a); however, constraints remain since several institutions do not offer training opportunities. The legislation concerning the development of civil servants remains limited (European Commission, 2016a). In 2018, the development of civil servants is limited to classroom training. The government has not yet created a centralised database that displays the training by the institutions. Still, a decentralised data software was established in 2016. The Commission recommends to provide comprehensive and extensive training to the civil servants underpinned by the new legislation and the greater role of the MISA (European Commission, 2018). The Action Plan (2017-2022) indicates that the government plans to invest into the provision of professional training of civil servants.

Table 7: Training and development of civil servants (based on author's calculation)

Training and development/ Year	Rule compliance	Monitoring consistency
2005	-	+/-
2006	+/-	+/-
2007	-	+/-
2008	-	+/-
2009	+/-	+/-
2010	-	+/-
2011	+/-	+/-
2012	n/s	-
2013	n/s	-
2014	n/s	-
2015	+/-	+/-
2016	+/-	+/-
2017		
2018	+/-	+/-

EU monitoring consistency (2005-2018). The training and development of civil servants is subject to rather inconsistent monitoring. Generally, the monitoring is relatively broad and less extensive throughout the observation period. Between 2012 and 2014, the Commission does not provide information about the reform process at all. Nevertheless, the Commission systematically mentions the progress on the implementation of training strategies or establishment of training

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

programmes (*see Appendix 3*). Until 2011, the Commission especially addresses the establishment of training institutions. Based on the wording, the Commission indicates partial compliance in 2006, 2009 and 2011 and from 2015 to 2018. However, the progress appears to be unsustainable. Whereas, the Commission notices a significant improvement in the adoption of a training programme in 2006, it detects an absence of a training strategy in 2007. In 2009, the Commission confirms the establishment of a training system and the stronger role of the CSA in the whole process, whereas it reckons the complete ineffectiveness of the strategy in 2009.

Answering sub-questions (SQ2 and SQ3). The first part of the analysis allows to sufficiently answer *SQ2 and SQ3*. Whereas *SQ2* asks for the extent to which North Macedonia's public administration complies with the prescribed civil service reforms of the EU, *SQ3* asks for the extent to which the reform monitoring of the EU is consistent within the reform process. The level of compliance is generally low. In most of the cases, North Macedonia does not comply to EU requirements ('no compliance'). Concerning the legal basis of civil servants, the analysis finds that North Macedonia partially complies to EU requirements between 2009 and 2015 (*Table 4*). However, the domestic developments in 2015 decrease the level of compliance again the following year. In one instance each, the EU complies to the EU requirements regarding the candidate selection procedure (in 2009) and the de-politicisation (in 2018) (*Table 5; 6*). The picture varies in the level of compliance concerning the training and development of civil servants (*Table 7*). There was not a single case of full compliance with EU requirements throughout the observation period. Therefore, one can conclude that North Macedonia's compliance with EU prescribed rules is deficient.

The analysis of the EU monitoring consistency displays that the Commission is monitoring the progress of North Macedonia consistently, however not very extensively. In only five cases, the Commission is extensively monitoring rule compliance. In just seven cases, the Commission is not monitoring the progress at all, neither in the Progress Reports, nor in the Enlargement Strategy. Three consecutive times (2012-2014) the Commission fails to monitor rule compliance in the training and development of civil servants, whereas the Commission is extensively monitoring the progress of North Macedonia regarding the legal status of civil servants in 2010, 2011 and 2018. The extent to which the Commission monitors North Macedonia's reform progress is relatively high, however the Commission makes unspecific references to the civil service dimensions under study.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

4.2 EU monitoring effect on rule compliance

The previous *sections (4.1.1 – 4.1.4)* have analysed the level of EU compliance and EU consistent monitoring based on the data provided by the Commission from 2005 until 2018. The assessment grounded on the author's calculation and the contextual interpretation of the wording that is used within the reports. This section connects and relates the findings to one another to check whether the study proposition (*'The more consistent the EU monitoring is, the higher is the level of compliance concerning the civil service reforms in North Macedonia'*) can be confirmed.

The analysis of EU rule compliance (Y) and EU monitoring consistency (X) provided interesting insights into the relationship of the two variables. Each dimension exhibits irregularities that do not conform with the study proposition. However, a few instances suggest that EU monitoring contributes to rule compliance.

Legal status of civil servants. Monitoring has been consistent throughout the observation period regarding the legal status of civil servants (*Table 9*). Until 2009, monitoring has not been extensive however, in 2009, North Macedonia partially complies to the EU requirements (*Table 8*). As this could be an indication for the contribution of EU monitoring on rule compliance, the even more extensive monitoring in 2010 and 2011 does not improve the level of compliance in the same years. Actually, the extensive monitoring in 2015 decreases the overall level of compliance in 2016.

Entrance examination and candidate selection. Monitoring concerning the candidate selection and entrance examination has been not as consistent. Nevertheless, North Macedonia does partially comply to EU requirements in this area after three years of consistent but broad monitoring. In the 2010 Progress Report, the Commission is extensively monitoring the candidate selection procedure, nevertheless North Macedonia's level of compliance with EU requirements decreases again in 2010 (*Table 8*). The Commission states that the candidate state does not respect the merit-based recruitment. This contradicts the legislation and the principle fair candidate selection procedures. Most significantly, it opposes the reform demands of the EU. After 2010, consistent EU monitoring does not contribute to EU compliance (*Table 8*).

Table 8: EU rule compliance (based on Dimitrova, 2005); Assessment based on author's calculation

Indicator/ Year	Legal status	Entrance examination	De- politicisation	Training and development
2005	-	-	n/s	-
2006	-	n/s	-	+/-
2007	-	-	-	-
2008	-	-	-	-
2009	+/-	+/-	n/s	+/-
2010	+/-	-	-	-
2011	+/-	-	-	+/-
2012	+/-	-	n/s	n/s
2013	+/-	-	-	n/s
2014	+/-	-	-	n/s
2015	+/-	-	-	+/-
2016	-	-	-	+/-
2017				
2018	-	-	+/-	+/-

Table 9: EU monitoring consistency (based on author's calculation)

Indicator/ Year	Legal status	Entrance examination	De- politicisation	Training and development
2005	+/-	+/-	-	+/-
2006	+/-	-	+/-	+/-
2007	+/-	+/-	+/-	+/-
2008	+/-	+/-	+/-	+/-
2009	+/-	+/-	-	+/-
2010	+	+	+/-	+/-
2011	+	+/-	+/-	+/-
2012	+/-	+/-	-	-
2013	+/-	+/-	+/-	-
2014	+/-	+/-	+/-	-
2015	+	+/-	+/-	+/-
2016	+/-	+/-	+/-	+/-
2017				
2018	+	+/-	+/-	+/-

De-politicisation of the senior civil service. In the process of de-politicisation, monitoring consistency is rather fragmented since the Commission fails to monitor the progress in 2005, 2009 and 2012 (Table 9). In all of the other instances, the Commission makes references regarding the issue of de-politicisation of the civil service, although they are not very extensive. Still, North

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Macedonia manages to partially comply with EU legislation in 2018 after four years of consistent EU monitoring (*Tables 8, 9*). Although the Commission did not publish any report in 2017, the North Macedonian government partially complies with EU requirements in 2018. In general, reform compliance concerning the de-politicisation remains difficult and slow-paced which can certainly be traced back to the post-communist administrative structures that prevail within the public sector of North Macedonia (Cierco, 2013; Agh, 2013).

Training and development of the civil servants. The training and development of the civil servants is consistently monitored between 2005 and 2011. The analysis reveals that North Macedonia complies with the EU requirements in 2006 and 2009. This alternate outcome could be subject to the broad monitoring of the EU, which makes it harder for the calculator to assess the overall level of compliance. Also, this event can be an indicator for unsustainable reforms or weak administrative capacity. The analysis further shows that even though the Commission fails to report on the progress in 2012, 2013 and 2014, North Macedonia still partially complies to the EU requirements. The broad monitoring since 2015 does neither enhance nor decrease the level of compliance.

This analysis reveals that the outcome is mixed. Whereas there are time periods that confirm the study proposition, the analysis also provides proof to disconfirm the study proposition. The fact that EU monitoring is consistent but the level of rule compliance decreases strongly opposes the study proposition. This for instance is the case in the monitoring of the candidate selection procedure. Whereas the Commission extensively monitors the progress to respect the merit-principle in 2010, the level of compliance decreases ('no compliance'). Furthermore, the Commission fails to monitor the continuous training of civil servants (2012-2014), nonetheless, the government takes actions and partially complies to EU requirements in 2014. Then again, consistent monitoring between 2005 and 2011 has an alternate effect on rule compliance. Albeit, the Commission does not publish relevant data in 2017, the level of compliance increases concerning the dimension of de-politicisation in 2018.

The 2018 documents promise an improvement in compliance with EU rules. As the Commission says 'Concerning public administration reform, there was good progress over the reporting period' (European Commission, 2018: 6). This marks the first time, that the Commission praises the reform

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

efforts in the whole monitoring period. In the PAR strategy (2018-2022) North Macedonia's government targets to enhance its commitment to achieve 'the vision [...] on the political and administrative level in achieving long-term goals by implementing realistic reform steps and effective policies that will contribute to sustainable development' (Public Administration Reform Strategy, 2018: 10).

The evidence is too weak to satisfy or disconfirm the study proposition. The ambiguity of the outcome reveals that additional factors contribute to rule compliance. The following section shortly links the evidence back to the theoretical framework which suggests that rule compliance is dependent on domestic factors and EU credibility (Cierco, 2013; Dimitrova, 2005, 2011; Schwellnus, 2005).

4.3 Additional factors

While the previous section exhibits the ambiguous outcome of the study, this section partially traces back the findings of the study to the theoretical framework. The literature on EU monitoring (Lantschner, 2017) outlines the importance to respect the social, political and economic circumstances of the monitored state. According to Lantschner (2017) monitoring should be contextual with regard to domestic factors.

In 2015, North Macedonia experienced a serious political crisis (European Commission, 2015a) that has negatively affected rule compliance regarding the legal status of civil servants (*Table 8*). However, the parliamentary elections in 2016 could have contributed to the progress to combat politicisation, as the Commission states in the 2018 Progress Report. Jano (2016) figures out that the political commitment and the number of political constraints also determine rule compliance. The newly elected, pro-European government of 2016 is more likely to comply to EU requirements, simply because of the smaller number of veto players. Dimitrova (2005) and Schimmelfennig and Sedelmeier (2005) underline the importance of strong EU credibility, a pro-European attitude of the government and political commitment towards the implementation of the reforms. Cierco (2013) even adds social aspects to the debate. According to her, the reform process is more successful if the society generally accepts the reform steps and willing to endure losses in short

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

term. How current surveys show, the majority of the North Macedonian population supports to join the Union (Institutional Republican Institute, 2018).

Moreover, the Commission fails to monitor the candidate state's progress in a coherent, precise and consistent matter (Lantschner, 2017). Instead, the monitoring is rather unspecific and partially unsystematic. In his study, Jano (2016) confirms the significant impact of EU credibility in the process of rule adoption (cf. Dimitrova, 2005; Schimmelfennig & Sedelmeier, 2005). Interestingly, the outcome of this research also provides evidence to confirm this statement. In 2009, the Commission recommended to open negotiations with North Macedonia for the first time. As *Table 8* displays, 2009 marks the first year, where three of the four dimensions of the civil service partially comply to EU requirements.

This present study concludes that additional, especially domestic factors, strongly contribute to rule compliance. The ambiguous results cannot deny that EU monitoring contributes to rule compliance, however, other factors, just like EU credibility, the political commitment of the government and social capital appear to have more influence on rule compliance than the mere monitoring of the candidate state's progress. This assumption is backed by Jano (2016) who finds little effect of EU monitoring on compliance with the *acquis* in the SEECS. Although the external pressures by the EU are set to cause rule adoption, the mechanism of EU monitoring does not provide sufficient adaptational pressure. It also remains unclear whether extensive monitoring would have more significantly contributed to rule compliance. In this study, extensive monitoring does not contribute to rule compliance and even decreases the overall level of compliance in one case (*Table 8*).

To investigate the precise effect of the domestic developments and EU credibility lays outside the scope of the thesis. However, this section indicates that rule compliance is more likely dependent on external pressures and internal developments than EU monitoring. Nonetheless, this does not imply that EU monitoring has no effect on rule compliance. It neither implies that it contributes to rule compliance.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

5. Conclusion

Chapter Five concludes the research project by answering the central research question as well as the sub-questions (*SQ1-SQ3*). This chapter additionally reflects on suggestions for further research. Lastly, Chapter Five incorporates practical implications for policymakers.

5.1 Answering the research question

The analysis showed that the result of the study is ambiguous, and the study proposition cannot merely be confirmed or disconfirmed. Much more, the analysis provides a mixed outcome of the effect of EU consistent monitoring on EU rule compliance. As EU monitoring appears to contribute to EU rule compliance in individual cases (2009, 2016), it gets evident that other external factors just like EU credibility (2009) and the renewed ambition of the pro-European government (2016) rather contribute to rule compliance. Therefore, to answer the main research question ‘*To what extent does European Union monitoring contribute to the compliance with the Public Administration Reform in the civil service of North Macedonia between 2005 and 2018?*’, one needs to understand that the Commission – through Progress Reports – measures the performance of the country, which somehow, even to a lesser extent, affects reform compliance (de Bruijn, 2007, Rainey, 2014). The true extent to which monitoring contributes to rule compliance is hardly possible to assess if not even impossible to determine.

Besides that, the assessment of the study is based on the author’s calculation and can, therefore, be differently assessed by other authors. However, as Jano (2016) states, EU compliance arises from an ‘interplay of explanatory factors at both the EU and the domestic level’ (Jano, 2016: 18). The EU can certainly contribute to rule compliance; however, EU credibility appears to be the more pertinent mechanism to exercise pressure. It remains unclear to what extent EU monitoring contributes to rule compliance.

The theoretical framework proposes that EU adaptational pressures and EU administrative conditionality contribute to rule compliance in the public sector of candidate states (*SQ1*). With regard to *SQ2*, it is to say that North Macedonia’s public administration hardly complies with EU requirements in the investigated dimensions. As it complies with EU requirements concerning the legal status and development and training of civil servants, the latter dimension shows alternate

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

patterns of rule compliance at the beginning of the observation period. Towards 2018, the Commission identifies reform efforts from the North Macedonian government, indicating that the political commitment is increasing. The analysis reveals that domestic factors, like the political crisis in 2015 and the shift towards a pro-European government in 2016, contribute to rule compliance. Regarding *SQ3*, reform monitoring is generally consistent but unspecific. While the Commission only provides extensive references in five cases (four of them concerning the legal status of civil servants), it fails to monitor the progress in seven cases. All in all, the Commission predominantly focused on reporting the progress in the legal status of civil servants while laying less emphasis on the training and development of civil servants.

5.2 Suggestions for further research

In recent years, literature laid emphasis on post-accession compliance of CEECs (Dimitrova, 2005; Meyer-Sahling, 2011; Kostoska, 2018) and the comparison between new and old member states (Sedelmeier, 2008). The literature on EU rule adoption and compliance in the CEECs was particularly subject to EU members, however, the issue was understudied in candidate countries. This research encounters this recent phenomenon through the examination of rule compliance in a candidate country on the macro level. The findings of the study are mostly in line with other research covering the topic of rule compliance in the pre-accession stage. Jano (2016) and Kostoska (2018) studied North Macedonia's *acquis* compliance with EU rules, however, they laid their focus on the overall performance in regard to the *acquis communautaire*. This study focusses on a specific domain, namely the public administration and within this domain it specifically investigates rule compliance in the civil service. This specified approach offers unique insights into the rule compliance procedure. In connection with EU monitoring and the role of the Commission in the accession process, this study investigated a unique relationship in an understudied area.

Given the scope of the research, the study fails to provide a more 'satisfying' answer to the research question. Especially the contribution of other EU external pressures, besides monitoring, and the contribution of domestic factors on 'rule compliance', leave room for further research. Moreover, the two variables can be differently operationalised. Jano (2016) assesses compliance with EU legislation in North Macedonia following a four-step model. His model introduces a scale between 0 and 1 in which he differentiates between 'No progress (0)', 'Few, little, limited or some progress

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

(0,33)', 'Progress (0,67)' and 'Important, good or substantial progress (1)'. This approach is more precise than the three-step model in this study (cf. Dimitrova, 2005). Additionally, this study only covers a small research area. To examine North Macedonia's rule compliance with the PAR, future research should include more civil service dimensions and other aspects of the reforms in the public administration.

5.3 Practical implications for policymaker

The research project concludes that the monitoring effect on rule compliance is ambiguous. Nevertheless, the study discloses particular deficits of both actors, the EU and North Macedonia. I would therefore like to conclude the research project by formulating two recommendations. The first one concerns the European Union, the latter one North Macedonia.

- (1) Since 2009, the Commission has recommended opening negotiation talks with North Macedonia. Until today, the Council has postponed its decision. However, as recent development shows, North Macedonia records a general upward trend concerning the compliance with the PAR (European Commission, 2018). After the severe political crisis in 2016, a pro-European government and a newly elected president in 2019, head the country towards a credible EU membership. After the name change at the beginning of 2019, the country seems to be closer to joining the Union than ever before. Therefore, I suggest that this exact momentum would be a good time to start accession negotiations with North Macedonia. In Skopje, the government is under pressure to move the negotiations forward. If this is not the case, Northern Macedonia's membership will become more and more distant. Although, I am aware of the fact that North Macedonia does not yet sufficiently comply with the PAR, the country adequately complies to the political criteria since 2009 (European Commission, 2009).
- (2) The second recommendation concerns the quality of legislation in North Macedonia. Concerning this point, I recommend to include the civil society and other stakeholders in the decision-making process. The literature on rule adoption (Cierco, 2013; Schwellnus, 2005) suggests that the inclusion of stakeholders and the civil society contributes to the drafting of legislation which leaves room for improvement in North Macedonia. Early

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Progress Reports state that far-reaching legislation was adopted without public consultation following a ‘fast-track’ procedure (*Annex 3*). The 2018 Progress Report already states that ‘civil society and other stakeholders are increasingly being involved in the policy-making and legislative process’ (European Commission, 2018: 6). The consultation of other stakeholders and civil society is the right step towards increasing the quality of the legislation.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

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Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

7. Appendices

Annex 1. Progress Reports

Progress Reports describe the relationship between the candidate country and the EU and they analyse the exact situation in terms of political, juridical and economic criteria. Furthermore, such reports assess the compliance with the EU acquis and review the domestic capacity to implement the EU legislation. The Commission analyses the data that comes from the domestic government, other member states, the European Parliament and other international organisations or non-governmental organisation (NGOs) (European Commission, 2006). In the reports, the Commission underlines the significance of the professionalisation of the domestic civil service. After introducing the Copenhagen (1993) and Madrid (1995) criteria, it is the ultimate goal of the Union to create the EAS and therefore, the candidate states need to meet certain requirements before joining the EU.

Data selection	Data analysed
Progress and enlargement reports	EU monitoring consistency Compliance with reforms in the civil service
Public Administration Reform Strategy (2018-2022)	National Plan to achieve the goals and objectives that are needed to join the EU
Sigma: Support for improvement in Governance and Management (2010, 2017)	Strategic Framework of PAR
Action Plan (2017/2022)	Strategic planning and coordination of PAR

The joint initiative of the EU and OECD (Organization for Economic Co-operation and Development) called Sigma (Support for Improvement in Governance and Management) provides in-depth analyses of domestic public administrations with the aim to strengthen administrative capacities. Indeed, the organisation obtains financial assistance from the EU, however as Sigma informs: ‘The views expressed herein can in no way be taken to reflect the official opinion of the European Union, and they do not necessarily reflect the views of the OECD’ (Sigma, 2010). This statement underpins that such documents serve as additional literature in order to counterbalance validity and reliability issues.

Schade (2019). Civil Service Reform-Compliance in the Context of the EU Enlargement.

Annex 2. References used in the analysis

This subsection lists the references that were used in the analysis of the thesis. This section summarises all of the relevant data including the Progress Reports, Enlargement Strategies and additional country specific data.

Progress Reports and Enlargement Strategies (2005-2018):

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Annex 3. Codebook

The codebook is available upon request.