

A comparison of civil service reform trajectories in selected SEE countries in the context of EU accession

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Public Governance across Borders

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2nd July 2020

Word count: 11.099

Abstract

This study aimed to investigate and compare the civil service reform trajectories of candidate countries in preparation for their accession to the EU. The purpose of this study is to gain a deeper understanding and to describe how the three countries have developed in recent years. To explore and describe these potential similarities and differences between the trajectories is relevant insofar as it might provide the basis for causal research at a later point. Therefore, the following research question has been formulated: *What measures are taken to reform the public administration/civil service in selected Western Balkan countries in terms of depoliticization, accountability and transparency during the accession process in order to comply with EU conditionality?* The selected cases are North Macedonia, Montenegro and Serbia. In order to answer the research question, secondary data from official documents of the EU was collected and a document analysis conducted. The expectation that the reform trajectories of Serbia and Montenegro would mainly exhibit similarities could not be confirmed. The expectation that North Macedonia's progress would differ and potentially slower was partially confirmed.

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List of Abbreviations

CEE	Central and Eastern Europe
CEEC	Central and Eastern European Countries
EAS	European Administrative Space
EU	European Union
Commission	European Commission
HR	Human Resources
HRMA	Human Resources Management Authority
HRMS	Human Resources Management Service
MISA	Ministry for Information Society and Administration
NPM	New Public Management
North Macedonia	Republic of North Macedonia (name change in 2019)
OECD	Organization for Economic Cooperation and Development
PA	Public Administration
PAR	Public Administration Reform
PMR	Public Management Reform
Serbia	Republic of Serbia
SIGMA	Support for Improvement in Governance and Management

1 Introduction

To become a member of the European Union (EU), candidate countries must fulfill certain criteria. These include political criteria such as being a stable democracy, ensuring the rule of law as well as implementing the *acquis communautaire*, which is the entirety of EU legislation. Since the summit in Copenhagen in 1993, this also includes having the “administrative and institutional capacity to effectively implement the *acquis* and ability to take on the obligations of membership” (EU Commission 2016a), i.e. to be able to function within the EU. This requirement results in candidate countries having to reform their administrative systems in order to build capacity and ultimately accede to the EU. It is assumed that over time the countries develop a so-called reform trajectory.

A lot of the Europeanization literature focuses on the reasons why candidate countries comply with EU legislation (or why they do not), in other words what drives them to adhere to EU policies (Schimmelfennig and Sedelmeier 2005, Jano 2016). Jano (2016) studied compliance performance and found that lower compliance performance in South Eastern Europe is due to EU membership credibility, higher adjustment costs, and lower normative justifications.

While finding these causal relationships is very important, this study is going to take a step back in the sense that it is not looking at the causes for (non-)compliance but will examine and describe the measures taken to reform the administrative system in the three official candidate countries North Macedonia, Montenegro and Serbia and the progress made as determined by the European Union. As they are all former Yugoslavian countries with a clear prospect of joining the EU but progressing at different speed towards accession, they make for a particularly interesting comparison to investigate the differences and similarities between them.

The purpose of this thesis is to gain a deeper understanding and to describe how the three countries have developed in recent years and how their reform approaches in order to gain accession might differ or be similar. It aims at gathering more knowledge regarding how public administration reform takes place in candidate countries and thus contribute to the literature on EU accession. To explore and describe these potential similarities and differences between the trajectories is relevant insofar as it might provide the basis for future causal research as to why the trajectories may differ.

The relevance of this research is not purely academic. Junjan (2016) for example showed that the public does have an interest in the topic of public sector reform simply by looking at Google search results. Another reason why it is appropriate to further investigate administrative reform processes in candidate countries is that PAR is the main key to accession. Without the administrative capacity resulting from reform, successful implementation of the *acquis* seems to be

an impossible endeavor. Finally, reform should lead to an effective civil service responsive to citizen's needs. The outcome of reforms however is often not clear until years later, but a description of the process might be a first step for further research into evaluation of the reforms. Thus, the practical interest of this research is to potentially contribute to improving the accession process in the future.

To analyze the administrative reforms in the three countries, three concepts will be explored: depoliticization, accountability, transparency. Depoliticization represents the principal focus while accountability and transparency, regarded as essential features of civil services, thereby contribute further to the realization of a politically neutral administration. The latter two concepts will be further explained in the theoretical framework. This leads to the following descriptive research question for this study: *What measures are taken to reform the civil service in three selected Western Balkan countries in terms of depoliticization, accountability and transparency during the accession process in order to comply with EU conditionality?*

In order to answer this research question several sub questions can be formulated:

1. What are the theoretical components of the politics-administration separation on which a modern civil service is based?
2. What are the requirements of the EU regarding the civil service as specified in the European Administrative Space concept?
3. What are the measures regarding depoliticization, accountability and transparency as monitored in the reports by the EU Commission and how much progress has been made?
4. To what extent do the reform trajectories differ or are similar in the selected countries?

The first two sub questions will be addressed in the chapter on the theoretical framework, whereas the latter two will be answered in the empirical analysis.

In the next section the theoretical background for this study will be provided, followed by a discussion of the methodology, and an analysis of the data. Lastly, the implications of the results will be discussed, and some concluding remarks will be made.

2 Theoretical Framework

This chapter provides the theoretical framework for the analysis by reviewing existing literature of the various concepts used in this study. It is divided into several subsections. First, the concept of Europeanization and PA reform are discussed, followed by the politics-administration relationship and the specific characteristics of a modern civil service which are the focus of this analysis: depoliticization, accountability and transparency. These concepts are critical to

understanding the accession criteria vis-à-vis public administration reform (PAR) and the idea of a European Administrative Space (EAS). As a last step for this chapter, the theoretical expectations for this study will be stated.

2.1 Europeanization and Public Administration Reform

Schimmelfennig and Sedelmeier (2005) conceptualize Europeanization in their book *The Europeanization of Central and Eastern Europe* and define it as “a process in which states adopt EU rules” (p.7). Europeanization describes the overall process of what is happening in the candidate countries. Candidate countries incorporate EU legislation and thereby become more European in the specific context of the EU (as they are already considered European geographically). Schimmelfennig and Sedelmeier develop three different models of why rule adoption happens: the external incentives model, the social learning model and the lesson-drawing model. Further, they distinguish different forms by which rules are being adopted: formal, behavioral, and discursive. Legislation can be formally adopted, implemented or merely discussed about but never be acted upon. For this study it is mainly important that Europeanization is occurring, but the assumption is that the external incentive of eventual accession is what drives the convergence to EU standards. Dimitrova in chapter four of Schimmelfennig and Sedelmeier (2005, p.72-90) tests for EU conditionality in administrative processes in selected Eastern European countries. She uses the three categories goodness of fit, adaptational pressure and veto players to analyze the external incentives model regarding rule adoption in and through civil service reforms. She concludes that the external incentives model may also explain why certain candidates were hesitant to adopt conditional legislation regarding administration. Dimitrova states that the credibility of the EU’s promise to grant accession, i.e. the external incentives, are imperative (ibid.). One could therefore argue that the signals that the EU was previously sending i.a. to North Macedonia by continuously denying the opening of membership talks are questionable and may harm the EU’s credibility, which in turn could have negative effects on rule adoption to comply with accession criteria in candidate countries. The EU Parliament stated that the EU is sending the wrong signals and will review its strategy to enhance credibility (EU Parliament 2019). As the Council has agreed in early 2020 to start accession negotiations it remains to be seen in the coming years if this will act as catalysator and speed up the reform process in North Macedonia. At the time of writing the negotiations have not started.

Next, we will consider public management reform (PMR) in greater detail. Politt and Bouckaert start with a relatively simple definition of PMR: “public management reform consists of deliberate changes to the structures and processes of public sector organizations with the objective

of getting them (in some sense) to run better” (2017, p.8). They developed a simplified model of how the process of reform takes place. At the center of the model is elite decision making, which is influenced by economic and socio-demographic factors, political and intellectual factors as well as administrative factors. The interplay of these determine the form and the (often unexpected) outcome of reform. The question of what results a particular reform has yielded can sometimes be difficult to answer as it is partly a matter of perspective and depends upon what the objective of the reform was, with the data often also being unavailable. In the case of the candidate countries the end goal is accession, so the reform objective is to fulfill the criteria, in other words they need to be able to assume their membership responsibilities. The results are continuously monitored and evaluated by the Commission. The EU criteria are what matters, i.e. they give context to the public administration reform. The assumption is that over time countries develop reform trajectories. To compare the so-called trajectories, one needs first of all to define the concept of trajectory. Politt and Bouckaert (2017) understand a trajectory to be an intentional pattern embedded in a *scenario*. This scenario has an *initial situation (alpha)*, followed by a chain of events (the trajectory) that lead to a certain outcome or *future situation (omega)*. The intentions behind reform actions can either be following a very specific strategy or more vague ideas about a desired reform outcome.

Torenvlied and Junjan establish that public sector reform will affect two dimensions, which they call *government control* and *democratic responsiveness* (in Milward et al. 2016 p.321). They criticize a lack of emphasis on *democratic responsiveness* in administrative reforms as well as in research on such reforms and state that the “neglect of democratic responsiveness after the EU accession (in comparison to government control) has not only resulted in public discontent, but it also opened the way for nationalist and EU skeptic movements in several CEECs” (p.323). Using the CEECs as an example, they show the significance of why these two dimensions need to be balanced in order to ensure a “good” civil service responsive to citizens’ demands (ibid.). This is especially important for countries in which the separation of powers is not necessarily a given, whereas in Western countries it is often taken for granted. The significance of the politics-administration relationship will therefore be further discussed in the next section.

2.2 Politics-administration dichotomy and depoliticization

This section elucidates the background on the separation of politics and administration and demonstrates why it is significant in the context EU accession. Concerning the separation of powers, the theory of the politics-administration dichotomy, often attributed to Woodrow

Wilson, holds the basic assumption that politics and administration are and should be separated. According to the dichotomy, civil servants are supposed to be impartial and apolitical; they must separate their private political life from their work life as a public employee (Wilson 1887 as quoted in Uwizeyimana 2013, p.165-166). In the literature there is a division between advocates for politics-administration dichotomy, which calls for a strict separation and the so-called politics-administration complementarity. The scholars, who defend a politics-administration complementarity on the other hand, claim that individuals are “political beings” (Uwizeyimana 2013, p.170). Svvara states that “complementarity of politics and administration is based on the premise that elected officials and administrators join together in the common pursuit of sound governance” (2001, p.179). He further argues that administrators shape policies and give them meaning by and while implementing, while elected officials oversee the process and correct if necessary, thus both parties influencing each other and interacting (Svvara 2001, p.180).

While the theory of a strict politics-administration dichotomy has been discredited in the Anglo-Saxon literature, it is still relevant in the continental European tradition. These differential views are rooted in historically diverging interpretations of what the separation of powers means. In the US tradition the focus lies on *balancing*, i.e. controlling the different powers through a system of checks-and-balances, whereas in continental Europe it was always understood as an actual *separation* of powers, as political thought was strongly influenced by philosophers from the Enlightenment (Rutgers 2000). This explains why the EU poses depoliticization as a requirement for accession.

Another important aspect is that the “simple” separation between politics and administration was quite blurred or non-existing in the various communist regimes and several countries still face corruption today. It is relevant to note however that scholars disputing the possibility of such a distinction themselves tend to come from countries in which this basic separation has long been a feature of the political-administrative landscape. Regarding the effects of the communist legacy it is imperative not to generalize and acknowledge that it is in fact various communist legacies, as the degrees of bureaucratization varied in the different communist regimes (Meyer-Sahling 2009a). In addition to that Meyer-Sahling, found that the role of legacy might be short-term and transitional, while EU’s influence in the ongoing process is much more significant (ibid.). However, some of the candidate countries, including the selected cases for this paper, face challenges with certain degrees of politicization and or corruption of their civil service.

2.3 Accountability and Transparency

Accountability and transparency are widely used concepts, especially in the context of governance. To ensure that the public service is politically neutral and able to fulfil its tasks properly it is necessary that civil servants can be held accountable and that processes are transparent. In that sense they go together hand in hand as they are both indispensable aspects of a well-functioning civil service. They can be seen as pre-conditions to depoliticization without which depoliticization would be unfeasible. Though commonly utilized, the concepts of accountability and transparency are often vaguely defined. Their usage might differ slightly in various contexts as there are multiple ways in which they can be understood (Hood 2010). Therefore, we require a detailed conceptualization of the terms for this study.

To define the characteristics of a modern civil service or what a modern civil service should look like we turn to the concept of governance. The term governance, in the broad sense in which it is contemporarily understood, was first framed by the World Bank in 1989 (Keping 2018). Since then it has not only become omnipresent but there seem to be countless versions of it (Pollitt and Bouckaert 2011). Governance is understood as a cooperation between civil society and the state, with good governance calling for an administration that prioritizes citizen's needs and wants (Keping 2018). The main characteristics of good governance include legitimacy, transparency, accountability, rule of law, responsiveness and effectiveness (ibid.). Two of the key characteristics of governance will be central for this paper's focus: accountability and transparency. They are regarded as aiding concepts in order to establish a depoliticized public service. As elusive and broad as the concept of governance is, the same too can be said for accountability. This thesis will use Bovens' definition of accountability. He understands it as "a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences" (Bovens 2007, p.450).

Oftentimes transparency is viewed as part of accountability (ibid.) but for the purpose of this paper it will be regarded as its own category and key feature to good governance. They are *matching parts* in the sense that they are not the same but complement each other (Hood 2010). Transparency refers to the availability of information about administrative processes etc. and requires that all citizens have access to such information (Keping 2018). While transparency can certainly contribute to accountability, in principle they can exist separately. However, a civil service can be seen as "good" if both characteristics are present (Hood 2010).

2.4 Accession Criteria and EAS

This section will clarify what exactly the so-called Copenhagen Criteria entail and what the EU understands to be a “good” public administration. Generally, it is imperative to understand the EU always favored the Weberian notion of bureaucracy, but its requirements include some performance-oriented elements borrowed from the NPM (Dimitrova 2005).

The administrative convergence in the EU has been modest despite successful economic and political integration (Olsen 2003). Meyer-Sahling (2009b) found that post-accession development in CEECs is divergent, whereas Olsen (2003) states that the impact is bigger on candidate countries. This may be due to the fact that the EU made PAR a specific requirement, learning from the CEEC accession round. PAR is part of the political criteria which, together with rule of law, democracy etc. were decided upon in 1993 at the summit in Copenhagen. PAR is regarded as key to the accession process, as candidate countries need to be able assume membership responsibilities once they accede to the Union. This means they need to be able to provide standard services like any other member state. The EU’s focus lies therefore mainly on capacity or institution building, which is “defined by the EU as an activity developing the administrative structures necessary for the adoption and implementation of the *acquis* of the Union” (Dimitrova 2002).

The European Administrative Space (EAS) was brought forward in 1999 by SIGMA, a joint program of the EU and OECD (SIGMA 2017), to establish a framework for common principles that must be upheld in order to have what qualifies as a “good administration” according to these organizations. This framework is supposed to guide candidate countries by providing a set of standards. The SIGMA deems a modern civil service only possible when it meets the following conditions: separation between the public sphere and the private sphere; separation between politics and administration; individual accountability of public servants; sufficient job protection, level of pay and stability, and clearly defined rights and obligations of public servants; recruitment and promotion based on merit (SIGMA 2017, p.39).

Two key requirements are that civil service needs to be professional and clearly defined in scope. The SIGMA has established seven guiding principles for the public service: An adequate, clearly defined scope of public service that is applied in practice; the existence of a legal framework for the public service; merit-based recruitment and equal treatment as well as explicit criteria for demotion and termination; no direct or indirect political influence on senior managerial positions; a fair and transparent remuneration system based on job classifications; provisions for professional development including regular training, fair performance appraisal, mobility and promotion based on objective and transparent criteria; measures for promoting integrity, preventing corruption and ensuring discipline (SIGMA 2017, p.40). These are the

conditions that the candidate countries need to adhere by in order to guarantee a civil service functioning according to EU standards.

2.5 Theoretical expectations

From the theoretical framework laid out here, we can derive certain expectations as to how Montenegro, Serbia and North Macedonia will approach the reform of their respective public services. All three Western Balkan countries have experienced problems with varying degrees of politicization and delayed reform processes due to resistance from elites who fear a withdrawal of their privileges.

Based on a prior state union of Montenegro and Serbia we would expect the two countries to have similar reform trajectories. Further we expect that the reform trajectories of Serbia and Montenegro differ from one pursued by North Macedonia.

The external incentives model (Schimmelfennig and Sedelmeier 2005) asserts that countries are more likely to comply the more credible the incentive, in this case accession to the EU. All three countries strive to join the EU, which is the external catalyst for the reform actions. Based on that, one could expect more similarities between the candidate countries' approaches. Even though North Macedonia had a much faster initiation than Serbia and Montenegro (having achieved official candidate status in 2005), the other two have already started accession negotiations whereas North Macedonia has not. Since Serbia and Montenegro had already opened negotiations, one could assume that they are "further along the path of accession".

This leads us to expect that the opening of negotiations gave Serbia and Montenegro a credible incentive to speed up the reform process, whereas the seemingly slow progression of the accession process in North Macedonia may disincentivize the country.

3 Methodology

This chapter presents the methodology used for this study. First, the research design is explained, followed by a description data collection, case selection and the operationalization of the theoretical concepts. Lastly, potential validity threats are discussed.

3.1 Research design

This paper will use a comparative case study design to address the research question. The approach used is descriptive and qualitative. Furthermore, the method of data analysis is a document analysis. In this study, the term case study design refers to the in-depth analysis of a small

unit of cases with the goal to be able to compare these particular cases. It is thus considered to be a cross-case analysis. As it is descriptive, it lies in the nature of the chosen design that it has little to no explanatory power as to the causes of why particular measures are favored over others. Another limitation of the qualitative study design is that there will be limited possibilities to draw inferences to a larger group or population, in this case all the official candidate countries and possibly the potential candidate countries. It is imperative to point out that drawing inferences is not the goal of this study, the goal is to detect differences and similarities between these cases and to investigate the mechanism behind the adoption of civil service reform. The point of departure for this study is the assumption that each case, i.e. each candidate country has its own special circumstances and therefore generalizations cannot be made or can only be made to a certain extent. Nevertheless, it is important to observe and describe differences and similarities between candidate countries, i.e. exploratory and descriptive research is needed before further research may examine causal explanations of the respective observations. A comparative case study design with a small sample is suitable for this type of research because it allows us to analyze each case in-depth. As each case is highly specific, this may provide detailed information on how the reform of the civil service takes place in each of the selected candidate countries. Another advantage of this design is that the data is very accessible because it consists of public records, making the document analysis a very efficient way to conduct research.

3.2 Data collection

This study will not collect original data but will use existing data in the form of the annual monitoring reports published by the EU Commission. The choice of data can be explained for one because the monitoring reports are published regularly. Secondly, the same methods of measurement are applied to each candidate country and the reports are structured in the same way, which makes them ideal for a cross country comparison over time. Given the official character of the data and the provision of clear benchmarks, the concern that the data is biased is relatively low and therefore not affecting the validity of the study (Jano 2016).

The EU revised its strategy towards enlargement and introduced PAR along with strengthening the democratic institutions as one of the key pillars to accession (EU Commission 2014). This new focus on administrative reform led to PAR getting its own subchapter under the political criteria in the monitoring reports starting in 2015. This shows the significance of PAR and therefore 2015 is the starting point for the analysis of this study. The section on PAR in the monitoring reports is further divided into smaller segments. As this study examines civil service

reform, the main focus in the data is on *Public Service and Human Resource Management*. The other segments have been investigated for relevant data as well.

It must be taken into account that the three countries started their journeys towards EU accession at different points in time. However, the EU Commission focuses on measuring relative progress rather than absolute progress (Jano 2016), which makes an accurate comparison of the cases within that time period still possible. There were no progress reports issued in 2017 due to a restructuring of the enlargement package from fall to spring (EU Commission 2016b). The total number of reports analyzed is therefore 12 (full list in the annex). Due to the limited scope of the thesis it was decided not to include strategy papers from the respective governments.

3.3 Case selection

This study will focus on countries with the official status of candidate country, who are already negotiating accession to the EU or waiting to open negotiations and not on potential candidate countries like the Kosovo for the simple reason that it is not known when said potential candidate countries will be ready to gain the official status as candidate countries. Furthermore, the monitoring of the process by the EU is likely to differ between official candidate countries and potential candidate countries, which would complicate an accurate comparison between the cases. North Macedonia, Serbia and Montenegro are all former Yugoslavian countries, with Serbia and Macedonia formerly sharing a state union, which means their administrative structure was once very similar. However, the objective of EU accession has prompted these countries to develop and reform their administrations.

Another significant point is that these three were never at war with each other during the conflicts that shook the region in the nineties. The absence of conflict might be an interesting aspect insofar as their relations with each other might lead to a social-learning effect and the respective administration copying good practices of their neighbors.

North Macedonia has been an official candidate country for accession to the EU since 2005. Since then, the country has been trying to reform its administration and address clientelism and corruption. The Commission has recommended for several years now that membership negotiations with North Macedonia should be opened and in March 2020 the Council has agreed to do so after the request had last been denied in October 2019 (European Commission 2020, European Parliament 2019). Two years after declaring independence from Serbia, Montenegro applied for EU membership in 2008. The application was reviewed and accepted by the Commission and negotiations were opened in 2010. Serbia was the last out of the selected three countries to be granted the official status as candidate country in 2012. The opening of

membership negotiations followed shortly thereafter in the beginning of 2014 (EU Commission 2019a).

3.4 Operationalization

In order to analyze the data, the various concepts presented in the theoretical framework need to be operationalized. As a means to analyze the content of the monitoring reports the data will be descriptively coded. This means that each segment of data that is deemed relevant will be assigned a code describing the content of the data. This helps to organize and simplify the data in order to draw theoretical insights from it (Maxwell 2009). To measure the fit of the civil services with EU principles, we use the concept of Europeanization. Europeanization can be operationalized as compliance to EU conditionality thus adopting the “European way of doing things”. Adoption is defined as including EU law into national legislation and thereby translating it into concrete policies. It has to be distinguished from the implementation of such policy, which refers to actually executing the policy. This thesis will mainly focus on legal compliance because implementation is a lengthy process and monitoring it proves difficult in reality. As far as the monitoring reports contain information on the implementation of newly adopted legislation, this will be taken into consideration for the analysis as well. However, the scope of the thesis does not allow for examining actual practices in the respective civil services because this would require far more extensive research.

The level of Europeanization will be determined as “progress” measured by the EU, i.e. new laws passed that are in line with the EU requirements. Specifically, the three aspects we will examine regarding their adaptation to EU standards (level of Europeanization) are depoliticization or political neutrality, accountability and transparency within the civil service. The focus of this paper lies on depoliticizing the civil service, for which accountability and transparency are regarded as important characteristics or pre-conditions and therefore aiding the establishment of a politically neutral civil service.

In order to determine what measures the respective governments are taking and to make them comparable, this study makes use of the categories established by Meyer-Sahling (2009), who distinguishes a total of eleven so-called domains within the civil service. Due to the limited scope of the thesis we have selected only a few of these domains that are deemed most indicative in assessing depoliticization, accountability and transparency. The first key aspect is the *legal basis* or framework, which refers to the existence of a civil service law regulating the legal status of civil servants. Standardized *examinations and candidate selection* are imperative for

a fair and merit-based recruitment. Another very important aspect in regard to depoliticization the *management of the senior civil service*.

With special regards to accountability we will look at performance appraisals (*evaluation of civil servants*), disciplinary procedures as well as *training of civil servants* as these indicate potential politicization and “good” practices in these areas that enhance the accountability of the civil service. Finally, we will investigate the existence of a fair and transparent *remuneration system*.

In order to measure how well the candidate countries are doing in each area, we lean on Dimitrova’s (2005) distinction between three categories/levels: no, partial and full compliance. She understands full compliance as having “civil service and PA laws and possibly reform strategies, secondary implementation, training, or other measures, such as access to information laws” (ibid., p.83). Partial compliance refers to “cases in which one piece of legislation ... had been passed but not implemented and no other acts followed...” (ibid.). The case of compliance is present when no basic legislation has been passed by the government in that particular area. This study is not measuring compliance per se but emphasizes the progress compared to the respective previous reporting period. Therefore, we introduce one additional category to get a more detailed picture on partial compliance. Thus we distinguish between partial compliance in the sense that some regulations exist but no new actions have been taken in the reporting period and partial compliance progress, i.e. new regulations in that reporting period that improve the situation but still only partially comply with the EU requirements (for that aspect). If the monitoring reports simply mentions an aspect, e.g. that a law regulates a certain area but makes no further extensive reference to it, it is assumed that this particular aspect is sufficiently complied with. See *Table 1* for assigned values.

Table 1: Coding of compliance progress

Symbol	Value
++	full compliance
+	partial compliance progress
-/+	partial compliance but no progress in the present reporting period
0	no compliance progress
-	no reference

3.5 Validity threats

This subsection discusses potential validity threats for this study. One general concern for the chosen method of a qualitative document analysis is the choice of data, specifically potential bias in the documents. This is unlikely to be a concern for this study as the data consists of official, publicly available documents. Jano (2016) argues that the EU's high standards and clear benchmarks significantly lowers the risk of bias. Additionally, the EU measures relative not absolute progress.

Further, it can be criticized that the study uses only one source of data. By triangulation, credibility of the results could be significantly enhanced (Patton 1990). The decision against a mixed method approach was made based on limitations in resources. This study argues that the cost-effectiveness and efficiency for choosing a document analysis (Bowen 2009) prevail over the disadvantages of a single source method. As the study is descriptive and not explanatory, threats to internal validity are not a concern because these relate only to the spuriousness of relationships in causal research (Yin 2015).

4 Analysis

In this section, the analysis of the data will be carried out in order to answer the research question. First, the reform process and progress of each country between 2015 and 2019 as reported by the EU Commission (see annex for monitoring reports) will be described to answer sub question 3: *What are the measures regarding depoliticization, accountability and transparency as monitored in the reports by the EU Commission and how much progress has been made?*

Subsequently we will compare the countries to one another to answer sub question 4: *To what extent do the reform trajectories differ or are similar in the selected countries?*

The analysis takes into account the different starting points on the journey to EU accession for each country. The analysis focused on the aspects reported by the Commission that were thought relevant to promote depoliticization, accountability, and transparency in the civil service.

4.1 Montenegro

2015

The EU Commission states that Montenegro has achieved “some progress” with its PAR strategy 2011-2016 but that not all objectives could be accomplished. While a legal framework on

public service regulating the principles of merit-based recruitment, promotion and dismissal is in place, its execution is unsteady (EU Commission 2015a).

The Human Resources Management Authority (HRMA) requires that further capacities to effectively monitor human resources and personnel records be updated. The Law on Civil Servants and State Employees regulates disciplinary procedures. HRMA is also in charge of training, i.e. continuous professional development of civil servants, but the amount of training decreased. There are limited amounts of performance appraisals and these are, according to the Commission, rather formalistic (EU Commission 2015a).

As of 2015, a lack of transparency is apparent in the remuneration system of civil servants. Payment of bonuses are non-transparent and equal pay for equal work is not always respected due to significant discretion by senior management. However, a new law is reportedly in preparation that addresses these issues (*ibid.*). A new anti-corruption agency is to take up work in the beginning of 2016 to promote the integrity of the civil service.

2016

In 2016, Montenegro has adopted the PAR strategy 2016-2020. The Commission qualifies the changes in the 2016 reporting period as “some progress”, which can be read as partial compliance. According to the Commission, little progress has been made in guaranteeing merit-based recruitment as arbitrary selection continues. There have been appeals because of the usage of non-objective criteria in the recruitment and dismissal of civil servants including senior managers, which can be dismissed after just one negative performance appraisal (EU Commission 2016c).

The human resource management units remain deficient in addition to the central personnel register being updated at infrequent intervals. However, there are plans to link the register with the salary system. The expected law to improve the remuneration system for civil servants was adopted early in 2016. The new regulations allow for better controlled salaries. It makes the remuneration more transparent and improves fiscal accountability (*ibid.*).

The possibilities for professional development are inconsistent and a clear link between performance appraisals and career development is missing. The anti-corruption agency took up its work as planned and began monitoring the implementation of integrity plans (*ibid.*).

2018

In the reporting period between 2016-2018, a new Ministry of Public Administration has been established, namely in December 2016. Montenegro has adopted new Laws on Civil Servants

and State Employees as well as local self-government at the end of 2017. Both laws intend to ensure merit-based recruitment. They regulate recruitment and appraisal procedures in addition to training for civil servants including managers, thus improving managerial accountability. The political influence on recruitment is reduced, as powers are delegated. This is deemed to be good progress by the Commission, as Montenegro is complying with the 2016 recommendations (EU Commission 2018a). However, secondary legislation to implement the new regulations is still needed.

The HR management units' position remains unimproved compared to the previous reporting period as they still lack sufficient capacities, but the new Law on Civil Servants and State Employees introduces regulations for the training of managers, which the HRMA is in the process of implementing. Towards the end of 2017, the government tackled the reduction of personnel requirements while increasing capacities by introducing a human resource optimization exercise. While the central personnel register has not yet been linked to the salary system as planned, it is more frequently updated. The Law on Salaries of Public Sector Employees was amended in April 2017, resulting in reduced possibilities for discretion, further improving the remuneration system (*ibid.*).

2019

The Law on Civil Servants and State Employees came into effect in July and most secondary legislation was adopted at the end of 2018. Training on the new procedures has been provided as well. This is deemed good progress by the Commission regarding merit-based recruitment (EU Commission 2019b).

The salary system has been attached to the central personnel register as expected and the register has been updated regularly. However, there is still little to no improvement on the capacities of the HR management units. To achieve the goal of professionalizing the civil service and reducing the number of employees, the Montenegrin government adopted the 2018-2020 Public Administration Optimization Plan in July. Most public employees experienced cutbacks in their salaries due to fiscal-related triggers in 2018. The Commission states that public salary scales are transparent, they are however rather moderate and under the current law there is room for discretion in the salaries. The HRMA provides training to create opportunities for career advancement and is still in the process of implementing the training program for HR managers, launched the previous year (*ibid.*).

Although Montenegro has made significant progress in reforming its civil service, having adopted and implemented several pieces of legislation overall, the Commission decided that Montenegro is still only “moderately prepared with its public administration reform” (EU Commission 2019b, p. 11). This means that there is still significant work to do to complete the reform process. It therefore recommends that the country further emphasizes the implementation of the Law on Civil Servants and State Employees and makes an effort to ensure the professionalization and depoliticization of the civil service as well as improving citizens’ access to public information, i.e. transparency (EU Commission 2019b).

4.2 Republic of Serbia

2015

As of 2015, Serbia has a legal framework for the central government civil service. However, there is no civil service law for local government civil servants yet and there are several problematic aspects concerning this law and its implementation. First, it does not apply to all civil servants and therefore the line between politics and civil service is often not clearly separated. There are provisions in the law that leave room for discretion. This discretion is commonly utilized in practice, especially in the appointments of senior civil servants whose majority are appointed without regard for regulations through the usage of exceptions and transitional arrangements. The use of “restructuring” institutions as grounds for dismissal or reassignment can lead to arbitrary decisions. The disciplinary procedures and appeals mechanism are generally in line with the EU principles for the civil service (EU Commission 2015b).

Serbia has a Ministry of Public Administration and Local Self-Government, which is the central institution coordinating HR management. However, the Human Resources Management Service (HRMS) that is responsible for updating the HR management information system is not directly accountable to the ministry. This information system is also not utilized for HR policy planning and monitoring. Overall, the Commission finds that the HR units “are weak and mainly compliance-oriented” (EU Commission 2015b p. 9).

Regarding remuneration, there is no central payroll system and the principle of equal pay for equal work is not abided by in all public institutions. Transparency and fairness are lacking as discretionary bonus systems are used. The amount of training for public employees provided by the HRMS is limited as the new professional training strategy has not yet been completely implemented. The training programs for central government civil servants and local government civil servants are not harmonized. An inflated appraisal system leads to budgetary issues

but generally the system is deemed appropriate by the Commission. However, the link between appraisal systems and training programs is missing (*ibid.*).

2016

A new law on public salaries has been adopted in February 2016, which is deemed “good progress” by the Commission as this is supposed to ensure equal pay for equal work. It is expected to enter into force in 2017. On the other hand, there has been very little progress concerning the legal framework for the civil service. The Commission finds there is an excessive level of discretion from the political level, a lack of clear criteria in selection tests and too many exemptions for temporary staff in the recruitment process. This impairs merit-based recruitment processes and results in a politicized civil service. This holds especially for senior civil servants for whom the majority of appointments still suffer from political influence in addition to a high turnover rate (EU Commission 2016d). Restructuring of the organization can be used as grounds for dismissal as well as “serious disturbance” (*ibid.*, p. 11) but it is not clearly defined what that constitutes, which makes it prone to be utilized in an abusive way.

The government adopted the Law on Provincial and Local Government Employees in March 2016, which is seen as progress since it establishes a merit-based HR management system at the local level and includes it in the existing civil service framework.

HR management in the public sector remains weak and compliance-oriented in 2016. The appraisal grades too continue to be inflated, making the system inefficient. The Ministry of Public Administration, responsible for central coordination of HR management, lacks the capacity to coordinate and harmonize the work of HR units. The HR management information system is kept by the HRMS, which is separate from the ministry and other national databases (such as the treasury payroll registry). The HR management system is not frequently updated (*ibid.*).

The Serbian government adopted a new law on the remuneration system covering all public sector employees in February 2016 that is expected to come into effect in 2017. The law enforces the principle of equal pay for equal work. There has not been any progress either regarding neither the implementation of the national strategy for professional development or the establishment of a national training institute for public servants. The link between the training of public servants and the performance appraisal is still missing (*ibid.*).

2018

As of 2018, Serbia did not fully comply with the Commission’s recommendations from 2016. Excessive discretion continues to undermine merit-based recruitment. Explicit criteria for

selection tests or the composition of selection committees are still not specified. Temporary staff is still exempted from the normal recruitment procedures. Therefore, the Commission concludes that the legal spheres of politics and public service are not clearly separated. This can also be observed in the degree of politicization in the appointments of senior managers. Little has changed in this reporting period and still 60% of senior civil servants are appointed without following the regulations of recruitment. The turnover rate of senior civil servants remains an issue too, resulting in the loss of institutional memory. Dismissal procedures can be used in an abusive way because the legal provisions allow for expulsion after just one negative performance appraisal confirmed by an additional assessment 30 days after the original negative review (EU Commission 2018b).

HR management continues to focus mainly on legal compliance. The issue with inflated performance appraisals persists in the current reporting period and the capacities of the Ministry of Public Administration and Local Self-Government remain insufficient. The HR management information system is too infrequently updated and still not linked to other national databases.

The government improved the remuneration system further by adopting new legislation on public service salaries including the local government and autonomous provinces as well as employment relations in December 2017 (*ibid.*).

Concerning the possibilities for the professional development of public servants, Serbia has made progress by adopting the Law on National Training Academy. It covers the training of all public employees and provides special modules for senior managers. Training programs as well as providers are getting accreditation. While this is good progress, the linkage to the appraisal system is continuously missing and the Commissions deems the possibilities for professional development too inconsistent (*ibid.*).

2019

In December 2018 the Serbian government amended the Law on Civil Servants and adopted the related secondary legislation in January 2019. The amendments introduce several positive changes. It specifies criteria for the selection tests that are now based on competency assessments. The exemptions for temporary staff from normal recruitment procedures have been removed. The regulations for performance appraisal procedures have been adjusted so that civil servants have more time to improve their performance after a negative evaluation and additionally get the possibility to attend professional training (EU Commission 2019c). A new performance assessment system “reflecting the policy priorities of institutions” (*ibid.*, p. 11) as well

as a competency-based HR management system were established following the changes of the Law on Civil Servants.

However, there are still several shortcomings in the changes to the law. According to the Commission, the level of discretion that institutional directors have when putting together the selection committees is still too high. The issue of inflated performance appraisal grades persists in 2019. Generally, the issue of a high degree of politicization and turnover rate in the appointments of senior civil servants persists. The regulations for merit-based recruitment procedures have not been followed consistently but the misuse of a legal provision that allows appointments to ‘acting positions’ for six months resulted in loss of institutional memory and or in the violation of the legal time limit. The majority of senior level positions are held on an acting basis (ibid.).

The HRMS still lacks sufficient capacity to efficiently coordinate the work HR units in 2019. The HR management information system continues to be underdeveloped and the connection to other national databases is still missing. The implementation of the Law on the salary system in the public from 2016 has been pushed to 2020, which means there has not been any further progress regarding the remuneration of civil servants. The National Training Academy for Public Administration which had been established in 2018 provides training for all levels of civil servants to ensure professional development (ibid.).

Overall, the recommendations regarding depoliticization have not been sufficiently addressed by the Serbian government during the observation period 2015-2019, especially at the senior management level, which continuously suffers from a high degree of politicization in its appointments.

4.3 Republic of North Macedonia

2015

The former Yugoslav Republic of Macedonia faced a serious political crisis in 2015, which led to the EU issuing the so-called Urgent Reform Priorities in June 2015 (EU Commission 2015c). With regard to the PAR, these were focused on depoliticizing the administration and consisted of four specific requirements: The regulations of the new legal framework, have to be implemented rigorously to ensure the principles of transparency, merit and equitable representation are being respected. The same goes for employment policies, which need to respect these principles through open procedures. The government must cease implementing the Law on

Transformation of Temporary Positions into Permanent Contracts, which had been adopted in February, until the principle of merit can be ensured in this process. Lastly, “figures for the total number of public service employees in all government ministries, agencies and other bodies” must be provided (EU Commission 2015c, p.4).

The Law on Administrative Servants and Law on Public Employees came into effect in February 2015 and the corresponding secondary legislation has been adopted together with the methodology on equal representation. Nevertheless, there have been numerous political appointments in the reporting period. Transparency remains a concern, particularly with regard to staff mobility and dismissal procedures. The new law does not sufficiently regulate senior public servants’ appointments or dismissals (EU Commission 2015d).

Shortly before the Law on Administrative Servants and Law on Public Employees entered into force, another law was adopted per fast-track procedure; the Law on Transformation of Temporary Positions into Permanent Contracts. This law is seen as problematic as it circumvents the principle of merit because of the lack of open competition when temporary contracts are converted into permanent ones. In addition to that, new positions have been created on political or social grounds, which needlessly inflates the public service and results in the fact that a lot of the staff are not required to show up for work. Regarding the principle for equitable representation, endeavors to meet the target often disregarded the principle of merit as well as the actual staffing needs. Recruitment from the biggest minority community is increasing, but other minorities remain under-represented. The responsibilities of the Ministry of Information Society and Administration’s (MISA), which coordinates and monitors human resources management, have been expanded to cover all public sector institutions (ibid.).

There are inconsistent pay levels and mobility is hindered due to the lack of a uniform remuneration system for the civil service across the public sector. According to the Commission, “the right to continuous professional development of civil servants is partially covered” (ibid., p. 11) and there has been an increased usage of e-learning systems. No centralized database of training offered by various institutions exists so far and cumulative data on training already provided is yet to be made available.

2016

In 2016 the Commission concludes that there has been “some limited progress” but that the implementation of the 2015 recommendations (Urgent Reform Priorities) are insufficient. Three out of four recommendations for the coming period relate to depoliticization, which is still a serious concern. In September 2016, the civil service started implementing new appraisal

and merit-based recruitment procedures according to the Law on Administrative Servants. The requirement to suspend the transformation of temporary contracts into permanent ones without open competition, according to the Law on Transformation of Temporary Positions into Permanent Contracts, was not fulfilled and therefore the principle of merit was continuously disregarded. In addition to that, there is a lack of transparency as the government did not disclose how many transformed temporary contracts exist. The transparency of staff mobility and potential misuse of dismissal procedures also continues to be an area of concern, especially for the senior management level (EU Commission 2016e).

There have been “credible allegations that public sector employees suffered intimidation, pressure and threats to their employment to attend counter- demonstrations” (EU Commission 2016e, p.11). This reinforces the perception that high levels of politicization still prevail in North Macedonia.

Even though the methodology on equitable representation was signed and published after it had long been delayed, this seemed to have little impact and minorities remained under-represented. Again, the Commission stresses that “efforts to meet targets for equitable representation often did not take account of institutions’ real staffing needs and the principle of merit” (ibid., p.11). There is an increasing number of public employees not required to attend work. The MISA’s authority is insufficient to effectively coordinate and monitor human resources management. They published a report on the total personnel in the public sector, which was one of the requirements of the ‘Urgent Reform Priorities’ in 2015. However, the report does clarify the issue of temporary employees (EU Commission 2016e).

A persistent lack of a uniform remuneration system across the public sector remained. The opportunity of professional development was given to public servants through training. A new human resource software was put in place to provide cumulative data on training already provided but there is still no centralized database of the training (ibid.).

2018

North Macedonia had a change of government in May 2017 due to early elections in December 2016, which were part of the Urgent Reform Priorities. The new government appears to be more committed to the reform agenda and in the reporting period 2016-2018 there has been “substantial progress” on the requirements stated in the Urgent Reform Priorities in 2015. However, the regulations for public-sector employees are inconsistent. The application of the 2015 Law on Administrative Servants is not yet systematic. Some contradicting laws have been adopted after it entered into force, e.g. the Law on Internal Affairs that are still in force. These allow for the

exclusion of certain groups of civil servants from application of the Law on Administrative Servants. The government has recently amended the Law on Administrative Servants. It has abolished the requirement of psychological and integrity tests for employment in the public service. Additionally, the modifications to the law make "fast track" promotions possible, which means public servants could advance several professional ranks at once. This is seen as potentially problematic by the Commission because it could increase subjectivity in the process, while simultaneously lacking transparency. The government re-introduced middle management positions in numerous ministries, that were filled with internal transfers thus lacking open competition (EU Commission 2018c).

The Commission stresses that there is a lack of information regarding the “use of temporary, service or other types of recruitments in the public administration which raises concerns over the application of the merit principle” (ibid., p.16). The statistics on all recruited administrative servants and temporary and service contracts have not been updated since January 2017. The issue of a large number of public servants not being required to attend work remains unchanged in 2018. Appointments and dismissals of senior management positions are not sufficiently regulated, which lead to high turnover rate post-elections. The Commission stresses the importance of transparency and open competition in the recruitment and dismissal processes. The MISA continuously lacks the capacity to execute its task of overseeing human resources management. The HR information system is deficient. This is due to a lack of commitment by employees in the human resource services to fill in the requested data. The report on employees in the public sector (one of the Urgent Reform Priorities) published in March 2017 provided more analysis on public employments, but lacked data and clarity on temporary, service and other types of recruitments (ibid.).

There are inconsistent pay levels and reduced mobility due to the continuous lack of a uniform remuneration system across the public sector. Only classroom type training exists in regard to professional development. A centralized database on the training offered does not yet exist. The appraisal procedures have been amended but the new legislation has no provisions regarding “minimal percentages of staff that will be awarded for excellent appraisals or penalized for poor appraisals” (ibid., p.16).

2019

The implementation of the Law on Administrative Servants and the Law on Public Sector Employees is not fully ensured. The contradicting provisions in the Law on Internal Affairs remain

effective. The standards used for temporary or service employments are lower than those in the Law of Administrative Servants Procedures and reasons for dismissals are often not clear.

The State Commission for Prevention of Corruption has started to investigate allegations regarding appointments of family members by the previous and current government. The results of these investigations show that recruitment processes in the public sector need further regulations to “make them more transparent and merit-based” (EU Commission 2019d, p.12). The principle of merit also does not seem to be sufficiently respected in the nomination of senior managers. Post-elections, new senior managers were assigned without the use of meritocratic criteria. According to the Commission’s report, a new law concerning recruitment and dismissals for the senior management level is under preparation to remedy the situation. The MISA still lacks the capacity to “ensure systematic application of the legislation” (EU Commission 2019d, p.13). Better functionality of. According to the Commission the Human Resources Management Information System still needs to be improved and is not yet systematically used by institutions (ibid.).

The Commission stresses that the remuneration system needs revision but does not specify any further details. The issue of public employees not attending work prevails. The government has announced actions, but the administration has not yet followed through. As of 2019, there is still no central database to provide information on the training by various institutions and while there are provisions for professional development, these are not consistent (ibid.).

Given the political crisis at the beginning of the observation period for this study in 2015, North Macedonia has made some progress after the government changes in 2017 but overall, the progress can be qualified as rather low. Nonetheless, the Council has agreed to open accession negotiations in early 2020 (EU Commission 2020). At the time of writing the negotiations have not yet started and the impact of that on the speed of PAR remains to be seen.

4.4 Comparison of the cases

In this section, we will compare the three candidate countries to each other and return to the theoretical framework in order to answer the research question. First a few general remarks and observations and then we will go on to the specifics.

One intermediary result of the analysis was that the monitoring reports do not mention accountability and transparency in the civil service consistently enough or in enough detail to make any definite statement. The reports mention here and there that transparency is missing and even

though there is a whole section dedicated to the *Accountability of the administration*, the statements made are mostly regarding accountability in the administration as a whole and not specifically for the public service. The lack of clear definitions of what these concepts mean to the EU makes it not only more difficult to assess the compliance but also the compliance itself. This shows what we have already seen in the theoretical framework, there are multiple accountabilities and transparencies (Hood 2010). In the case of the EU this is due to the fact the EU cannot legally prescribe any specific form of administration to the candidate countries as there is no administrative convergence between the member states. The candidate countries therefore have flexibility in choosing what mechanisms they want to implement as long as these are in accordance with the EU's administrative principles (Meyer-Sahling 2009b).

All three countries are deemed “moderately prepared” with their PAR by the Commission at the starting point for this study in 2015 as well as in 2019. They were recommended to depoliticize and professionalize their civil services and at the end as well. This means overall that the governments continuously need to make PAR a priority and fortify their efforts to establish politically neutral civil services. *Table 2* provides an overview of all legislation passed by the governments since 2015.

Table 2: Overview civil service legislation

Candidate Country	Legislation passed since 2015
Montenegro	Law on civil service remuneration 2016 (amended 2017), Law on Civil Servants and State Employees 2017 (secondary legislation adopted 2018), Law on local self-government 2017
North Macedonia	Law on Administrative Servants and Law on Public Employees 2015 (amended 2018), Law on Transformation of Temporary Positions into Permanent Contracts 2015 (negative), Law on Internal Affairs
Serbia	Law on public salaries 2016 and 2017 (implementation postponed to 2020), Law on Provincial and Local Government Employees 2016, Law on National Training Academy year 2018, amended Law on Civil Servants 2018 and secondary legislation 2019

Now, we will look at how the three countries compare in the different categories we selected for the analysis. See *Tables 3,4,5* for the values that have been assigned in the different categories for each country.

First, the *legal basis* or framework for the civil service. While all three countries have civil service laws, these are not always fully implemented, some have contradictory provisions excluding certain types of civil servants or other loopholes. Frequent amendments make them prone to instability (Meyer-Sahling 2009b). Montenegro has made the most consistent progress

Table 3: Montenegro progress in the different categories

Year	Framework/legal status	Examinations and candidate selections	Management of senior civil service	Training of civil service	Evaluation of civil servants	Remuneration systems
2015	++?	-/+	-	-/+	-/+	-/+
2016	-/+	0	-/+	0	-/+	+
2017						
2018	+	+	+	+	-	+
2019	+	+	+	+	-	+

Table 4: Serbia progress in the different categories

Year	Framework/legal status	Examinations and candidate selections	Management of senior civil service	Training of civil service	Evaluation of civil servants	Remuneration systems
2015	-/+	-/+	0	-/+	-/+	-/+
2016	-/+	0	0	0	0	+
2017						
2018	-/+	0	0	+	0	+
2019	+	+	0	+	+	0

Table 5: North Macedonia progress in the different categories

Year	Framework/legal status	Examinations and candidate selections	Management of senior civil service	Training of civil service	Evaluation of civil servants	Remuneration systems
2015	+	0	0	-/+	-	0
2016	0	0	0	-/+	-	0
2017						
2018	0	0	+	-/+	-/+	0
2019	-/+	0	-/+	0	-	0

in this category. While Serbia has made some progress more recently with the amendments and adoption of secondary legislation on the Law of Civil Servants, these are not yet fully in line with the EU requirements. North Macedonia is behind in this category, has even passed contradictory legislation with the Law on Transformation of Temporary Contracts into Permanent Contracts and the Law on Internal Affairs. This can be qualified as regress and according to the Commission needs to be remedied.

In the category *standardized examinations and candidate selection*, to ensure merit-based recruitment, North Macedonia has not made any progress during the observation period. Again, Serbia has made some recent progress and Montenegro has made the most consistent progress out of the three cases.

Regarding the *management of the senior civil service*, which may be the key category for depoliticizing the civil service. Serbia has made no progress in depoliticizing the senior management level, which continues to suffer from a high turnover rate especially in acting positions. According to the Commission, as of 2019 North Macedonia is preparing a law to regulate the senior management level. This could potentially improve the situation. Otherwise the country's progress has been rather limited. While Montenegro does not yet fully comply with the EU requirements concerning senior civil servants, the country's progress is yet again the most consistent out of the three cases.

In terms of *training and professional development* of civil servants, Montenegro and Serbia both made good progress recently. Serbia with the establishment of a National Training Academy in 2018 and Montenegro with the launch of a training program for managers in the same year. North Macedonia some progress over the observation period of this study but not consistent enough, as training is not systematically provided.

The monitoring reports for North Macedonia mostly do not make any references concerning the *evaluation procedures* of civil servants. Therefore, we cannot draw any conclusions to the country's progress in this category. For Montenegro there is also no mention of evaluation/appraisals in the data after 2016, but the 2015 report states "limited and rather formalistic". Based on this, we assume that Montenegro does not yet fully comply with the EU requirements. While Serbia has in principle an appropriate system, the country continuously struggles with inflated appraisal grades.

The last aspect we investigated is the existence of a transparent and fair *remuneration system* that is based on job classifications. North Macedonia is once again behind the other two, as it is the only country out of the three that does not have a central remuneration system based on

job classifications. Montenegro made some progress over the years, similar to Serbia, but needs to revise its remuneration system in order to fully comply with EU requirements.

Now, we return to the theoretical expectations. The first expectation that Montenegro and Serbia would have similar reform trajectories cannot be confirmed. While there are some similarities between the countries, we found more differences in the reform progress than expected. Overall, Montenegro is more consistent in its reform progress. Regarding the second part of the first expectation, the reform trajectory of North Macedonia does seem to differ compared to those of Montenegro and Serbia.

The data analysis suggests that North Macedonia has made the least progress out of the selected cases in the examined aspects. However, this is not yet a confirmation of the second expectation, since there could be various reasons as to why this is the case. For one, North Macedonia went through a serious political crisis in 2015 with the wiretap's affair.

5 Conclusion

In this section we come back to and answer the central research question: *What measures are taken to reform the civil service in selected Western Balkan countries in terms of depoliticization, accountability and transparency during the accession process in order to comply with EU conditionality?*

Montenegro, Serbia and North Macedonia have made efforts to establish an effective, politically neutral civil service in accordance with EU requirements by passing and amending regulations. However, the success varies from country to country as well as in the different areas we investigated. Overall, Montenegro has been the most consistent in reforming the PA. It is clear that each of the three countries needs to continuously make PAR and especially the depoliticization of the civil service a priority in order to align their administrations with EU standards and therefore have a greater chance at completing the accession process. One thing that has to be kept in mind is that reform happens incrementally (Politt and Bouckaert 2017) and does not always go as intended. This can certainly be observed in the PAR for the EU accession process. When reflecting the research design, the usage of a document analysis allowed for a good comparison between cases. The choice of a single method approach, while having the benefit of being less costly in resources, is not as in-depth and as robust as a mixed method approach would have been. Although the study is descriptive, other scholars may assess and categorize the on-going reform processes differently, which is an inherent feature of qualitative research based on interpretations. One way to increase the robustness of the results that was not feasible for this study but should be considered for further research would be to conduct an intra-coder

reliability test, i.e. after coding and analyzing the data, the researcher proceeds to re-code the documents to check the consistency of their own coding process.

Further research should take strategy papers (reform strategies and action plans) of the respective governments into account and consider conducting interviews with civil servants or surveys. This would not only widen the scope of empirical data sources but shift research perspective from that of the EU to that of the civil services in those countries.

The findings raise questions as to why the trajectories differ between these three cases, e.g. why had North Macedonia so little progress compared to the others? This research project was conceived as a first step to causal research investigating the reasons behind differences and similarities in compliance progress. Another obvious suggestion for further research would be to include the other candidate and potential candidate countries into the analysis.

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7 Data Appendix

This appendix contains a list of the monitoring reports used for the analysis.

Montenegro:

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