



**NATIONAL CONVENTION FOR THE EUROPEAN UNION IN THE REPUBLIC OF
MACEDONIA NCEU-MK**

Third session of Work Group III - Judiciary and Fundamental Rights

Topic: Accession talks in Chapter 23: Expectations and Lessons to be Learned?

Skopje, 15 November 2018, 09:30 — 13:30

RECOMMENDATIONS

Having in mind that Chapter 23 (Judiciary and Fundamental Rights), together with Chapter 24 (Justice Freedom and Security), are the first chapters to be opened and they remain open until the end of the negotiations process, this panel recommends long-term planning of obligations and detection of the so-called "weak" or "problem points" — which are topics (areas) that could prolong the negotiation period, or even bring it to a standstill. In that regard, the Third Session of WG-3, recommends two sets of recommendations: a) recommendations related to pre-accession negotiations in Chapter 23; b) recommendations related to reform processes in the judiciary system.

a) Recommendations related to the context of pre-accession negotiations in Chapter 23

1. Due to the numerous topics covered by Chapter 23, as well as the lack of a specific Acquis for this chapter, in the process of negotiating it is recommended to include a wide range of stakeholders (experts from national and international context, representatives of the Legislative Committee from the Parliament of the Republic of Macedonia, from institutions for protection of human rights and fight against corruption, as well as from the relevant chambers), while respecting their independence and expertise.
2. To build a model for involvement of relevant civil society associations in the negotiation process, thus ensuring their continued participation in: implementation of specific analyses, preparation of solutions, and monitoring of reforms. Further, the recommendations from the civil sector regarding the measures for effective implementation of laws should at least be taken into consideration.
3. Considering the fact that in the preparatory period for pre-accession negotiations in Chapter 23, several civil platforms are active, including the National Convention on the European Union in the Republic of Macedonia, it is recommended to create a system for recognising, communicating, and exchanging information between them.
4. The European Union and other donors to increase project support in all chapters, especially in Chapter 23 during the entire negotiating period.

b) Recommendations related to reform processes in the judiciary system.

5. To conduct a unique training focused on the reforms and implementation of the legislation for the negotiating teams in Chapter 23, in order to achieve a higher degree of independence of the judiciary.
6. It is recommended that the measures envisaged in the *Judicial Reform Strategy* be followed, given that some of the new legal solutions deviate from it. This in particular refers to the importance of the measure of professionalisation of the members of the Judicial Council and an increase in the requirement regarding judicial experience, as an important criteria in the advancement of higher judicial levels.
7. Recalling the recommendation from the first session of the NCEU-MK that refers to the possibility for professional associates with long work experience to be able to obtain the right to be elected to the judiciary, through the Academy of Judges.
8. Corruption is an extremely important problem for society and its resolution resolves many problems in other chapters. The fight against corruption should be based on ethical components including resignations and dismissals, but also through instruments of criminal responsibility, with consequences such as confiscating illegally acquired property.