

YEARBOOK ON EUROPEAN LAW, POLICIES AND INSTITUTIONS



Volume 1

2022



European
Policy
Institute.
Skopje

YEARBOOK
ON EUROPEAN LAW,
POLICIES AND
INSTITUTIONS



Volume 1

2022

Yearbook on European Law, Policies, and Institutions

Vol 1, 2022

Authors:

Biljana Kotevska
Jovan Ananiev
Besa Arifi
Ardita Abazi – Imeri
Arta Selmani – Bakiu
Jadranka Denkova
Jordanka Galeva
Julijana Karai

Editor:

Biljana Kotevska

Assistant to the Editor:

Ardita Vejseli

Published by:

European Policy Institute - Skopje

For the publisher:

Simonida Kacarska

Proofreading:

<https://www.englishproofread.com>

Graphic design and print:

Relativ

Year of publication:

2022

Place of publication:

Skopje

ISBN:

13-978-608-4702-62-7

DOI:

10.13140/RG.2.2.11592.19206

CIP - Каталогизација во публикација
Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

341.171(4-672ЕУ:497.7):35.077(058)

341.171(4-672ЕУ:497.7):34(058)

YEARBOOK on european law, policies and institutions [Електронски извори]. Vol. 1, 2022 / [authors Biljana Kotevska ... и др.]. -
Skopje : European policy institute, 2022. - 106 стр. : граф. прикази ; 30 см

Начин на пристапување (URL): <https://epi.org.mk/wp-content/uploads/Yearbook-on-European-Law-Policies-and-Institutions.pdf>.

- Фусноти кон текстот. - Други автори: Jovan Ananiev, Besa Arifi, Ardita Abazi-Imeri, Arta Selmani-Bakiu, Jadranka Denkova, Jordanka Galeva, Julijana Karai. - Библиографија: стр. 106

ISBN 978-608-4702-62-7

1. Kotevska, Biljana [автор] 2. Ananiev, Jovan [автор] 3. Arifi, Besa [автор] 4. Abazi-Imeri, Ardita [автор] 5. Selmani-Bakiu, Arta [автор] 6. Denkova, Jadranka [автор] 7. Galeva, Jordanka [автор] 8. Karai, Julijana [автор] а) Македонија -- Јавни политики -- Хармонизација -- Стандарди на ЕУ -- Годишници б) Македонија -- Правна рамка -- Хармонизација -- Стандарди на ЕУ -- Годишници

COBISS.MK-ID 58850821



This publication was supported by the CIVICA Mobilias Program. The views expressed in this publication are those of the authors and do not necessarily reflect the views of CIVICA Mobilias, the Swiss Agency for Development and Cooperation (SDC) and its implementing organizations.

TABLE OF CONTENTS

EDITORIAL STATEMENT.....	VII
---------------------------------	------------

BENEFITS OF MEDIATION - AWARENESS IN THE PUBLIC ADMINISTRATION AND BUSINESS SECTOR IN NORTH MACEDONIA.....	9
Ardita Abazi - Imeri	

Introduction.....	10
1. The legal framework.....	12
2. Use of mediation.....	14
3. Perceptions of mediation.....	17
4. Way forward – what we need to do.....	19

ANALYSIS OF PUBLIC POLICIES AND LEGAL CHANGES IN THE ADMINISTRATIVE FUNCTIONS OF THE REPUBLIC OF NORTH MACEDONIA, AIMED AT HARMONIZATION WITH THE PRINCIPLES AND STANDARDS OF THE EUROPEAN UNION.....	23
Jadranka Denkova and Jovan Ananiev	

Introduction.....	24
1. Analysis of indicators for the effectiveness of the administration.....	26
2. Analysis of administrative laws relevant to the functioning of the administration.....	27
Conclusion and recommendations from the research.....	30

EUROPEAN INTEGRATION POLICY CHALLENGES FOR ETHNIC INTEGRATION IN THE REPUBLIC OF NORTH MACEDONIA.....	35
Jordanka Galeva	

Introduction.....	36
1. Minority protection as a condition for European integration.....	36
1.1. A brief historical overview of Macedonia's relations with the EU.....	36
1.2. Minority protection in EU support programmes.....	37
2. Definitions and theoretical aspects of multiculturalism in the public sphere.....	39
2.1. Conceptual definitions.....	39
2.2. Theoretical aspects of multiculturalism promotion in public sphere.....	42
3. Policies for the promotion of multiculturalism in the public sphere in Macedonian society.....	43
3.1. Macedonian multiethnic society and legal framework for development.....	43
3.2. The impact of the OFA on multiethnicity in public life.....	46
Conclusion.....	50

**PUBLIC SERVICE AND HUMAN RESOURCES MANAGEMENT:
STATE OF PLAY AND CHALLENGES.....55**

Juliana Karai

Introduction.....	56
1. Reporting on public service employees.....	57
2. Employment in the public sector.....	58
3. Procedure for the recruitment of administrative servants.....	60
4. Access to senior civil service positions.....	63
5. The salary system of administrative servants.....	64
6. Integrity and anti-corruption measures for the civil service.....	66
Conclusions and recommendations.....	67

**NOT THERE YET: POSITIVE ACTION IN THE CASE LAW
OF THE EUROPEAN COURT OF HUMAN RIGHTS AND
THE EUROPEAN COURT OF JUSTICE.....69**

Biljana Kotevska

Introduction.....	70
1. Positive action in the case law of the ECtHR.....	72
1.1. Legal framework and approach to adjudication.....	72
1.2. Case law.....	76
2. Positive action in the case law of the ECJ.....	81
2.1. Legal framework and approach to adjudication.....	81
2.2. Case law.....	84
3. Comparative overview of the two Courts.....	88
Conclusion.....	90

**A LEGAL FRAMEWORK FOR SURROGATE MOTHERHOOD
IN THE REPUBLIC OF NORTH MACEDONIA.....95**

Arta Selmani - Bakiu and Besa Arifi

Introduction.....	96
1. General characteristics of surrogate motherhood.....	97
2. Surrogate motherhood as a means of establishing parenthood in the RNM.....	98
3. Parental rights and the status of the surrogate mother and the married couple.....	101
4. Prohibited acts and criminal offences in the process of surrogacy, according to the Law on Amendments to the Law on Biomedical Assisted Fertilization.....	102
Conclusions and recommendations.....	104

EDITORIAL STATEMENT

The *Yearbook on European Law, Policies and Institutions* publishes research on contemporary issues related to law, policies and institutions at national and international level in Europe. As a publication of the Research Group "European Law, Policies and Institutions", founded by the European Policy Institute - Skopje (Skopje), University "Goce Delčev" (Štip), and South East European University (Tetovo), the Yearbook is to serve as a catalyst for policy - academic dialogue. The research included in this yearbook reflects this aim. The Yearbook gives priority to chapters that evaluate the status of the enlargement policy and process in general or in specific to an EU *acquis* chapter or an issue falling within one of the EU *acquis* chapters.

EDITORIAL BOARD

Dr. Biljana Kotevska,

European Policy Institute – Skopje, Skopje (North Macedonia) (Editor-in-Chief)

Ass Prof Antonija Petričušić,

University of Zagreb, Faculty of Law (Croatia)

Dr. Jelena Džankić,

European University Institute (Italy)

Dr. Simonida Kacarska,

European Policy Institute – Skopje, Skopje (North Macedonia)

Prof. Besa Arifi,

South East European University, Skopje (North Macedonia)

Prof. Jovan Ananiev,

University "Goce Delcev", Skopje (North Macedonia)

Prof. Tatyana Dronzina,

University St Klyment Ohridski, Department of Political Science, Sofia (Bulgaria)

